



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 AUGUST 2018

**Minutes of part of an Ordinary Meeting of Council
held on Tuesday 28 August 2018
at the Civic Centre, Dee Why
Commencing at 6:33pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon (*left at 11:43pm*)
Pat Daley OAM (*left at 9:29pm*)
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived 7:11pm and left at 10:10pm*)
Ian White

Officers

Ben Taylor	Acting Chief Executive Officer
Helen Lever	General Manager Customer and Corporate
David Kerr	General Manager Planning Place and Community
Todd Dickinson	Acting General Manager Environment and Infrastructure
Eskil Julliard	General Counsel
Kylie Walsh	Executive Manager Community, Arts & Culture
Sonya Gallery	Executive Manager Governance and Risk
Campbell Pfeiffer	Executive Manager Property
Andrew Pigott	Executive Manager Strategic and Place Planning
Natasha Schultz	Executive Manager Waste Management & Cleansing
Melissa Lee	Manager Governance
Anna Moore	Senior Governance Advisor
Jasmine Evans	Governance Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:34pm, adjourned at 8:36pm, resumed at 8:46pm, moved into closed session at 10:12pm, resumed in open session at 11:48pm and adjourned at 11:51pm.

The meeting is scheduled to reconvene at 7:00pm, Tuesday 4 September 2018.

1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Mayor acknowledged the traditional custodians of the land on which the meeting gathered and paid respect to Elders past and present.

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

NOTE: The Mayor advised that Councillor Warren would arrive late to the meeting.

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 JUNE 2018

209/18 **RESOLVED**

Cr Ferguson / Cr Harrison

That the Minutes of the Ordinary Council Meeting held 26 June 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Cr Warren

CARRIED

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 17 JULY 2018

210/18 **RESOLVED**

Cr Bingham / Cr Grattan

That the Minutes of the Extraordinary Council Meeting held 17 July 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Cr Warren

CARRIED

3.3 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 1 AUGUST 2018

211/18 RESOLVED

Cr Ferguson / Cr Philpott

That the Minutes of the Extraordinary Council Meeting held 1 August 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Daley declared a significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities and took no part in discussion or voting on this item. The reason provided by Councillor Daley was:

“Due to my association with my local community (including local sporting clubs). I understand some of the clubs I have been associated with may be involved in the new tender process.”

4.2 Councillor Daley declared a less than significant non-pecuniary interest in relation to item 15.1 RFT 2017/165 – Waste Collection Services – Update on Negotiations. The reason provided by Councillor Daley was:

“I am aware the Salvation Army/Salvos Stores has been in discussion with Kimbriki and this Council regarding recycling programs”

4.3 Councillor Ferguson declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Ferguson was:

“I know a bowler from Manly District Park. This will not affect my voting.”

4.4 Councillor Walton declared a less than significant non-pecuniary interest in relation to item 9.4 Audit, Risk and Improvement Committee - Membership. The reason provided by Councillor Walton was:

“Worked on a committee 9 years ago with a newly recommended ARIC committee member.”

4.5 Councillor Amon, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.1 RFT 2017/165 – Waste Collection Services – Update on Negotiations. The reason provided by Councillor Amon was:

"I declare a less than significant, non-pecuniary interest in item 15.1 due to contact from URM to me in February 2018 regarding matters unrelated to item 15.1 and the tender, being a proposed motion to Council relating to the February safety issues on URM trucks."

- 4.6 Councillor Amon, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Amon was:

"I declare a less than significant, non-pecuniary interest in item 15.2 due to contact from parties related to the Tennis NSW Limited tender bid. My impartiality is not affected."

- 4.7 Councillor Bingham, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Bingham was:

"Discussions with members of Warringah Golf Club during the Council elections regarding the retention of 18 hole course."

- 4.8 Councillor De Luca, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor De Luca was:

"Residents have made comments on Facebook and raised concerns and requested all Councillors review the decision. They have also written to Council and councillors."

- 4.9 Councillor Grattan, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Grattan was:

"Community members have contacted me about these matters. This won't affect the way I vote."

- 4.10 Councillor Harrison, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Harrison was:

"Members and representatives of the Warringah Golf Club have made representations via email about the future of the golf club and District Park during the District Park tender process"

- 4.11 Councillor Philpott, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Philpott was:

"I received emails most of which I did not read and all of which I did not reply to."

- 4.12 Councillor Sprott, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Sprott was:

"Contacted by Community Members and Club Members with no other relationship with them."

- 4.13 Councillor Walton, at the commencement of the item, declared a less than significant non-pecuniary interest in relation to item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities. The reason provided by Councillor Walton was:

“Contacted by community members by phone and email. No other relationship with them.”

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE: Councillor Daley left the chamber at 6:42pm due to a declared significant non-pecuniary interest.

Cr De Luca / Cr Amon

That as a matter of urgency, Council considers the following motion:

1. That Council notes:
 - A. That Mayor Michael Regan had a member of the Warringah Golf Club standing on his ticket at the last council elections on his Your Northern Beaches registered political party.
 - B. The Mayor and his fellow party members prior to the election gave written undertakings to the Warringah Golf Club to enter into a lease with that Golf Club.
 - C. At no time has Mayor Michael Regan or any member of his political party disclosed any meeting in accordance with the Code of Meeting Practice or Code of Conduct and at all times has participated in decision making on these matters.
 - D. When previously a candidate from Mayor Regan’s political party who was associated with the Manly Warringah Football Association and that Association had a matter before Council, ie that the proposal for synthetic surface at Cromer Park, because of that association Mayor Michael Regan and his fellow political party members declared a significant conflict of interest, and removed themselves from the chamber and did not vote. This is a similar situation as to that matter and on this occasion Councillor Regan has not declared a pecuniary interest.
2. That, in view of the seriousness of the abovementioned and the significant public concern as to Mayor Regan and his political party’s handling of this matter, Council requests the Acting Chief Executive Officer to appoint an independent investigator to explore all matters raised in this motion and concerns by the public and that until that report is furnished to Council no contracts or leases be entered into.

