



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 MARCH 2018

**Minutes of an Ordinary Meeting of Council
held on Tuesday 27 March 2018
at the Civic Centre, Dee Why
Commencing at 6:32pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

| | |
|-------------------|---|
| David Kerr | Acting Chief Executive Officer |
| Helen Lever | General Manager Customer & Corporate |
| Ben Taylor | General Manager Environment & Infrastructure |
| Neil Williamson | Acting General Manager Planning Place & Community |
| David Walsh | Chief Financial Officer |
| Campbell Pfeiffer | Executive Manager Property |
| Andrew Pigott | Executive Manager Strategic & Place Planning |
| Kylie Walsh | Executive Manager Community, Arts & Culture |
| Sonya Gallery | Executive Manager Governance & Risk |
| Anna Moore | Senior Governance Advisor |
| Lynne Jess | Governance Officer |
| Don Morales | Information Management Technology Officer |
| Sylwia Stafford | Information Management Technology Officer |

The meeting commenced at 6:32pm and concluded at 11:02pm.

1.0 APOLOGIES

Nil

2.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

1. Councillor Amon declared a pecuniary interest in relation to Item 10.2 – Planning Proposal – Facilitating Activities on Community Land – Manly Local Environmental Plan 2013 and took no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

“I declare a pecuniary interest in relation to item 10.2: Planning Proposal – Facilitating Activities on Community Land – Manly Local Environmental Plan 2013 due to a friendship, whereby the friend may have a commercial interest in the outcome of this item. I intend to leave the chamber for any discussion and not vote on this item”.

2. Councillor Ferguson declared a pecuniary interest in relation to Item 10.2 – Planning Proposal – Facilitating Activities on Community Land – Manly Local Environmental Plan 2013 and took no part in the discussion or voting on this item. The reason provided by Councillor Ferguson was:

“A friend may have a commercial interest in the outcome of this item. I intend to leave the chamber for any discussion and not vote on this item”.

3. Councillor Sprott declared a less than significant non-pecuniary interest in relation to Item 9.1 – North Narrabeen Rockpool Amenities Upgrade – Outcome from Community Engagement. The reason provided by Councillor Sprott was:

“My partner is a family friend of Oceans Restaurant at Narrabeen and that cafe has been mentioned in a briefing and was said to be one of the four close by cafes to the Narrabeen pool”

4. Councillor Daley declared a significant non-pecuniary interest in relation to Item 10.2 – Planning Proposal – Facilitating Activities on Community Land – Manly Local Environmental Plan 2013 and took no part in the discussion or voting on this item. The reason provided by Councillor Daley was:

“I declare a pecuniary interest in relation to item 10.2: Planning Proposal – Facilitating Activities on Community Land – Manly Local Environmental Plan 2013 due to a friendship, whereby the friend may have a commercial interest in the outcome of this item. I intend to leave the chamber for any discussion and not vote on this item”.

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 FEBRUARY 2018

054/18 **RESOLVED**

Cr De Luca / Cr Heins

That the Minutes of the Ordinary Council Meeting held 27 February 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

3.2 MINUTES OF RECONVENED ORDINARY COUNCIL MEETING HELD 6 MARCH 2018

055/18 **RESOLVED**

Cr Ferguson / Cr Harrison

That the Minutes of the Reconvened Ordinary Council Meeting held 6 March 2018, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

4.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: 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 2: Councillor Amon left the chamber at 6:46pm and returned at 6:50pm.

NOTE 3: Councillor De Luca left the chamber at 7:13pm and returned at 7:16pm.

NOTE 4: Councillor Warren left the chamber at 7:41pm and returned at 7:43pm.

PUBLIC FORUM SPEAKERS:

4.1 Peter Lubrano addressed Council in regard to traffic gridlock in Warriewood.

4.2 Julia Kennedy addressed Council in regard to the aged care and supportive care crises.

4.3 Jack Tilburn addressed Council in regard to questions on continuing to hold public forums at Council meetings.

- 4.4 Miranda Korzy addressed Council in regard to the departure of the former Northern Beaches Council CEO and recruitment of a new CEO.
- 4.5 Mitch Geddes addressed Council in regard to outstanding business resolved by Council.

