



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 22 MAY 2018**

**Minutes of an Ordinary Meeting of Council  
held on Tuesday 22 May 2018  
at the Civic Centre, Dee Why  
Commencing at 6:30pm**

**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  
Ian White

**Officers**

Ben Taylor	Acting Chief Executive Officer
Helen Lever	General Manager Customer & Corporate
Todd Dickinson	Acting General Manager Environment & Infrastructure
Melissa Messina	Acting General Manager Planning Place & Community
Eskil Julliard	General Counsel
Andrew Pigott	Executive Manager Strategic & Place Planning
Steven Lawler	Executive Manager Parks & Recreation
Campbell Pfeiffer	Executive Manager Property
Andrew Davies	Executive Manager Transport & Civil Infrastructure
Natasha Schultz	Executive Manager Waste Management & Cleansing
Peter Robinson	Executive Manager Development Assessment
Tracey Bennett	Governance Manager
Sherryn McPherson	Coordinator Governance
Lynne Jess	Governance Officer
Don Morales	Information Management Technology Officer

**Notes**

The meeting commenced at 6:30pm, adjourned at 9:39pm, resumed at 9:49pm, moved into closed session at 10:45pm, resumed in open session at 10:58pm and concluded at 11:10pm.

## 1.0 APOLOGIES

111/18 RESOLVED

**Cr Ferguson / Cr Heins**

That an apology be received from Councillor Warren.

### VOTING

FOR: Unanimous

**CARRIED**

## 2.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

2.1 Councillor Walton declared a less than significant non-pecuniary interest in relation to Item 6.1 – Fee Waiver Special Olympics Sydney Northern Beaches and remained in the meeting and participated in the voting and discussion on this item. The reason provided by Councillor Walton was:

*“2015-2017 Deputy Chairman of Special Olympics Sydney Northern Beaches. Resigned in September 2017 upon election to Council”.*

2.2 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 9.4 – Adoption of Glen Street Open Space Landscape Masterplan and remained in the meeting and participated in the voting and discussion on this item. The reason provided by Councillor De Luca was:

*“Jann Pattinson, Principal of Davidson High School has been raised by a speaker in Public Forum. Ms Pattinson was my teacher from 1990, however I have had no relationship with her over the last 20 years”.*

2.3 Councillor White declared a less than significant non-pecuniary interest in relation to Item 9.5 – Bayview Baths Environmental Investigation and remained in the meeting and participated in the voting on this item. The reason provided by Councillor White was:

*“I am a tenant in the Gibson’s Marina next door”.*

2.4 Councillor Daley declared a pecuniary interest in relation to Item 10.6 – Aboriginal Land Claim – Dee Why Lagoon and took no part in discussion or voting on this item. The reason provided by Councillor Daley was:

*“Pecuniary Interest as I own two (2) properties in Dee Why Parade, Dee Why. One overlooks Dee Why Lagoon and Long Reef and I believe if 10.6 goes forward, it would impact on the value of my property and this would be paramount in mind if voting on this issue”.*

2.5 Councillor White declared a less than significant non-pecuniary interest in relation to Item 14.2 – Notice of Motion No 30/2018 – Pasadena Contingency and remained in the meeting and participated in the voting and discussion on this item. The reason provided by Councillor White was:

*“Over look Pasadena more than 400m away”.*

### **3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

#### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 17 APRIL 2018**

112/18 **RESOLVED**

**Cr Amon / Cr Ferguson**

That the Minutes of the Ordinary Council Meeting held 17 April 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 EXTRAORDINARY COUNCIL MEETING HELD 24 APRIL 2018**

113/18 **RESOLVED**

**Cr Heins / Cr Harrison**

That the Minutes of the Extraordinary Council Meeting held 24 April 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: 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.*

#### **PUBLIC FORUM SPEAKERS:**

**4.1** David Murray addressed Council in regard to the amalgamation and paying former Councils debts.

#### **PUBLIC ADDRESS SPEAKERS:**

#### **4.2 Item 7.2 - Stronger Community Fund – Quarterly Update March 2018**

Neelica Raffel, President of the Scotland Island Residents Association addressed Council speaking in support of this item.

**4.3 Item 9.3 - Adoption of Freshwater Coastal Open Space Masterplan**

Kelvin Lawrence addressed Council speaking against this item and Jack Avakian and Denis Lynch addressed Council speaking in support of this item.

**4.4 Item 9.4 - Adoption of Glen Street Open Space Landscape Masterplan**

Rachael Jackson addressed Council speaking in support of this item.

**4.5 Item 10.4 - Application to amend Meriton Voluntary Planning Agreement**

Matthew Lennartz on behalf of Meriton addressed Council in support of this item.