VOTING

FOR: Crs Amon, De Luca, Ferguson, McTaggart, Sprott and Walton

AGAINST: Crs Bingham, Grattan, Harrison, Heins, Philpott, Regan and White

ABSENT: Crs Daley and Warren

LOST

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: Councillor Daley returned to the chamber at 6:52pm.

NOTE 2: The Mayor requested each speaker to acknowledge they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

NOTE 3: Councillor Warren joined the meeting at 7:11pm.

NOTE 4: Councillors Amon and Ferguson left the chamber at 7:24pm.

NOTE 5: Councillor De Luca left the chamber at 7:41pm and returned at 7:42pm.

NOTE 6: Councillor Grattan left the chamber at 7:59pm and returned at 8:01pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Ray Cox addressed Council in regard to his opposition to the 'Play Place' proposal for Manly Warringah War Memorial Park (Manly Dam).
- 5.2 Ann Collins addressed Council in regard to her concerns about the Manly Warringah War Memorial Park (Manly Dam) 'Play Place' proposal.
- 5.3 David James addressed Council in regard to the public safety on the Narrabeen Lagoon multi-use trail and its relationship with road safety on the Wakehurst Parkway.
- 5.4 David Parsons addressed Council in regard to a planning matter.
- 5.5 David Murray addressed Council in regard to the Lot 3 Mona Vale, located next to Kitchener Park.
- 5.6 Mark Horton addressed Council in regard to the traffic management and parking in Mona Vale.
- 5.7 David Tribe addressed Council in regard to the benefits of the Manly Environmental Centre.

PUBLIC ADDRESS SPEAKERS:

- 5.8 **Item 10.1 Application for Easements over Council Drainage Reserve - Oaks Avenue, Dee Why (Lot 2 DP 587690)**
Matthew Lennartz addressed Council in support of this item.
- 5.9 **Item 11.2 Adoption of Warriewood Valley Contributions Plan**
Chris Hornsby addressed Council speaking against this item.
- 5.10 **Item 11.3 Amendment of Meriton Voluntary Planning Agreement**
Matthew Lennartz addressed Council in support of this item.
- 5.11 **Item 11.4 Planning Proposal (PP0003/17) at 2-4 Nooal Street and 66 Bardo Road, Newport**
Peter Haxell addressed Council speaking against the item.
- 5.12 **Item 12.1 Notice of Motion No 49/2018 - Ingleside Precinct Plan**
Paul Mooney addressed Council in support of the motion.

5.13 Item 12.2 Notice of Motion No 50/2018 – Beaches Link Tunnel

Terry le Roux and Marco Corrent addressed Council in support of the motion.

5.14 Item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility

Matt Ingersole and Cade Jenkins addressed Council in support of the motion.

6.0 ITEMS RESOLVED BY EXCEPTION

212/18 **RESOLVED**

Cr Regan / Cr Heins

That items 8.1, 8.2, 8.3, 9.3, 9.4, 9.5, 9.6, 11.1, 11.3, 11.4, 11.6, 11.7, 11.8, 11.9 and 11.10 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

8.1 MONTHLY INVESTMENT REPORT - JUNE 2018

213/18 **RESOLVED**

Cr Regan / Cr Heins

That Council receives and notes the Investment Report as at 30 June 2018, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

8.2 MONTHLY INVESTMENT REPORT - JULY 2018

214/18 **RESOLVED**

Cr Regan / Cr Heins

That Council receives and notes the Investment Report as at 31 July 2018, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

8.3 STRONGER COMMUNITY FUND - QUARTERLY UPDATE - JUNE 2018

215/18 **RESOLVED**

Cr Regan / Cr Heins

That Council note the Stronger Communities Fund June 2018 Quarterly Update.

RESOLVED BY EXCEPTION

9.3 SUSPENSION OF THE ALCOHOL FREE ZONE IN MANLY CBD AREA FOR THE 2018 MANLY JAZZ WINE GARDEN ACTIVATION

216/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council suspend the Alcohol Free Zone (AFZ) for the Manly Jazz 2018 to 2020 events within the designated 'wine garden' area in Manly for the long weekend dates and times as follows;
 - a. Saturday 29 September, Sunday 30 September and Monday 1 October 2018 between the hours of 11:00am and 6:30pm daily only.
 - b. Saturday 5 October, Sunday 6 October and Monday 7 October 2019 between the hours of 11:00am and 6:30pm daily only.
 - c. Saturday 3 October, Sunday 4 October and Monday 5 October 2020 between the hours of 11:00am and 6:30pm daily only.
- B. In accordance with section 645(i) of the *Local Government Act 1993*, Council provide appropriate notice of the suspension of the Alcohol Free Zone and Alcohol Prohibited Area through a local newspaper each year.
- C. Northern Beaches Council Event staff together with the wine garden operator continue to liaise with Northern Beaches Police in relation to the safe management of the area during the suspension of the zone for all Manly Jazz events.