PUBLIC ADDRESS SPEAKERS:

4.7 Item 9.1 - North Narrabeen Rockpool Amenities Upgrade - Outcomes from Community Engagement

Tom Kirsop and Brendon Donohue addressed the meeting speaking against the recommendation on this item and Fran Young and Debra Graham addressed the meeting speaking in support of this item.

4.8 Item 9.2 – Transfer of Land to Council from TAFE NSW

Jonathan O’Dea MP, Member for Davidson, addressed Council as an invited speaker.

4.9 Item 10.1 - Planning Proposal - Deferred lands in Oxford Falls and Belrose - Warringah Local Environmental Plan

John Holman and David Vago addressed the meeting speaking against the recommendation on this item and Heidi Schnider and James Linklater addressed the meeting speaking in support of this item.

4.10 Item 11.1 - Notice of Motion No 14/2018 - East Esplanade

Denise Keen addressed the meeting speaking against the recommendation on this item.

4.11 Item 11.2 - Notice of Motion No 16/2018 - Greening of the Northern Beaches

Terry le Roux addressed the meeting speaking for the recommendation on this item.

4.12 Item 11.5 - Notice of Motion No 19/2018 - Northern Beaches Council Community Safety Committee

Robert Mackay addressed the meeting speaking for the recommendation on this item.

4.13 Item 11.6 - Notice of Motion No 20/2018 - Bayview Baths Environmental Investigation

Dr Jenny Rosen addressed the meeting speaking for the recommendation on this item.

4.14 Item 11.8 - Notice of Motion No 22/2018 - Plastic Straws

Farley MacDonald addressed the meeting speaking for the recommendation on this item.

5.0 ITEMS RESOLVED BY EXCEPTION

056/18 RESOLVED

Cr Regan / Harrison

That Items 7.2, 8.1, 8.2, 8.4 and 10.4 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Unanimous

CARRIED

7.2 MONTHLY INVESTMENT REPORT - FEBRUARY 2018

057/18 RESOLVED

Cr Regan / Cr Harrison

That Council receives and notes the Investment Report as at 28 February 2018 including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

8.1 AMENDMENT TO NORTHERN BEACHES COUNCIL ORDINARY MEETING SCHEDULE 2018

058/18 RESOLVED

Cr Regan / Cr Harrison

That the Ordinary Council Meeting scheduled for Tuesday 23 October 2018 be rescheduled to Tuesday 16 October 2018.

RESOLVED BY EXCEPTION

8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

059/18 RESOLVED

Cr Regan / Cr Harrison

That Council note that payments totalling \$1,691.72 have been made under the Northern Beaches Council Discretionary Fund Policy for the period 19 December 2017 to 27 March 2018.

RESOLVED BY EXCEPTION

8.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE AND INTERNAL AUDIT REPORT FOR THE PERIOD 1 OCTOBER 2016 TO 31 DECEMBER 2017

060/18 **RESOLVED**

Cr Regan / Cr Harrison

That Council note the Audit, Risk and Improvement Committee and Internal Audit Report for the period 1 October 2016 to 31 December 2017.

RESOLVED BY EXCEPTION

10.4 REQUEST TO WAIVE THE SECTION 94A CONTRIBUTION FOR RECONSTRUCTION OF A DWELLING AT 30 DAWES ROAD BELROSE

061/18 **RESOLVED**

Cr Regan / Cr Harrison

That Council waive the Section 94A contribution for the Complying Development Certificate at 30 Dawes Road, Belrose.

RESOLVED BY EXCEPTION

6.0 MAYORAL MINUTES

Nil

7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

7.1 SUBMISSIONS ON THE 2016/17 ANNUAL FINANCIAL STATEMENTS

NOTE: Councillor Ferguson left the chamber at 7:52pm and returned at 7:53pm.

062/18 **RESOLVED**

Cr Grattan / Cr Amon

That Council note the four submissions received on the 2016/17 Annual Financial Statements.

VOTING

FOR: Unanimous

CARRIED

8.0 CUSTOMER & CORPORATE DIVISION REPORTS

8.3 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

063/18 **RESOLVED**

Cr Regan / Cr Ferguson

That:

- A. Council nominate and endorse Mayor Regan and Councillor Ferguson to attend the National General Assembly of Local Government to be held in Canberra from 17-20 June 2018.
- B. Council nominate and endorse Councillor Ferguson to attend the National General Assembly of Local Government to be held in Canberra from 17-20 June 2018 as a voting delegate.
- C. Council note that the Northern Beaches Council has not exercised its right to submit motions to the Australian Local Government Association for the 2018 National General Assembly.