**4.6 Item 11.1 - Notice of Motion No 26/2018 - Open Spaces Plan**

Chris Hornsby addressed Council speaking in support of the motion.

**4.7 Item 11.6 - Notice of Motion No 32/2018 - South Palm Beach Boardwalk**

Stephen Guildford and Richard West addressed Council speaking in support of the motion.

**4.8 Item 14.2 - Notice of Motion No 30/2018 - Pasadena Contingency**

Emmie Collins and Alan Yuille addressed Council speaking in support of the motion.

**5.0 ITEMS RESOLVED BY EXCEPTION**

114/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That Items 7.2, 7.3, 8.1, 8.2, 8.3, 9.1, 9.5, 10.1, 10.2, 10.3 and 10.5 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**7.2 STRONGER COMMUNITY FUND - QUARTERLY UPDATE - MARCH 2018**

115/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That Council note the Stronger Communities Fund March Quarterly Update.

**RESOLVED BY EXCEPTION**

### **7.3 MONTHLY INVESTMENT REPORT - APRIL 2018**

116/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

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

***RESOLVED BY EXCEPTION***

### **8.1 ALTERNATIVE PROCUREMENT - ENGAGEMENT OF OUTBACK IMAGING PTY LTD**

117/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That:

- A. Council accepts the tender of Outback Imaging Pty Ltd for ALT 2018/119 – Implementation of EzeScan scanning solution for the sum of \$55,782.61 excluding GST and the annual maintenance agreement for the sum of \$21,232.80 p.a. for 5 years.
- B. Authority be delegated to the General Manager, Customer & Corporate to execute all necessary documentation to give effect to this resolution.

***RESOLVED BY EXCEPTION***

### **8.2 NORTHERN BEACHES COUNCIL DRAFT CODE OF MEETING PRACTICE - OUTCOMES FROM PUBLIC EXHIBITION**

118/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That:

- A. Council note the considerations arising from the submissions received following the exhibition of the draft Northern Beaches Council Code of Meeting Practice.
- B. Council adopt the Northern Beaches Council Code of Meeting Practice provided at Attachment 1 to be put into effect and replace the current Northern Beaches Council Code of Meeting Practice (November 2016) for all Council meetings following the 22 May 2018 Council meeting.

***RESOLVED BY EXCEPTION***

### **8.3 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD MARCH/APRIL 2018**

119/18 **RESOLVED**

***Cr Grattan / Cr Harrison***

That Council note the minutes of the six (6) Strategic Reference Group meetings held in March and April 2018.

***RESOLVED BY EXCEPTION***

## 9.1 2017/18 SPORT AND RECREATION INFRASTRUCTURE GRANTS PROGRAM

120/18 **RESOLVED**

**Cr Grattan / Cr Harrison**

That Council approve these 2017/18 Sport and Recreation Infrastructure Grants Program projects:

- A. Allambie Heights Community Tennis Club, for an upgrade to the clubhouse toilets at the Allambie Heights Tennis Centre - \$4,973.
- B. Collaroy Tennis Club, to resurface two tennis courts at the Collaroy Tennis Centre - \$35,524.
- C. Forest Rugby Club, to develop a female change room, first aid and referee room at the clubhouse adjacent to the rugby field at the Forestville War Memorial Playing Fields - \$19,030.
- D. Manly Warringah Football Association, for a new electronic scoreboard at Cromer Park field 1 - \$15,000.
- E. Mona Vale Bowling Club, to upgrade one bowling green and a new access ramp at the Mona Vale Bowling Club - \$13,973.
- F. Newport Bowling Club, for new shade structures on bowling green 1 at the Newport Bowling Club - \$11,500.

**RESOLVED BY EXCEPTION**

## 9.5 BAYVIEW BATHS ENVIRONMENTAL INVESTIGATION

*NOTE: Councillor White declared a less than significant non-pecuniary interest in relation to this item.*

121/18 **RESOLVED**

**Cr Grattan / Cr Harrison**

That:

- A. Council notes the results of the water quality monitoring study of Bayview Baths conducted by Sydney Water and Northern Beaches Council in 2016/17.
- B. Council further monitor the water quality in conjunction with Office of Environment and Heritage and Sydney Water in 2018/19 to confirm the 2016/17 results continue to support the suitability of the Bayview Baths for swimming in dry weather
- C. Council seeks to work collaboratively with the community and funding agencies to secure grant funding to enable this project be placed into a future capital works program.

**RESOLVED BY EXCEPTION**

**10.1 SUBMISSION ON CHANGES TO PARKING STANDARDS FOR BOARDING HOUSES UNDER THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

122/18 RESOLVED

***Cr Grattan / Cr Harrison***

That:

- A. Council note proposed changes to car parking standards for boarding houses under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- B. Council's submission in response to the exhibition of the proposed changes.