RESOLVED BY EXCEPTION

9.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEMBERSHIP

217/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council adopts the recommendation of the evaluation panel to appoint the following persons to the role of independent external member of the Audit, Risk and Improvement Committee (ARIC) on a staggered appointment schedule as follows:
 - a. Stephen Horne - appointed to fill the current vacancy as a voting member from the 5 September 2018 ARIC meeting.
 - b. Julianna Walton - appointed as a voting member from the 13 November 2018 ARIC meeting (Observer at the 5 September 2018 meeting).
 - c. Mark McCoy - appointed as a voting member from the 12 February 2019 ARIC meeting (Observer at the 13 November 2018 meeting).
 - d. Sarah Richardson - appointed as a voting member from the 12 February 2019 ARIC meeting (Observer at the 13 November 2018 meeting).
- B. Council endorses the term of appointment, in accordance with the ARIC Charter, for the new independent external members, for a term of up to four years, after which they will be eligible for extension or re-appointment for one additional term following a formal review of their performance by Council.

RESOLVED BY EXCEPTION

9.5 POLICY REVIEW PROJECT - REVOKING OF POLICIES

218/18 **RESOLVED**

Cr Regan / Cr Heins

That Council revoke the following policies:

- A. Child Protection Policy (Manly)
- B. Children's Services Policy (Pittwater)
- C. Election Campaigning - Federal, State and Local Government Elections (Manly)
- D. Internal Reporting (Pittwater)
- E. Internal Reporting (Manly)
- F. Managing Difficult Behaviour - Customer Access Policy (Warringah)
- G. Public Interest Disclosures (Warringah)
- H. Stalls - Constituent Interviewing by Local Members (Manly)

RESOLVED BY EXCEPTION

9.6 COUNCILLOR EXPENSES AND FACILITIES POLICY - OUTCOMES FROM PUBLIC EXHIBITION

219/18 **RESOLVED**

Cr Regan / Cr Heins

That:

- A. Council note the considerations arising from the submissions received following the exhibition of the draft Councillor Expenses and Facilities Policy.
- B. Council adopt the Councillor Expenses and Facilities Policy provided at Attachment 1.

RESOLVED BY EXCEPTION

11.1 AFFORDABLE HOUSING POLICY AND ACTION PLAN

220/18 **RESOLVED**

Cr Regan / Cr Heins

That:

- A. Council note the outcomes of the Affordable Housing Policy review and progress of the Affordable Housing Action Plan.
- B. Council resolve the preferred management model for the ongoing control and management of affordable housing with a Community Housing Provider is head leasing of Council-owned properties.
- C. Council confirm the outcomes of the confidential evaluation report.

RESOLVED BY EXCEPTION

11.3 AMENDMENT OF MERITON VOLUNTARY PLANNING AGREEMENT

221/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council endorse the draft Second Deed of Amendment to the Planning Agreement between Northern Beaches Council, Karimbla Properties (No.41) Pty Ltd and Meriton Properties Pty Ltd.
- B. Pursuant to s377 of the *Local Government Act 1993*, Council delegate authority to the Chief Executive Officer to execute the Second Deed of Amendment to the Planning Agreement and Draft Explanatory Note between Northern Beaches Council, Karimbla Properties (No.41) Pty Ltd and Meriton Properties Pty Ltd.

RESOLVED BY EXCEPTION

11.4 PLANNING PROPOSAL (PP0003/17) AT 2-4 NOOAL STREET AND 66 BARDO ROAD, NEWPORT

222/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council note the advice received from the Northern Beaches Local Planning Panel.
- B. Council now submits the Planning Proposal to the Department of Planning and Environment for a Gateway Determination as required by the Sydney North Planning Panel.

RESOLVED BY EXCEPTION

11.6 MINUTES FROM THE COMMUNITY SAFETY COMMITTEE - 7 JUNE 2018 AND 2 AUGUST 2018

223/18 RESOLVED

Cr Regan / Cr Heins

That Council note the Minutes of the Community Safety Committee meetings held on 7 June 2018 and 2 August 2018.

RESOLVED BY EXCEPTION

11.7 EAST ESPLANADE RESERVE COMMUNITY SAFETY MANAGEMENT PLAN

224/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council note the implementation of the Council resolution of 27 March 2018.

- B. Council endorse the draft East Esplanade Reserve Community Safety Management Plan.

RESOLVED BY EXCEPTION

11.8 GLEN STREET THEATRE COMPLIMENTARY TICKETS POLICY

225/18 RESOLVED

Cr Regan / Cr Heins

That Council adopt the Glen Street Theatre Complimentary Tickets Policy.

RESOLVED BY EXCEPTION

11.9 FIRE & RESCUE NSW INSPECTION REPORT - 42 NORTH STEYNE, MANLY

226/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council issue Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to require the owner(s) of No. 42 North Steyne, Manly to provide an Annual Fire Safety Statement for the building to Council.
- B. Council provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.10 FIRE & RESCUE NSW INSPECTION REPORT - 46 MALVERN AVENUE, MANLY

227/18 RESOLVED

Cr Regan / Cr Heins

That:

- A. Council issue Fire Safety Order number 1 pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to require the owner(s) of No. 46 Malvern Avenue, Manly to provide a BCA Fire Safety Audit and Upgrade Report for the building to Council.
- B. Council provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

9.1 CURRENT ORGANISATION STRUCTURE

228/18 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Council notes the organisation structure at Attachment 1 in order fulfil its obligations under section 333 of the Local Government Act, 1993.
- B. Council note the review process for the organisation structure has commenced in accordance with Council Resolution 037/18.
- C. The review process must be done in consultation with the new Chief Executive Officer, Ray Brownlee.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

9.2 REVIEW OF DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER

NOTE 1: Councillor Heins left the chamber at 8:09pm and returned at 8:10pm.

NOTE 2: Councillor Bingham left the chamber at 8:11pm and returned at 8:15pm.

NOTE 3: Councillor Daley left the chamber at 8:16pm.