VOTING

FOR: Unanimous

CARRIED

9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS

9.1 NORTH NARRABEEN ROCKPOOL AMENITIES UPGRADE - OUTCOMES FROM COMMUNITY ENGAGEMENT

064/18 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Council notes the community consultation feedback.
- B. That Council redesign to remove the small kiosk space on ground floor and utilise the space through expanding on the proposed existing uses such as increasing the size of the Wheelchair Accessible space, increase the men's and women's change rooms and ensuring there is a parents change room including a baby change table or equivalent and that consideration be given for retaining/replacing benches facing the pool area.
- C. Council requests the acting Chief Executive Officer to assist the swim clubs to maintain the NSW Government Grant and write to the responsible Minister outlining the resolution and that the grant not be withdrawn.

VOTING

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

AGAINST: Crs Philpott and White

CARRIED

9.2 TRANSFER OF LAND TO COUNCIL FROM TAFE NSW

NOTE 1: Councillor De Luca left the chamber at 8:33pm and returned at 8:35pm.

NOTE 2: Councillor Heins left the chamber at 8:40pm.

065/18 **RESOLVED**

Cr Regan / Cr Sprott

That:

- A. Council accept and authorise the transfer of the subject TAFE NSW land identified in the report (being Lot 2 DP 536909, Lot 2620 DP 752038 and Part Lot 100 DP 874509), subject to appropriate due diligence, totalling approximately 3,415m² for nominal consideration (e.g. \$1) and fund any legal costs and disbursements in relation to this transfer (subject to subdivision consent).
- B. Council give public notice in accordance with the *Local Government Act 1993* of the proposal that the land be classified as Community land under the *Local Government Act 1993*.
- C. Council in principle, commit to delivering the capital improvement works in the 2018/19 financial year.
- D. Council authorise the Chief Executive Officer to carry out all things necessary to give effect to this resolution including the execution of any required documentation under the existing Power of Attorney.

VOTING

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

ABSENT: Cr Heins

CARRIED

10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

10.1 PLANNING PROPOSAL – DEFERRED LANDS IN OXFORD FALLS AND BELROSE – WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

NOTE 1: Councillor Heins returned to the chamber at 8:43pm.

NOTE 2: Councillor Heins left the chamber at 8:51pm and returned at 8:52pm.

NOTE 3: Councillor Philpott left the chamber at 8:52pm and returned at 8:53pm.

NOTE 4: Councillor Warren left the chamber at 8:52pm and returned at 8:55pm.

066/18 **RESOLVED**

Cr Regan / Cr Grattan

That:

- A. Council, in accordance with s3.35(4) of the *Environmental Planning and Assessment Act 1979*, request the Minister for Planning to determine that the Planning Proposal for Oxford Valley Falls and Belrose North should not proceed for the following reasons:

- a. The Gateway determination requirement to complete “Stage 2” Review of four sites in the Deferred Lands area prior to exhibiting the Planning Proposal reneges on previous longstanding agreements with the Department of Planning and Environment regarding the Local Environmental Plan translation process
 - b. The Stage 2 Review requires costly and time consuming studies that should be funded by the Department of Planning and Environment
 - c. The 2009 Planning Assessment Commission Review Report regarding the four sites generally concludes that the area is unlikely to be suitable as a release area
 - d. The Department of Planning and Environment did not support the development of the four sites in its submission to the 2009 Planning Assessment Commission Review
 - e. Urban Development in Oxford Falls Valley / Belrose North is inconsistent with the draft Greater Sydney Regional Plan
 - f. Urban Development in Oxford Falls Valley / Belrose North is inconsistent with the Revised Draft North District Plan
 - g. Council can meet its housing targets under the Revised Draft North District Plan without developing non-urban land
 - h. Undertaking studies for Oxford Falls Valley / Belrose North would pre-empt Council’s Local Planning Strategy and Local Housing Strategy.
- B. Council include a copy of this report with Council’s request to the Minister for Planning outlined in A.
- C. Council notify affected landowners of its request to the Minister for Planning outlined in A.
- D. Councillors be provided with a briefing (by no later than 7 May 2018) on the following proposal:

“That Council request the Minister for Planning amend State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Clause 1.6 (1A) from:

(1A) Land identified as “Deferred matter” on the Land Application Map within the meaning of Warringah Local Environmental Plan 2011 is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management.