***RESOLVED BY EXCEPTION***

**10.2 FUTURE USE OF MANLY HOSPITAL**

123/18 RESOLVED

***Cr Grattan / Cr Harrison***

That Council notes the reported matters in response to issues raised in Council's resolution regarding Item 11.3 Notice of Motion 25/2018 - Future Use of Manly Hospital.

***RESOLVED BY EXCEPTION***

**10.3 AMENDMENTS TO DEVELOPMENT CONTROL PLANS IN RELATION TO THE MANAGEMENT OF TREES AND WASTE**

124/18 RESOLVED

***Cr Grattan / Cr Harrison***

That:

- A. Council approve the exhibition of amendments to Council's Development Control Plans (DCPs) including Manly DCP 2013, Pittwater DCP 2014, Warringah DCP 2011 and Warringah DCP 2000 to address new requirements for tree and vegetation clearing permits, reference standardised Waste Management Guidelines, and update references to the recently amended Environmental Planning and Assessment Act 1979;
- B. The matter be reported to Council following public exhibition of the proposed amendments.

***RESOLVED BY EXCEPTION***

**10.5 REPORTING VARIATION TO DEVELOPMENT STANDARDS - SEPP 1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF LOCAL ENVIRONMENT PLANS**

125/18 RESOLVED

***Cr Grattan / Cr Harrison***

That Council notes the development applications granted approval with variations to development standards during the period 1 January 2018 to 31 March 2018.

***RESOLVED BY EXCEPTION***



## 6.0 MAYORAL MINUTES

### 6.1 MAYORAL MINUTE NO 04/2018 - FEE WAIVER - SPECIAL OLYMPICS SYDNEY NORTHERN BEACHES - WINTER AQUATICS PROGRAM

*NOTE: Councillor Walton declared a less than significant non-pecuniary interest in relation to this item.*

126/18 **RESOLVED**

**Cr Regan**

That Council waives the fee of \$807.50 for lane hire at the Warringah Aquatic Centre to Special Olympics Sydney Northern Beaches for the 2018 Winter Aquatics program.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 7.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 7.1 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2018

127/18 **RESOLVED**

**Cr Grattan / Cr Spratt**

That:

- A. Council note the Budget Review Statement for the nine (9) months ended 31 March 2018.
- B. Council approve the following changes to the Current Forecast in the March 2018 Business Review Statement:
  - a. An increase in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$12,390,000 to \$71,012,658
  - b. A decrease in capital expenditure by \$18,330,364 to \$91,463,750.
- C. Council request an update be brought to the next Audit Risk and Improvement Committee meeting on the management plans and progress on risks contained in this quarterly review budget statement, namely:
  - employee vacancies
  - capital program underspend
  - recycling industry developments
  - private certifier impact on revenue and services
  - Kimbriki financial variance, and
  - integration costs.

**VOTING****FOR:** Unanimous**CARRIED****9.0 ENVIRONMENT & INFRASTRUCTURE DIVISION REPORTS****9.2 PRESERVATION OF EXISTING STAND OF TREES ALONG THE NORTHERN SIDE OF WARRINGAH ROAD OUTSIDE FOREST HIGH SCHOOL***NOTE: Councillor McTaggart left the chamber at 7:31pm and returned at 7:32pm.*128/18 **RESOLVED****Cr Sprott / Cr Harrison**

That:

- A. Council continues to advocate for the preservation and protection of the trees on the Northern side of Warringah Road outside Forest High School as part of the work with the NSW Department of Planning and Environment regarding the design and development of the new Town Centre in Frenchs Forest.
- B. Council continues to monitor the health of the existing stand of trees along the Northern side of Warringah Road outside Forest High School and manages appropriately.

**VOTING****FOR:** Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, Philpott, Regan, Sprott, Walton and White**ABSENT:** Cr McTaggart**CARRIED****9.3 ADOPTION OF FRESHWATER COASTAL OPEN SPACE MASTERPLAN**129/18 **RESOLVED****Cr Heins / Cr Ferguson**

That:

- A. Council adopt the Freshwater Coastal Open Space Masterplan.
- B. Council staff consult with the community on the detailed design for each stage prior to implementation.

**VOTING****FOR:** Unanimous**CARRIED**

#### 9.4 ADOPTION OF GLEN STREET OPEN SPACE LANDSCAPE MASTERPLAN

*NOTE: Councillor De Luca declared a less than significant non-pecuniary interest in relation to this item.*

130/18 **RESOLVED**

**Cr Sprott / Cr Harrison**

That:

- A. Council adopt the Glen Street Open Space Masterplan.
- B. The local community including youth are engaged during the designing of the skate park.