229/18 **RESOLVED**

Cr Regan / Cr Bingham

That:

- A. Council adopt the delegations of authority to the role of the Chief Executive Officer (as statutory general manager) at Attachment 1 in order to fulfil its obligations under section 380 of the Local Government Act, 1993.
- B. Council revoke the Power of Attorney Book 4730 No 551 granted to Mr Mark Ferguson registered on 11 August 2017, and provide the necessary notice of revocation to the relevant Attorney (Mr Mark Ferguson).
- C. Council affix the Common Seal of Council to the Revocation of the Power of Attorney to Mr Mark Ferguson.

VOTING

FOR: Crs Bingham, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon, Daley and Ferguson

CARRIED

9.7 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD MAY AND JUNE 2018

NOTE 1: Councillor Daley returned to the chamber at 8:20pm.

NOTE 2: Councillor White left the chamber at 8:20pm and returned at 8:21pm.

NOTE 3: Councillor Philpott left the chamber at 8:20pm.

230/18 **RESOLVED**

Cr McTaggart / Cr Grattan

That Council note the minutes of the Strategic Reference Group meetings held in May and June 2018.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon, Ferguson and Philpott

CARRIED

9.8 LOCAL GOVERNMENT NSW CONFERENCE 2018

NOTE 1: Councillor Philpott returned to the chamber 8:22pm.

NOTE 2: Councillor Harrison left the Chamber at 8:23pm.

231/18 **RESOLVED**

Cr De Luca / Cr Heins

That Council nominates the following Councillors to attend and be voting delegates (for motions) at the Local Government NSW Annual Conference in Albury, to be held from 21 to 23 October 2018:

- A. Councillor Ferguson
- B. Councillor White
- C. Councillor Heins
- D. Councillor Regan
- E. Councillor Amon
- F. Councillor Sprott.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon, Ferguson and Harrison

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.1 APPLICATION FOR EASEMENTS OVER COUNCIL DRAINAGE RESERVE - OAKS AVENUE, DEE WHY (LOT 2 DP 587690)

NOTE 1: Councillor Grattan left the chamber at 8:25pm returned to the chamber at 8:30pm.

NOTE 2: Councillor Harrison returned to the chamber at 8:30pm.

Cr Regan / Cr Sprott

That:

- A. Council authorises, subject to Item C of this recommendation, the Chief Executive Officer to negotiate appropriate size, terms and conditions for the proposed easements and associated Positive Covenant(s) referred to in this Council report, over Council's Drainage Reserve Lot 2 DP 587690, in favour of the owner of 884-896 Pittwater Road, Dee Why.
- B. Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney.
- C. Council authorises all costs associated with the granting of the proposed easements and associated Positive Covenant(s) as referred to in Item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable, survey costs and document registration, be funded by the applicant.

AMENDMENT

Cr De Luca / Cr Walton

That the matter be deferred to the end of this meeting.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

The amendment was carried and became the motion.

232/18 RESOLVED

Cr De Luca / Cr Walton

That the matter be deferred to the end of this meeting.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

10.2 DRAFT MOVE – NORTHERN BEACHES TRANSPORT STRATEGY

233/18 **RESOLVED**

Cr Regan / Cr Grattan

That:

- A. Council endorse the public exhibition of the draft MOVE – Northern Beaches Transport Strategy for a period of 28 days.
- B. The outcomes of the public exhibition be presented to Council following the conclusion of the exhibition period.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

PROCEDURAL MOTION – ADJOURN MEETING

234/18 **RESOLVED**

Cr Regan / Cr Heins

That the meeting be adjourned for 10 minutes and resume at 8:46pm.

VOTING

FOR: Crs Bingham, Daley, De Luca, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

ABSENT: Crs Amon and Ferguson

CARRIED

11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

11.2 ADOPTION OF WARRIEWOOD VALLEY CONTRIBUTIONS PLAN (AMENDMENT 16, REVISION 3); WARRIEWOOD VALLEY LANDSCAPE MASTERPLAN (JUNE 2018) AND WARRIEWOOD ROADS MASTERPLAN (JUNE 2018)

NOTE 1: Councillor Ferguson returned to the chamber at 8:51pm.

NOTE 2: Councillor Daley left the chamber at 8:52pm and returned at 8:52pm.

NOTE 3: Councillor Amon returned to the chamber at 8:52pm.

235/18 **RESOLVED**

Cr Heins / Cr McTaggart

That:

- A. Council adopt the *Warriewood Valley Contributions Plan (Amendment 16, Revision 3)*, the *Warriewood Valley Landscape Masterplan & Design Guidelines (2018)* and the *Warriewood*

Valley Roads Masterplan (2018) subject to proposed post-exhibition changes.

- B. Council give public notice of the commencement date of the *Warriewood Valley Contributions Plan (Amendment 16, Revision 3), Warriewood Valley Landscape Masterplan & Design Guidelines (2018)* and the *Warriewood Valley Roads Masterplan (2018)* in the Manly Daily.

VOTING

FOR: Crs Amon, Bingham, Daley, Ferguson, Grattan, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Crs De Luca and Harrison

CARRIED

11.5 EXTENSION OF THE MANLY CBD ALCOHOL FREE ZONE

236/18 **RESOLVED**

Cr Bingham / Cr Walton

That Council adopt the proposed extension of the Alcohol Free Zone to include the streets surrounding Manly Oval and Ivanhoe Park bounded by Sydney Road, Park Ave and Raglan Street, Manly.