To:

(1A) Land identified as “Deferred matter” on the Land Application Map within the meaning of Warringah Local Environmental Plan 2011 is, for the purposes of this Policy, taken to be in Zone RU4 Primary Production Small Lots.”

VOTING

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

AGAINST: Crs Daley and De Luca

CARRIED

10.2 PLANNING PROPOSAL – FACILITATING ACTIVITIES ON COMMUNITY LAND – MANLY LOCAL ENVIRONMENTAL PLAN 2013

NOTE 1: Councillors Amon, Daley and Ferguson left the chamber at 8:57pm due to a declared pecuniary interest in this item.

NOTE 2: Councillor White left the chamber at 9:00pm and returned at 9:01pm.

067/18 **RESOLVED**

Cr Grattan / Cr Harrison

That Council approves the submission of a Planning Proposal to the Department of Planning and Environment to insert a new provision into Schedule 2 of Manly Local Environmental Plan 2013 to make the use of “outdoor areas of community land for commercial purposes” Exempt Development subject to the use being in keeping with the requirements of the relevant Plan of Management.

VOTING

FOR: Crs McTaggart, Heins, Grattan, Philpott, White, Warren, Harrison, Spratt, Walton, DeLuca, Bingham and Regan

ABSENT: Crs Amon, Daley and Ferguson

CARRIED

10.3 OPEN SPACE IN THE PROPOSED FRENCHS FOREST TOWN CENTRE SITE

NOTE 1: Councillors Amon, Daley and Ferguson returned to the chamber at 9:02pm.

NOTE 2: Councillor Grattan left the chamber at 9:02pm and returned at 9:04pm.

068/18 **RESOLVED**

Cr Harrison / Cr Walton

That Council invite the NSW Department of Planning and Environment to brief Councillors on the Frenchs Forest Precinct Plan, including the intended provision of open space, prior to public exhibition which is scheduled for September 2018.

VOTING

FOR: Unanimous

CARRIED

11.0 NOTICES OF MOTION

11.1 NOTICE OF MOTION NO 14/2018 - EAST ESPLANADE

NOTE 1: Councillor Harrison left the chamber at 9:27pm and returned at 9:37pm.

NOTE 2: Councillor Amon left the chamber at 9:34pm and returned at 9:39pm.

NOTE 3: Councillor De Luca left the chamber at 9:37pm and returned at 9:39pm.

Cr Bingham / Cr Grattan

That:

- A. Council endorse the 'Alcohol Prohibited Area' at East Esplanade to an Alcohol-Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning.
- B. Council undertake the deployment of night rangers or alternative measures to deal with noise issues and enforcement of Alcohol Prohibited Areas. If user pays police are used in East Esplanade, that should be reported to Council on a quarterly basis including costs and dates.
- C. Council develop other strategies to clear the area of illegal drinkers.
- D. Council refer the matter to the Northern Beaches Safety Advisory Committee for ongoing monitoring.
- E. Council prepare a Community Safety Management Plan for East Esplanade within the next three months.

069/18 **RESOLVED**

MOTION BE PUT

Cr Heins / Cr Regan

That the motion be now put.

VOTING

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

AGAINST: Crs Daley, Ferguson and De Luca

CARRIED

070/18 RESOLVED***Cr Bingham / Cr Grattan***

That:

- A. Council endorse the 'Alcohol Prohibited Area' at East Esplanade to an Alcohol-Prohibited Area from 8.00pm to 8.00am to assist Council and Police to enforce the zoning.
- B. Council undertake the deployment of night rangers or alternative measures to deal with noise issues and enforcement of Alcohol Prohibited Areas. If user pays police are used in East Esplanade, that should be reported to Council on a quarterly basis including costs and dates.
- C. Council develop other strategies to clear the area of illegal drinkers.
- D. Council refer the matter to the Northern Beaches Safety Advisory Committee for ongoing monitoring.
- E. Council prepare a Community Safety Management Plan for East Esplanade within the next three months.

VOTING

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

AGAINST: Crs Daley, Sprott, Ferguson and De Luca

CARRIED**11.2 NOTICE OF MOTION NO 16/2018 - GREENING OF THE NORTHERN BEACHES**

NOTE 1: Councillor Bingham left the chamber at 9:50pm and returned at 9:54pm.