#### VOTING

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

**AGAINST:** Crs Daley and De Luca

**CARRIED**

### 10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

#### 10.4 APPLICATION TO AMEND MERITON VOLUNTARY PLANNING AGREEMENT

*NOTE: The Mayor ruled on a Point of Order that Councillor De Luca's question was out of order.*

**Cr De Luca / Cr Daley**

That:

- A. This Council notes that issues raised regarding a meeting between Council's Administrator and Council Staff on 14 June 2016 and a consequent letter reducing the Voluntary Planning Agreement to \$11 million was referred to the Office of Integrity & Complaints Resolution unit by the Acting Chief Executive Officer, Helen Lever.
- B. The matter be deferred pending the outcome of any investigation of the Office of Integrity & Complaints Resolution.

#### PROCEDURAL MOTION – MOTION OF DISSENT

**Cr De Luca / Cr Daley**

Dissent from the Chairperson's ruling on a Point of Order in regard to a question asked by Councillor De Luca.

#### VOTING

**FOR:** Crs Amon, Bingham, Daley and De Luca

**AGAINST:** Crs Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

**LOST**

## AMENDMENT

### *Cr Bingham / Cr White*

That:

- A. Council endorses the exhibition of proposed amendments to the Voluntary Planning Agreement between Northern Beaches Council, Karimbla Properties (No. 41) Pty Ltd and Meriton Properties Pty Ltd, relating to 9, 11, 15 and 17 Howard Avenue, 14-16 and 28 Oaks Avenue and 884, 888 – 890, 892, 894 and 896 Pittwater Road Dee Why (Site B) as outlined in the draft Second Deed of Amendment and draft Explanatory Note.
- B. That a briefing be held as soon as possible on the matter prior to the closure of public exhibition including a response to Councillor De Luca's question at the Ordinary Council Meeting held on 22 May 2018.

## VOTING

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

**AGAINST:** Crs Daley, De Luca, Ferguson and Sprott

## **CARRIED**

*The amendment was carried and became the motion.*

## 131/18 RESOLVED

### *Cr Bingham / Cr White*

That:

- A. Council endorses the exhibition of proposed amendments to the Voluntary Planning Agreement between Northern Beaches Council, Karimbla Properties (No. 41) Pty Ltd and Meriton Properties Pty Ltd, relating to 9, 11, 15 and 17 Howard Avenue, 14-16 and 28 Oaks Avenue and 884, 888 – 890, 892, 894 and 896 Pittwater Road Dee Why (Site B) as outlined in the draft Second Deed of Amendment and draft Explanatory Note.
- B. That a briefing be held as soon as possible on the matter prior to the closure of public exhibition including a response to Councillor De Luca's question at the Ordinary Council Meeting held on 22 May 2018.

## VOTING

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

**AGAINST:** Crs Daley, De Luca, Ferguson and Sprott

## **CARRIED**

## 10.6 ABORIGINAL LAND CLAIM - DEE WHY LAGOON

*NOTE: Councillor Daley declared a pecuniary interest in relation to this item and left the chamber at 8:10pm.*

132/18 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council objects to the Aboriginal Land Claim 6966 for Dee Why Lagoon on grounds that:

- A. The land has been lawfully used and occupied since at least 1964 for environmental protection and public recreation purposes.
- B. The land is needed for essential public purposes including environmental management, flood management, and recreation use (including potential public walkway).

### VOTING

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

**AGAINST:** Cr De Luca

**ABSENT:** Cr Daley

**CARRIED**

## 10.7 MINUTES FROM THE COMMUNITY SAFETY ADVISORY COMMITTEE HELD ON 12 APRIL 2018

*NOTE 1: Councillor Daley returned to the chamber at 8:17pm.*

*NOTE 2: Councillor Grattan left the chamber at 8:17pm and returned at 8:19pm.*

*NOTE 3: Councillor Heins left the chamber at 8:17pm and returned at 8:19pm.*

133/18 **RESOLVED**

**Cr Regan / Cr Ferguson**

That Council note the minutes of the Community Safety Committee meeting held on 12 April 2018.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 11.0 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION NO 26/2018 - OPEN SPACES PLAN

134/18 **RESOLVED**

**Cr Amon / Cr Sprott**

That:

- A. Council notes the announcement of the NSW Government's \$290 million Open Spaces Plan.
- B. Council writes to the Premier of NSW and all Northern Beaches State MPs to:
  - a. obtain details of how the plan will operate, and
  - b. enquire how Northern Beaches Council might access funding under the plan or how Northern Beaches Council might cause the State Government to invest funding from the Plan on the Northern Beaches.
- C. Following the State Government's response in relation to B, staff prepare a memorandum to Councillors:
  - a. providing the State Government's response
  - b. advising whether staff consider it is feasible for Council to access funding under the Plan, given the way it will operate, and
  - c. identifying possible sites across the Northern Beaches which might be suitable for purchase under the Open Spaces Plan.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 11.2 NOTICE OF MOTION NO 27/2018 - REPORTING LEGAL MATTERS