VOTING

FOR: Crs Bingham, Daley, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Crs Amon and De Luca

CARRIED

12.0 NOTICES OF MOTION

12.1 NOTICE OF MOTION NO 49/2018 - INGLESIDE PRECINCT PLAN

237/18 **RESOLVED**

Cr Amon / Cr Walton

That:

- A. Council supports the Mona Vale Road East upgrade.
- B. Council supports the funding and commencement of the Mona Vale Road West upgrade by the State Government without delay.
- C. Council request a briefing from the RMS regarding the upgrade of Mona Vale Road East and West with further information on the possibilities of traffic flow on Daydream Street.

VOTING

FOR: Unanimous

CARRIED

12.2 NOTICE OF MOTION NO 50/2018 - BEACHES LINK TUNNEL

NOTE 1: Councillor Daley left the meeting at 9:29pm.

NOTE 2: Councillor Amon left the chamber at 9:40pm and returned at 9:41pm.

NOTE 3: Councillor Regan left the chamber at 9:48pm and Councillor Bingham assumed the Chair.

NOTE 4: Councillor Regan returned to the chamber at 9:50pm and resumed the Chair.

238/18 RESOLVED

Cr Grattan / Cr Bingham

That:

- A. Council note the strategic significance of the Beaches Link tunnel to the Northern Beaches community and the direct linkages to The Northern Beaches Community Strategic Plan.
- B. Council staff prepare a submission to RMS on the Beaches Link Tunnel driven by the goals of our Community Strategic Plan and draft Northern Beaches Transport Strategy for the approval of Council at its October meeting.
- C. In preparing the submission, Council engage with the local community, in particular those residing in Balgowlah, Seaforth, North Balgowlah and Manly Vale to ensure their views are heard and alternative proposals for the tunnel portals, road connections, worksites, emission stacks and retention of green space are fully considered by the RMS. Consultation forums with Council to include:
 - a. Council's Traffic & Transport team meeting directly with representatives of local groups to understand their ideas and enable identification of alternative solutions.
 - b. Council host a community forum to enable the local community to provide feedback on Council's submission for the Beaches Link project.
- D. Council advocate to the NSW Government on Council-wide and local impacts by addressing in the Council submission issues raised by the Northern Beaches community including:
 - a. Alternative Balgowlah access design proposals.
 - b. Unfiltered emission stacks in the Burnt Bridge Creek valley.
 - c. Impact on green open space.
 - d. Consideration of moving the portal on the Wakehurst Parkway further north.
 - e. Incorporating meaningful crossings for fauna.
- E. Funding for the community forum of up to \$15,000 be derived from delaying the implementation of the short term Manly Vale traffic study actions to mid-2019.

VOTING

FOR: Crs Bingham, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Crs Amon and De Luca

ABSENT: Cr Daley

CARRIED

13.0 QUESTIONS ON NOTICE

NOTE: In accordance with clause 4.18 of Council's Code of Meeting Practice responses to Questions on Notice will be included as soon as practicable in a subsequent business paper of an Ordinary Meeting of Council and included in the minutes.

13.1 QUESTION ON NOTICE NO 09/2018 - EXPENDITURE ON LOGO CHANGE AND IMPLEMENTATION

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Following amalgamation:

- A. What was the total expenditure on the design of new Northern Beaches Council logo?
- B. What has been the total expenditure to change old logos on street signs, buildings, stationery, websites etc. since the new logo was introduced?

14.0 RESPONSES TO QUESTIONS ON NOTICE

14.1 RESPONSE TO QUESTION ON NOTICE NO 07/2018 - PUBLIC BENEFIT JUSTIFICATION FOR HEIGHT INCREASES IN DEE WHY TOWN CENTRE

Submitted by: Councillor Vincent De Luca OAM

QUESTION

- A. Noting that Council's former Administrator, Dick Persson promised and used to justify when increasing the height limits in the Dee Why Town Centre for the sites owned by Multiplex (and now Meriton) that there would be public benefits by way of a new 2,700 sq/m library, a library square, a 400 sq/m Community facility, 310 car parking spaces for free public use and a new Dee Why Police Station and that these purported public benefits now appear to have been abandoned and not created immediately near the Meriton Towers, can Council Staff please outline the public benefit for increasing height limits on the Meriton sites (previously Multiplex) and subsequently on other land within the Dee Why Town Centre?
- B. Could Council staff please advise of the total amount of funds collected via Section 94, 94A and any VPAs since 2011 for development consents in the Dee Why Town Centre and exactly what those funds have been expended on since collection (please outline each project and cost of same) for the public benefit?

RESPONSE

- A. The Dee Why Town Centre Master Plan, adopted by Council in 2013, endorsed a range of public benefits acknowledging Dee Why's key economic and social role as a strategic centre within the Northern Beaches. Council is implementing the Masterplan through a program of street and public open space upgrades including the recently completed Walter Gors Park and Redman Road Plaza and proposed traffic and streetscape improvements through to 2019.

Further public benefits identified in the Master Plan include the development of a central community hub on the Civic Centre site with community and library facilities and a Civic Plaza.

Plans for the redevelopment of the Civic Site and the Oaks/Howard Car Park have not been abandoned.

The public benefits provided on what is known as Site “B” and currently under construction are as follows:

Town Square

The public will have a non-exclusive right to use the Town Square Area 24 hours a day 7 days a week, while Council will also have the right to use the Town Square for 30 days (at its selection) per calendar year for any community events without any occupancy cost to Council. The total value of contribution is valued at \$1,720,000.

Pedestrian Connection Area

Design, construction and embellishment of Pedestrian Connection Area between the Town Square Area and Oaks Avenue of which the public will have non-exclusive access 24 hours a day 7 days a week. Total value of contribution is valued at \$471,000.

Dedication of Land

Dedication of land in stratum for Road Widening to a standard footpath finish for the purpose of a future bus set back area on Pittwater Road. The developer will embellish the road widening prior to dedication.