NOTE 2: Councillor Grattan left the chamber at 9:51pm and returned at 9:53pm.

071/18 RESOLVED***Cr Sprott / Cr Walton***

That:

- A. Staff bring forward an Urban Forest Strategy to improve the tree canopy, habitat and create healthy and diverse landscaping in our streets and parks that contribute to the health and wellbeing of all that enjoy our area.
- B. Staff provide a report at the same time as to how we can encourage the community to participate in actions to increase the urban forest within the Northern Beaches Local Government Area.

VOTING

FOR: Unanimous

CARRIED

11.3 NOTICE OF MOTION NO 17/2018 - SINGLE PARENTS RATE RELIEF

NOTE 1: Councillor Ferguson left the chamber at 9:56pm and returned at 9:57pm.

NOTE 2: Councillor Sprott left the chamber at 9:57pm and returned at 9:59pm.

NOTE 3: Councillor Warren left the chamber at 10:09pm.

072/18 RESOLVED

Cr Amon / Cr Heins

That Council staff provide a short briefing to Councillors on the feasibility (including possible cost and practical implementation) of a one year trial to provide council rates and waste charges relief, possibly similar to that provided to pensioners and those on the parenting payment, to single parents who are the primary carers of dependent children but not eligible for the parenting payment.

VOTING

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

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

ABSENT: Cr Warren

CARRIED

11.4 NOTICE OF MOTION NO 18/2018 - REVIEW CLAUSE 10.3.5 OF STANDARD CONTRACT FOR EMPLOYMENT OF GENERAL MANAGERS OF LOCAL COUNCILS IN NSW

NOTE: Councillor Warren returned to the chamber at 10:12pm.

073/18 RESOLVED

Cr Amon / Cr De Luca

That Council write to the Department of Local Government urging it to review clause 10.3.5 of its standard contract for employment General Managers of Local Councils in NSW, so it is more in line with community and ratepayer expectations.

VOTING

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

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

CARRIED

11.5 NOTICE OF MOTION NO 19/2018 - NORTHERN BEACHES COUNCIL COMMUNITY SAFETY COMMITTEE TO BE TASKED WITH ACTION REGARDING ESCALATING ANTI-SOCIAL BEHAVIOUR

NOTE 1: Councillor Amon left the chamber at 10:20pm and returned at 10:22pm.

NOTE 2: Councillor Regan left the chamber at 10:22pm.

NOTE 3: Councillor Bingham, assumed the Chair at 10.23pm.

NOTE 4: Councillor Regan returned to the chamber at 10:26pm and resumed the Chair.

NOTE 5: Councillor Harrison left the chamber at 10:24pm and returned at 10:27pm.

Cr Daley / Cr De Luca

That:

A. The Terms of Reference and Charter of the Northern Beaches Council Community Safety Committee be amended in the following way:

- a. The Safety Committee currently includes a State Member of Parliament and that this component of the committee be expanded to include all four (4) State Members of Parliament on the Northern Beaches or their nominated representative. (as per below Composition/Membership of the Terms of Reference/Charter)

Proposed Composition/Membership

Membership of the Committee comprises of up to 27 representatives of organisations, groups and community members.

The Chairperson is the Mayor or his nominated delegate on this group and Deputy Chair as elected by the Mayor. The following Council members will be appointed

- Mayor (Chair) and 4 appointed Councillors (1 per Ward)

The group will consist of up to 17 members of the following Northern Beaches organisations:

- Northern Beaches Police Local Area Commander and/or a delegate
- Northern Sydney Area Health Service
- Corrections NSW
- 2 x Community Service Providers
- NSW Family and Community Services
- Northern Beaches Liquor Accord
- Transport NSW
- Drug and Alcohol Service
- 2 x Chamber of Commerce
- 1 Surf Life Saving Sydney Northern Beaches representative
- Youth agency representative

- 4 State Members (representing all 4 State MP's)
- 5 Community members or groups interested in representing a broad range of strategic views in this topic across the Northern Beaches (* Ideally one member per ward).

B. The name of the Northern Beaches Council Community Safety Committee retain its title for all intents and purposes however to highlight the absolute importance and urgency of this task the Safety Committee hold specific meetings regarding the issues mentioned and that it be called a Task Force when dealing with this aspect of its work.