*NOTE 1: Councillor Bingham left the chamber at 8:36pm and returned at 8:37pm.*

*NOTE 2: Councillor Amon left the chamber at 8:57pm and returned at 8:59pm.*

*NOTE 3: Councillor Harrison left the chamber at 8:57pm and returned at 9:01pm.*

135/18 **RESOLVED**

**Cr De Luca / Cr Ferguson**

That Council staff prepare a policy on the conduct and reporting of legal matters to be referred to a Council briefing for workshopping within three (3) months.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 11.3 NOTICE OF MOTION NO 28/2018 - LOCAL PLANNING PANELS

NOTE 1: Councillor Heins left the chamber at 9:06pm and returned at 9:09pm.

NOTE 2: Councillor White left the chamber at 9:07pm and returned at 9:09pm.

NOTE 3: Councillor Philpott left the chamber at 9:07pm and returned at 9:10pm.

NOTE 4: Councillor Ferguson left the chamber at 9:11pm and returned at 9:13pm.

NOTE 5: Councillor Bingham left the chamber at 9:17pm and returned at 9:18pm.

#### **Cr De Luca / Cr Daley**

That:

- A. Council note with concern that Northern Beaches Local Planning Panel is meeting during business hours, for example at 1pm tomorrow, thus preventing many residents from attending such meetings and having their say on development applications that affect them and the future of the Northern Beaches,
- B. Council request Councils Chief Executive Officer to ensure that future Northern Beaches Local Planning meetings are held after 6pm at night in order to ensure proper public participation and that residents, applicants and objectors can be properly heard at such meetings that are meant to hear from affected parties,
- C. Council request the Chief Executive Officer to write to the Minister for Planning, the Hon Andrew Roberts MP:
  - a. Requesting that the NSW Government ensure that such Panels are open and accessible to the community and that in order to ensure public participation, meetings should not be held at any Council during business hours as this prevents a large number of the community from participating,
  - b. Requesting that the NSW review the costs of such Panel and either subsidise these panels in view of the State Government appointing members to such Panels or add as an additional fee to development applications in order to pay for such Planning Panels.
- D. Council requests the Chief Executive Officer to ensure that Agendas and associated documents for the Northern Beaches Local Planning Panel are sent to all Councillors at least three (3) days prior to a respective meeting of the Panel.

#### **AMENDMENT**

#### **Cr Heins / Cr Bingham**

That:

- A. Council requests the Chief Executive Officer to ensure that Agendas and associated documents for the Northern Beaches Local Planning Panel are sent to all Councillors at least three (3) days prior to a respective meeting of the Panel.
- B. An additional survey be completed and returned to a Councillor briefing prior to 31 December 2018.
- C. Council request the Chief Executive Officer to write to the Minister for Planning, the Hon Anthony Roberts MP requesting that the NSW review the costs of such Panel and either subsidise these panels in view of the State Government appointing members to such Panels or add as an additional fee to development applications in order to pay for such Planning Panels.

**VOTING**

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

**AGAINST:** Crs Amon, Daley, De Luca and McTaggart

**CARRIED**

*The amendment was carried and became the motion.*

136/18 **RESOLVED**

**Cr Heins / Cr Bingham**

That:

- A. Council requests the Chief Executive Officer to ensure that Agendas and associated documents for the Northern Beaches Local Planning Panel are sent to all Councillors at least three (3) days prior to a respective meeting of the Panel.
- B. An additional survey be completed and returned to a Councillor briefing prior to 31 December 2018.
- C. Council request the Chief Executive Officer to write to the Minister for Planning, the Hon Anthony Roberts MP requesting that the NSW review the costs of such Panel and either subsidise these panels in view of the State Government appointing members to such Panels or add as an additional fee to development applications in order to pay for such Planning Panels.

**VOTING**

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

**AGAINST:** Crs Daley and De Luca

**CARRIED**

**PROCEDURAL MOTION - ADJOURN THE MEETING**

137/18 **RESOLVED**

**Cr Regan / Cr Bingham**

That Council adjourn the meeting for ten (10) minutes and reconvene at 9:49pm.