Monetary Contributions

\$300,000 for the purposes of civic improvements to be used consistently with Council Capital Works Program.

\$500,000 for the construction and dedication (by Council) of Church Lane located to the east of the site bordering St Kevin’s Church.

The total contribution value as per the Voluntary Planning Agreement is \$2,991,000.

Please note the Draft Second Deed of Amendment as part of the proposed Voluntary Planning Agreement Amendment, which includes the variation in timing of the delivery of the Town Square and Pedestrian Connection Area, will be tabled for resolution at the 28 August 2018 Council meeting. The total public benefit is not altered by this amendment, only the timing of delivery in order to satisfy public safety obligations.

In terms of public benefit in the Dee Why Town Centre, the Dee Why Town Centre Master Plan and Part 7 of the Warringah Local Environmental Plan (WLEP) 2011 reconfirms the provision of the publically accessible Town Square and Pedestrian Connection Area in exchange for amended development controls on specific sites within the Dee Why Town Centre.

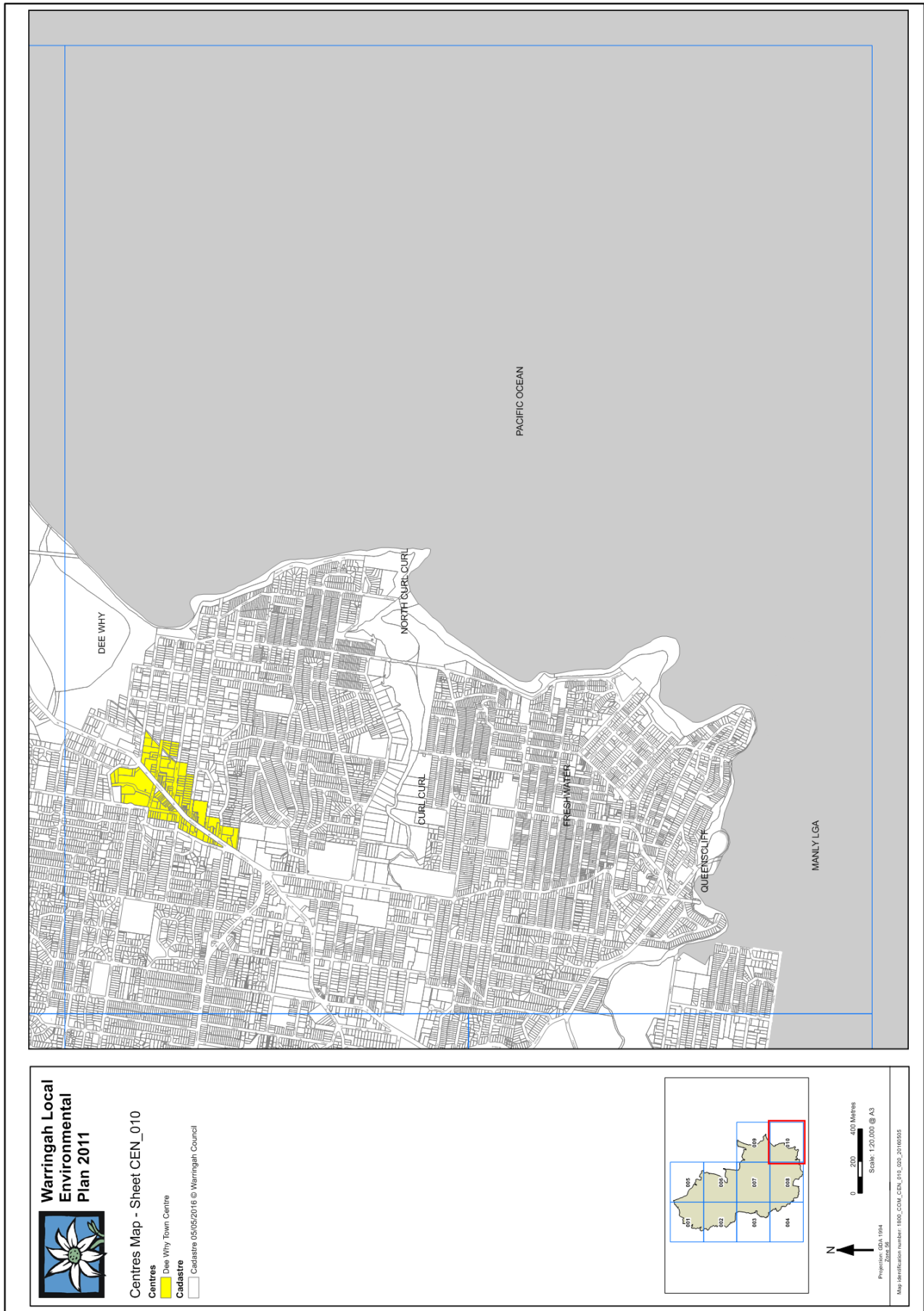
- B. Development Contributions for land identified in the Dee Why Town Centre Masterplan Draft LEP Centres Map (Attachment 1) have totaled \$3,326,826.20 since January 2011.

This comprises funds collected under the former Warringah Section 94A Contributions Plan and monetary payments required by voluntary planning agreements.

Development contributions levied under the former Warringah Section 94A Contributions Plan in Dee Why Town Centre are not isolated for the provision of public infrastructure in that area. The Contributions Plan identifies that funds are pooled and applied progressively for the delivery of infrastructure identified in the works schedule across the Contribution Plan’s catchment area (being the former Warringah LGA).

Development contributions have funded the following public infrastructure works within the Dee Why Town Centre Masterplan area.