VOTING

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

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

LOST

11.6 NOTICE OF MOTION NO 20/2018 - BAYVIEW BATHS ENVIRONMENTAL INVESTIGATION

074/18 **RESOLVED**

Cr McTaggart / Cr Ferguson

That:

- A. Council work with Sydney Water and Beachwatch (OEH) to review recreational water quality data for what is known as the Bayview Baths in order to determine if it would be feasible to potentially restore/renew the pool and provide a briefing back to Council within three (3) months.
- B. In the event of a favourable report Council may move to a second stage of risk assessment and a refurbishment process subject to budget availability.

VOTING

FOR: Unanimous

CARRIED

11.7 NOTICE OF MOTION NO 21/2018 - GURINGAI FESTIVAL

NOTE 1: Councillor Heins left the chamber at 10:39pm and returned at 10:41pm.

NOTE 2: Councillor Amon left the chamber at 10:39pm and returned at 10:47pm.

Cr De Luca / Cr Sprott

That this Council resolves to restore funding to the Guringai Festival and work with the Festival Chairs to seek a way forward and to allocate the unspent \$25,000 proposed for the Palm Beach Movie to fund this.

AMENDMENT***Cr Regan / Cr Bingham***

That:

- A. Council convene the Guringai Festival Committee to develop an overview of any proposed programs which can be delivered under the banner of the Guringai Festival 2018.
- B. Council liaise with the Guringai Festival Committee to review options for a one day Festival utilising the existing budget of \$15,000 and that Council advocate that all participating councils contribute funding support.
- C. Council identify and confirm the ongoing commitment and role of each of the Northern Sydney councils represented on the Committee (Hunters Hill, North Sydney, Willoughby, Kur-ring-gai, Lane Cove, Mosman, Hornsby and Ryde) including ongoing financial contribution to the Festival 2018/19 and beyond.

VOTING**FOR:** Crs McTaggart, Heins, Grattan, Philpott, White, Warren, Harrison, Bingham and Regan**AGAINST:** Crs Amon, Daley, Sprott, Walton, Ferguson and De Luca***The amendment was carried and became the motion.*****075/18 RESOLVED*****Cr De Luca / Cr Sprott***

That:

- A. Council convene the Guringai Festival Committee to develop an overview of any proposed programs which can be delivered under the banner of the Guringai Festival 2018.
- B. Council liaise with the Guringai Festival Committee to review options for a one day Festival utilising the existing budget of \$15,000 and that Council advocate that all participating councils contribute funding support.
- C. Council identify and confirm the ongoing commitment and role of each of the Northern Sydney councils represented on the Committee (Hunters Hill, North Sydney, Willoughby, Kur-ring-gai, Lane Cove, Mosman, Hornsby and Ryde) including ongoing financial contribution to the Festival 2018/19 and beyond.

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

11.8 NOTICE OF MOTION NO 22/2018 - PLASTIC STRAWS

NOTE: Councillor De Luca left the chamber at 10:55pm and returned at 10:59pm.

076/18 RESOLVED**Cr Warren / Cr Ferguson**

That:

- A. Council continues to support the work and intention of campaigns such as Plastic Free Manly, SO Manly, Boomerang Bags and others across the Northern Beaches in their efforts to reduce the use of plastic straws and other single use plastics.
- B. Council will write to each of the Northern Beaches food and beverage proprietors to express support as per motion A and to encourage businesses to transition away from plastic straws, either to alternatives or to no straws altogether.
- C. Council requests staff to report back within six months on progress to date implementing the Single Use Plastics Policy and proposing strategies that would encourage venues across the Northern Beaches to phase out the usage of plastic straws. This report to include enabling strategies for local businesses.
- D. Council will write to the NSW Government to demonstrate the Northern Beaches' commitment to eliminating single use plastics under our Single Use Plastics Policy and strongly advocating for a ban on plastic straws and plastic bags.
- E. Council add a requirement to future leases and licences for Council owned buildings including surf clubs that any cafes be plastic straw free.

VOTING

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

AGAINST: Cr Amon

CARRIED

12.0 QUESTIONS ON NOTICE

NOTE: In accordance with Council's Code of Meeting Practice clause 1.7(2)(e) responses to Questions on Notice will be included, as soon as practicable in a subsequent business paper for an Ordinary Meeting of Council and included in the minutes.