**VOTING**

**FOR:** Unanimous

**CARRIED**



**11.4 NOTICE OF MOTION NO 29/2018 - MAYOR & COUNCILLOR FEES*****Cr Amon / Cr De Luca***

That, pursuant to section 248 of the Local Government Act 1993, the Council fixes the annual fee for:

- A. Councillors for the period 1 July 2018 to 30 June 2019 at \$28,950 payable monthly in arrears, being a freeze on the amount paid to Councillors for the period 1 July 2017 to 30 June 2018, and
- B. The Mayor for the period 1 July 2018 to 30 June 2019 at \$84,330 payable monthly in arrears, being a freeze on the amount paid to the Mayor for the period 1 July 2017 to 30 June 2018.

**PROCEDURAL MOTION - MOTION BE PUT**

138/18 **RESOLVED**

***Cr McTaggart / Cr Ferguson***

That the motion now be put.

**VOTING**

**FOR:** Unanimous

***CARRIED******Cr Amon / Cr De Luca***

That, pursuant to section 248 of the Local Government Act 1993, the Council fixes the annual fee for:

- A. Councillors for the period 1 July 2018 to 30 June 2019 at \$28,950 payable monthly in arrears, being a freeze on the amount paid to Councillors for the period 1 July 2017 to 30 June 2018, and
- B. The Mayor for the period 1 July 2018 to 30 June 2019 at \$84,330 payable monthly in arrears, being a freeze on the amount paid to the Mayor for the period 1 July 2017 to 30 June 2018.

**VOTING**

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

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

**CASTING VOTE:** Cr Regan (against)

***LOST***

***There being an equal number of votes, the Mayor used his casting vote against the motion.***

**11.5 NOTICE OF MOTION NO 31/2018 - OCEAN STREET BRIDGE**139/18 **RESOLVED****Cr Amon / Cr Sprott**

That:

- A. Council notes the installation of the spikes on the Sydney Water pipe running adjacent to the Ocean St Bridge, and the community opposition to the installation of the spikes.
- B. Council write to Sydney Water, addressing and asking clarification on the following issues:
  - a. Council notes community opposition to the installation of the spikes on the Northern and Southern end of the Ocean St Bridge
  - b. Why were the spikes installed? And, at whose request were the spikes installed?
  - c. If the installation is related to asset protection, how is it said the spikes will protect the Sydney Water asset, given the ability of pedestrians to climb the bridge fence and impact upon the asset and on what evidence was the decision to install the spikes made?
  - d. If the installation is relation to pedestrian safety, how is it said the spikes will enhance pedestrian safety, noting that pedestrians may attempt to scale the spikes and be impaled on them, or when the spikes will encourage pedestrians to scale the bridge fence, increasing the risk of slippage and injury, and, in this context, on what evidence was the decision to install the spikes made?

**VOTING****FOR:** Crs Amon, Bingham, Daley, De Luca, Ferguson, Grattan, McTaggart, Sprott, Walton and White**AGAINST:** Crs Harrison, Heins, Philpott and Regan**CARRIED****11.6 NOTICE OF MOTION NO 32/2018 - SOUTH PALM BEACH BOARDWALK**140/18 **RESOLVED****Cr Amon / Cr Ferguson**

That in view of community concerns expressed regarding the proposed boardwalk at Kiddies Corner, at the Southern end of Palm Beach ("Boardwalk") and the associated loss of parking spaces, Council halt the progression of the construction of the Boardwalk, pending further community consultation and a briefing to Councillors following that consultation.

**VOTING****FOR:** Unanimous**CARRIED**

**11.7 NOTICE OF MOTION NO 33/2018 - ROSEBERRY STREET, BALGOWLAH**

141/18 **RESOLVED**

***Cr Bingham / Cr Grattan***

That:

- A. Council prepares a concept plan to improve pedestrian amenity in Roseberry Street following the outcome of the Traffic Study.
- B. Council undertake a comprehensive traffic study of this area.
- C. Council report on the possibility and traffic impact of joining the north and south sections of Quirk Road, linking Balgowlah Road and Kenneth Road.
- D. Council bring back a report on these matters within six (6) months.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**

142/18 **RESOLVED**

***Cr Regan / Cr Ferguson***

That the order of business be changed so items 14.1, 14.2 and 14.3 be brought forward and dealt with immediately.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 14.0 CONFIDENTIAL MATTERS – CLOSED SESSION

*NOTE 1: At 10:44pm the Open Session of Council was adjourned and at 10:45pm the Closed Session of Council commenced with the press and public excluded in accordance with Section 10A(2)(a) and (c) of the Local Government Act, 1993 to consider:*

**Item: 14.1 Mayoral Minute No 03/2018 – Acting Chief Executive Officer Arrangements**

(a) *Personnel matters concerning particular individuals (other than councillors)*

**Item: 14.2 Notice of Motion No 30/2018 - Pasadena Contingency**

(c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**Item: 14.3 Notice of Rescission No 02/2018 - Item 9.6 Appointment of Directors - Pittwater Environmental Foundation From the Council Meeting Held 17 April 2018**