Year	Job Number	Description	Cost
Jan - June 2011	CN.4405.3404	New footpath in Sturdee Parade and Redman Road.	\$9,965.50
2011/12	CN.5301.3410	Fisher Road Shared Path.	\$21,465.85
2012/13	CN.5800.3404	Consultancy and architectural services for Construction of PCYC.	\$214,254.13
2013/14	CN.5800.3404	Construction of the PCYC.	\$945,738.88
	CN.6022.3410	New footpath construction in Kingsway and Francis Street.	\$17,078.25
	CN.6061.3404	Design and investigation work for implementation of Dee Why Town Centre.	\$72,510.07
2014/15	CN.5800.3404	Construction of PCYC.	\$4,413,194.41
	CN.5856.3404	Design and consultancy work for Walter Gors Park.	\$273,400
	CN.6061.3404	Design, investigation and minor works for implementation of Dee Why Town Centre Masterplan (traffic & streetscape).	\$761,389
2015/16	CN.5800.3404	Construction of PCYC.	\$3,758,093.27
	CN.5856.3404	Construction of Walter Gors Park.	\$843,487.99
	CN.6061.3404	Design, investigation and minor work for implementation of Dee Why Town Centre Masterplan (traffic & streetscape).	\$406,448.99
2016/17	CN.5856.3404	Construction of Walter Gors Park.	\$4,108,839.44
	CN.5856.3410	Construction of Walter Gors Park.	\$840,616.19
	CN.6061.3404	Design work for implementation of Dee Why Town Centre Masterplan (traffic & streetscape).	\$378,851.80
	CN.6061.3410	Design work for implementation of Dee Why Town Centre Masterplan (traffic & streetscape).	\$5,667.15
	CN.6225.3410	Construction of raised threshold in Richmond Road Dee Why.	\$4,800
	CN.6429.3404	Construction of Redman Road Plaza Stage 1.	\$544,495.29
2017/18	CN.01014.3625	Construction of Redman Road Plaza Stage 1	\$2,051,046.01
	CN.01016.3625	Design work for implementation of Dee Why Town Centre Masterplan.	\$307,112.25
	CN.01017.3625	Upgrade works on western side of Pittwater Road.	\$851,084.37
	CN.01094.3625	Finalisation of contract costs for the construction of Walter Gors Park Dee Why.	\$178,780.24
Total			\$21,008,319.08.



14.2 RESPONSE TO QUESTION ON NOTICE NO 08/2018 - DEE WHY - 131 CAR SPACE DEFICIENCY

Submitted by: Councillor Vincent De Luca OAM

QUESTION

Noting Council Staff's advice that Meriton's Dee Why development had a 131 car space deficiency, occasioning Council to value between \$14m-\$16m the cost of building a necessary car park to meet the deficiency via a Voluntary Planning Agreement (VPA), could I please be informed:

- A. What DA was approved by Council that had the 131 short fall in car spaces?
- B. When the above mentioned DA was submitted, was Council aware there was a 131 short fall in car spaces, what was recommended in the assessment report, and what conditions were imposed in its determination?
- C. When Council subsequently wrote to Meriton on 5 July 2016 and apparently again on 11 July 2016 stating that instead of the \$14-16m cash contribution it was prepared to "support the offer of \$11 million as a cash contribution toward the provision of car parking in the Dee Why Centre" what was the Planning benefit and reasoning for the reduction and what net public benefit was there ie the benefits that exceeded the benefit derived from measures that would address the impacts of the particular development on surrounding land and the wider community
- D. On what basis and calculations did Council justify to accept Meriton's \$11 million offer referred to in council's July 2016 letter to Meriton.
- E. Where was the car park that would make up the 131 car park short fall via the VPA contribution proposed to be built?

RESPONSE

- A. No DA was approved with a shortfall in parking.
- B. As per response to Question A, no DA was approved with a shortfall in parking.
- C. The assessment of a VPA requires public exhibition and consideration by Council of the offer and public benefit. As advised to Council on 26 June 2018, Question on Notice response B, Meriton abandoned any further consideration of the VPA before the offer was placed on public exhibition or Council's consideration of the offer, occurred.
- D. The proposed VPA, including valuations are required to be endorsed by resolution of Council. As the VPA was abandoned, the processing of the VPA ceased.

It is noted that Council officers calculated the cost of providing 131 carparking spaces at an alternative site in Dee Why. A Quantity Surveyors report provided the high level estimate of \$9.4 million to construct a decked parking structure on an alternative site in Dee Why. This cost did not include associated costs for the site including due diligence, obtaining approvals and the like, as no formal selection of a site had been approved by Council.

- E. No site was endorsed by Council as the VPA was abandoned prior to any consideration. It is noted that the preliminary estimate of construction costs used the existing Mooramba Rd carpark to estimate construction costs.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE: Councillor Warren left the meeting at 10:10pm.

PROCEDURAL MOTION – MOTION DEALT WITH IN SERIATIM

239/18 RESOLVED

Cr De Luca / Cr Amon

That Item 15.0 be dealt with in seriatim.

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Crs Daley and Warren

CARRIED

240/18 RESOLVED

Cr Regan / Cr Bingham

That in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. **Item 15.1 RFT 2017/165 - Waste Collection Services - Update on Negotiations** on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*]; and commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Crs Daley and Warren

CARRIED

241/18 RESOLVED

Cr Regan / Cr Bingham

That in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. **Item 15.2 Notice of Rescission No 04/2018 - RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities** on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].

VOTING

FOR: Crs Bingham, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott and White

AGAINST: Crs Amon, De Luca and Walton

ABSENT: Crs Daley and Cr Warren

CARRIED

242/18 **RESOLVED**

Cr Regan / Cr Bingham

That the resolutions made by the Council in closed session be made public after the conclusion of the Closed Session and such resolutions be recorded in the minutes of the Council Meeting.