12.1 QUESTION ON NOTICE NO 02/2018 - MERITON DEE WHY S94

Submitted by: Councillor Vincent De Luca OAM

In relation to Meriton's Section 94 Contributions due its developments in the Dee Why Town Centre:

- A. On what date/s did Council (under the Administrator) write to Meriton a Letter of Offer regarding the amount of Section 94 developer contributions Meriton was to pay Council for its developments in the Dee Why Town Centre and what was the amount proposed?
- B. What are the total funds paid to date to Council in Section 94 by Meriton for its developments in the Dee Why Town Centre?
- C. Prior to Meriton's payment of section 94 funds to Council and Council's Letter of Offer, what was the previous calculation of section 94 Funds due for the Meriton (previously Brookfield Multiplex) developments in the Dee Why Town Centre?
- D. Does Council maintain a Section 94 payments Register and if so, what is the total amount paid by Meriton documented on that Register?

12.2 QUESTION ON NOTICE NO 03/2018 - SITE A DEE WHY (COUNCIL OWNED SITE)

Submitted by: Councillor Vincent De Luca OAM

- 1. What is Council's current proposal for the development of Site A?
 - a) Will the site be 9-storeys?
 - b) Is the site still on the market and do sale provisions require a developer to include provision of community facilities outlined in (a) below and if not, why not?
- 2. Is it correct that the site will no longer include provision for:
 - a) - a new 2,700 sq/m Library
 - a Library Square
 - a 400 sq/m Community facility
 - 310 additional car parking spaces for free public use.
- b) can Council please confirm that some or all of the facilities noted above in (a), including a new Dee Why Police Station, are to now be provided at another location(s)?

13.0 RESPONSES TO QUESTIONS ON NOTICE

13.1 RESPONSE TO QUESTION ON NOTICE 01/2018 - OUTSTANDING RESOLUTIONS OF COUNCIL

Submitted by: Councillor Alex McTaggart

In regards to the outstanding former Pittwater Council resolutions:

- A. A resolution of Pittwater Council on 4 December 2006 refers to placing on public exhibition a trial unleashed dog exercise/swimming area at Station Beach, Palm Beach.
- B. A further resolution of Pittwater council on 4 February 2008 regarding the trial of unleashed dog swimming area at Station Beach calls for a review of environmental factors to be prepared by Council and placed on public exhibition.

As there is to date no progress on the off leash trial at Station Beach can staff advise is there a clear and definite report to Council and thus the community, containing the necessary technical information to support a suspension or cancellation of such a trial and if so did council resolve to suspend or cancel such a trial?

RESPONSE

The former Pittwater Council resolved on 4 February 2008:

1. That the responses received from Government Departments, including the Lands Department's requirements for a Review of Environmental Factors, be noted
2. That a Review of Environmental Factors be undertaken and reported to the Lands Department for assessment
3. That subject to a positive response from the Lands Department, the Review of Environmental Factors be placed on public exhibition and reported back to Council for determination.

Council's records on this matter indicate the following:

The former Pittwater Council engaged a consultant NGH Environmental to prepare a Review of Environmental factors (REF) and Biodiversity Assessment. Council received correspondence from the Land and Property Authority (LPMA) dated 6 November 2009 that the REF drafted December 2008 lacks details on how the trial and safeguard proposals would be implemented and that based on its own understanding as well as comment by other agencies it would not recommend that a dog swimming trial at Station Beach proceed. Further advice in the correspondence states that the Department of Climate Change and Water is not supportive of off leash swimming at Station Beach due to the damage and stress caused to wildlife.

The LPMA is required to apply the Principles of Crown Land Management (Section 11 of the Crown Lands Act) in managing Crown Land for the people of New South Wales. There are six principles, which afford environmental protection principles and conservation of natural resources. A proposed dog swimming area is not readily complimentary with the principles of the Crown if applied to Station Beach. It is understood the LPMA, based on its own understanding and feedback from other agencies, would not recommend that a trial at Station Beach proceed.

The meeting concluded at 11:02pm.

This is the final page of the minutes comprising 21 pages
numbered 1 to 21 of the Ordinary Council Meeting
held on Tuesday 27 March 2018 and confirmed on Tuesday 17 April 2018.

Mayor

Acting Chief Executive Officer