(a) *Personnel matters concerning particular individuals (other than councillors).*

*NOTE 2: The resolutions made by the Council in Closed Session are made public after the conclusion of the Closed Session and such resolutions are included at 15.0 of the Ordinary Council Meeting Minutes.*

*NOTE 3: The Acting Chief Executive Officer advised the meeting that he has received no written submissions from the public seeking to address the Council on whether the meeting should be closed to consider Items 14.1, 14.2 and 14.3.*

*NOTE 4: The Chairperson invited those in attendance to make verbal representations to the Council on whether the meeting should be closed to consider these three (3) items and there were no verbal addresses.*

### PROCEDURAL MOTION - MOVE INTO CLOSED SESSION OF COUNCIL

143/18 **RESOLVED**

**Cr Regan / Cr Ferguson**

That the Open Session of Council be adjourned and the Closed Session of Council now commence.

#### VOTING

**FOR:** Unanimous

**CARRIED**

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### CLOSED SESSION

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## 15.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

*NOTE: At 10:58pm the meeting resumed into Open Session of Council and the Acting Chief Executive Officer reported that the following resolutions were decided in the Closed Session of Council.*

### 14.1 MAYORAL MINUTE NO 03/2018 - ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS

144/18 RESOLVED

#### ***Cr Regan***

That:

- A. Pursuant to Sections 336 and 351 of the *Local Government Act 1993*, Council appoints the three current General Managers; Mr David Kerr, Ms Helen Lever and Mr Ben Taylor to be the Acting Chief Executive Officer on a monthly rotation as follows:
- a. Mr David Kerr – 15 June 2018 to 15 July 2018 (or until such time as the appointed Chief Executive Officer commences),
  - b. Ms Helen Lever – 16 July 2018 to 12 August 2018 (or until such time as the appointed Chief Executive Officer commences), and
  - c. Mr Ben Taylor – 13 August 2018 to 9 September 2018 (or until such time as the appointed Chief Executive Officer commences).
- B. If the Chief Executive Officer is not appointed or does not commence by 9 September 2018, the monthly rotation of the three (3) General Managers will continue to repeat in the order above.

#### **VOTING**

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

**AGAINST:** Crs Daley and De Luca

**CARRIED**

#### 14.2 NOTICE OF MOTION NO 30/2018 - PASADENA CONTINGENCY

*NOTE 1: Councillor White declared a less than significant non-pecuniary interest in relation to this item.*

*NOTE 2: Councillor Bingham left the chamber at 10:48pm and returned at 10:49pm.*

145/18 **RESOLVED**

**Cr Amon / Cr De Luca**

That:

- A. The resolution and process to acquire the Pasadena site is ongoing.
- B. Staff prepare a list of potential new or existing projects (located in surrounding suburbs) for the funding allocated to the acquisition of the Pasadena site in the case the State Government is prepared to reallocate the funding, should the acquisition not be successful.
- C. Council staff attempt to arrange a meeting with the Minister for Education and Member for Pittwater (or his representative), to discuss the above mentioned list and any contingency plan for the State Government funding tied to the acquisition of the Pasadena site in the event that the site is no longer to be acquired by Council.

#### VOTING

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

**AGAINST:** Crs Grattan and Regan

**CARRIED**

#### 14.3 NOTICE OF RESCISSION NO 02/2018 - ITEM 9.6 APPOINTMENT OF DIRECTORS - PITTWATER ENVIRONMENTAL FOUNDATION FROM THE COUNCIL MEETING HELD 17 APRIL 2018

146/18 **RESOLVED**

**Cr Ferguson / Cr Amon**

That Council's resolution 108/18 relating to Item 9.6 Appointment of Directors - Pittwater Environmental Foundation, passed at the meeting of Council on 17 April 2018 be rescinded.

#### VOTING

**FOR:** Crs Amon, Bingham, Daley, De Luca, Ferguson, Heins, McTaggart, Sprott, Walton and White

**AGAINST:** Crs Grattan, Harrison, Philpott and Regan

**CARRIED**

***The rescission motion was carried and a consequential motion was proposed which became the motion.***

147/18 **RESOLVED**

**Cr Ferguson / Cr Amon**

That:

A. Council appoint the following five (5) community members as Directors of Pittwater Environmental Foundation for a period of 3 years.

- Marita Macrae
- David Poppleton
- Angus Gordon
- Roberta Conroy
- Jo Tulau.