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Crs Daley and Warren

CARRIED

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

NOTE: At 11:48pm the meeting resumed into open session of Council and the Acting Chief Executive Officer reported that the following resolutions passed in closed session of Council.

9.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEMBERSHIP

217/18 **RESOLVED**

Cr Regan / Cr Heins

That:

- A. Council adopts the recommendation of the evaluation panel to appoint the following persons to the role of independent external member of the Audit, Risk and Improvement Committee (ARIC) on a staggered appointment schedule as follows:
- a. Stephen Horne - appointed to fill the current vacancy as a voting member from the 5 September 2018 ARIC meeting.
 - b. Julianna Walton - appointed as a voting member from the 13 November 2018 ARIC meeting (Observer at the 5 September 2018 meeting).
 - c. Mark McCoy – appointed as a voting member from the 12 February 2019 ARIC meeting (Observer at the 13 November 2018 meeting).
 - d. Sarah Richardson - appointed as a voting member from the 12 February 2019 ARIC meeting (Observer at the 13 November 2018 meeting).
- B. Council endorses the term of appointment, in accordance with the ARIC Charter, for the new independent external members, for a term of up to four years, after which they will be eligible for extension or re-appointment for one additional term following a formal review of their performance by Council.

RESOLVED BY EXCEPTION

15.1 RFT 2017/165 - WASTE COLLECTION SERVICES - UPDATE ON NEGOTIATIONS

243/18 **RESOLVED**

Cr Bingham / Cr Philpott

That:

- A. Council enter into a contract in respect of RFT 2017/65 with URM Environmental Services Pty Ltd (ABN 21 066 120 090) for the provision of waste collection services which reflects the outcome of the negotiations with URM Environmental Services Pty Ltd and includes the option of an on call twice annual Bulky Goods Service based on a 30% participation rate (including a metal recycling service).
- B. Council authorise the Chief Executive Officer to carry out all things necessary to give effect to (A) of this resolution including execution of the contract.
- C. Council identifies opportunities to maximise the diversion of waste from landfill, extend the life of Kimbriki and reduce the amount of material stockpiled on local footpaths through the recovery of re-usable, repairable and re-saleable items from the bulky goods kerbside clean up prior to being collected and taken to landfill.
- D. A report be prepared and presented on the outcomes of (C) within 4 months with a view to the development of a major strategy to encourage recycling of bulky goods given extensive publicity.

VOTING

FOR: Crs Bingham, Ferguson, Grattan, McTaggart, Philpott, Regan and White

AGAINST: Crs Amon, De Luca, Harrison, Heins, Sprott and Walton

ABSENT: Crs Daley and Warren

CARRIED

15.2 NOTICE OF RESCISSION NO 04/2018 - RFT 2017/208 - DISTRICT PARK NEW SPORT AND COMMUNITY FACILITY AND LONG TERM LEASE OF EXISTING FACILITIES

245/18 **RESOLVED**

Cr Walton / Cr Sprott

That Council rescind Resolution 192/18 relating to Item 15.4 RFT 2017/208 - District Park New Sport and Community Facility and Long Term Lease of Existing Facilities passed at the meeting of Council on 26 June 2018, being:

That:

- A. *Council, in accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, declines to accept any of the tenders received for RFT 2017/208 - New Sport and Community Facility and Long Term Lease of Existing Facilities (including Golf Course) at District Park, North Manly.*
- B. *In accordance with Clause 178(4)(a) of the Regulation, Council's reasons for declining to invite fresh tenders or applications are that this would not result in a significantly different outcome and would not result in an improved result for Council.*
- C. *Council, in accordance with Clause 178(3)(e) of the Regulation, enter into negotiations with the top ranked tenderer, Arena REIT Management Limited (ABN 28 600 069 761)*

and if those negotiations are unsuccessful, subsequently with the second ranked tenderer, Tennis NSW Limited (ABN 30 000 011 558), with a view to entering into a lease agreement in relation to the subject matter of the tender.

- D. In accordance with Clause 178(4)(b) of the Regulation, Council's reasons for determining to enter into negotiations with the persons referred to at C are:*
- a. the tender of Arena REIT Management Limited is the closest to fulfilling Council's service expectations, with a significant margin between that and the second ranked tender*
 - b. the evaluation identified some areas of further clarification and negotiation with both the first and second ranked tenderers, which will not, in Council's opinion, be resolved by further tender clarifications*
 - c. that should negotiations fail with Arena REIT Management Limited, Tennis NSW Limited provided the next highest score and are able to meet Council's requirements within the tender.*
- E. Council applies for consent from the Minister for Local Government, for the purpose of Section 47 of the Local Government Act 1993, to lease to Arena REIT Management Limited (or Tennis NSW Limited in the instance that negotiations fail with Arena REIT Management Limited), the Community Land area known as Lot 1, 3, 5 and 7 DP 829465 within District Park for a term of 30 years, noting that Council may elect not to proceed with the lease extensions over Lot 1 DP 829465 in 2022, 2027, 2032, 2037, 2042, 2047.*
- F. Council authorises the Chief Executive Officer to make the application to the Minister for Local Government.*
- G. Council authorises the Chief Executive Officer to carry out all things necessary to give effect to this resolution, including the execution of any required documentation under Power of Attorney.*

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott and Walton

AGAINST: Cr White

ABSENT: Crs Daley and Warren

CARRIED

NOTE: At 11:51pm the Mayor adjourned the meeting until 7pm Tuesday 4 September 2018.