B. Council thank the interim Directors Cathy Griffin and Conny Harris.

**VOTING**

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

**AGAINST:** Crs Harrison and Philpott

**CARRIED**

**11.8 NOTICE OF MOTION NO 34/2018 - CAMPING CAR / VANS MOTION**

*NOTE: Councillor Sprott withdrew this item.*

**11.9 NOTICE OF MOTION NO 35/2018 - PLASTIC GARBAGE BINS**

*NOTE 1: Councillor Amon left the chamber at 11:04pm and returned at 11:05pm.*

*NOTE 2: Councillor De Luca left the chamber at 11:09pm and did not return.*

*NOTE 3: Councillor Daley left the chamber at 11:09pm and did not return.*

148/18 **RESOLVED**

**Cr Sprott / Cr Walton**

That, at the completion of the tender processes for Northern Beaches Council waste collection contracts and its integration with the outcome of the Kimbriki recycling tender process, staff provide a briefing to Councillors on:

- A. The full financial costs, benefits and complete environmental assessment of the replacement of all bins for households on the Northern Beaches.
- B. Other measures to reduce costs in the ongoing management of waste and recycling and further that management provide detailed measures to recycle the replaced plastic bins.

## VOTING

**FOR:** Crs Amon, Bingham, Ferguson, Harrison, McTaggart, Sprott and Walton

**AGAINST:** Crs Grattan, Heins, Philpott, Regan and White

**ABSENT:** Crs Daley and De Luca

**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 05/2018 - MERITON CAR PARKING PROVISION DEE WHY TOWN CENTRE

Submitted by: Councillor Vincent De Luca OAM

In relation to the significant reduction by Council regarding Meriton's failure to provide enough parking for their Developments in the Dee Why Town Centre:

- A. Was a meeting held on 14 June 2016 and the matter of Meriton not supplying the amount of car parking spaces it should have discussed and what was resolved regarding the under supply of car parking for its Developments in the Dee Why Town Centre?
- B. Is it correct that Meriton should have paid a levy/fee of approximately \$15m to Council, but a decision was taken to reduce it by approximately \$4m - what were the exact amounts?
- C. Who made the decision to reduce the money due to Council and what were the reasons to justify such a massive reduction?
- D. Should the decision to reduce the \$15m by \$4m been referred to a full open Council meeting for resolution?
- E. What was the reduction offer from Council made to Meriton by letter dated 5 July 2016 ref number: 2016/218552?
- F. On what date and how much money did Meriton pay for its under supply of car parking for its development/s in the Dee Why Town Centre?



## **12.2 QUESTION ON NOTICE NO 06/2018 - COST OF COUNCIL'S CAR FLEET SINCE AMALGAMATION**

Submitted by: Councillor Vincent De Luca OAM

Since the amalgamation, in relation to Council's Car Fleet:

- A. What is the total amount of money expended by Council in purchasing vehicles for the Car fleet?
- B. What is the total amount of money expended by Council on servicing vehicles in the Car Fleet?
- C. What makes and models of vehicles are currently in Council's Car Fleet?
- D. What is the total amount of money expended by Council to lease vehicles?

## **13.0 RESPONSES TO QUESTIONS ON NOTICE**

### **13.1 RESPONSE TO QUESTION ON NOTICE NO 04/2018 - MONITORING BY SOCIAL MEDIA PAGES AND EMAIL ACCOUNTS**

Submitted by: Councillor Vincent De Luca OAM

#### **QUESTION**

From time to time, certain Councillors have been contacted by senior staff regarding posts on their social media in order to advise on matters regarding the post, or to direct that changes be made to respective posts.

- A. Which Council Staff are responsible (or which staff usually takes on the responsibility or takes it upon themselves) for monitoring Councillors' social media accounts and who do they report to?
- B. Which Council Staff are responsible for monitoring Councillors' email accounts and who do they report to and on what matters do they report regarding Councillor email accounts?

#### **RESPONSE**

- A. There is no one person specifically tasked with monitoring Councillors social media channels. The Community Engagement and Communication teams take an active interest in how Council is being represented across social media channels. This helps Council identify issues or areas in which to engage the community, run information campaigns or directly respond with information. These teams report to the Executive Manager, Community Engagement and Communication.

On the occasions where senior staff have contacted Councillors about their social media posts, it has been done in the interest of ensuring Councillors and the community are provided with relevant and accurate information.

As the majority of staff at Council live in the local government area, staff from across the organisation share posts, comments and publications that they see from localised social media groups that relate to the organisation with the communications team.

- B. Councillor email accounts are not monitored by any Council staff.

*The meeting concluded at 11:10pm.*

This is the final page of the minutes comprising 26 pages  
numbered 1 to 26 of the Ordinary Council Meeting  
held on Tuesday 22 May 2018 and confirmed on Tuesday 26 June 2018

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Mayor

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Acting Chief Executive Officer