



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 26 MARCH 2019

Minutes of an Ordinary Meeting of Council

held on Tuesday 26 March 2019

at the Civic Centre, Dee Why

Commencing at 6:00pm

ATTENDANCE:

Councillors

Michael Regan (Mayor) (*arrived at 6:04pm*)
Sue Heins (Deputy Mayor)
Rory Amon (*arrived at 6:09pm*)
Candy Bingham
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:09pm*)
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer (<i>arrived at 6:04pm</i>)
Mark Jones	Acting General Manager Customer and Corporate
Todd Dickinson	Acting General Manager Environment and Infrastructure
David Kerr	General Manager Planning Place and Community
Louise Kerr	Director Planning and Place
Eskil Julliard	General Counsel
Caroline Foley	Executive Manager Financial Planning and Systems
Natasha Schultz	Executive Manager Waste Management and Cleansing
Kath McKenzie	Executive Manager Community Engagement and Communications
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Steven Lawler	Executive Manager Parks and Recreation
Campbell Pfeiffer	Executive Manager Property
David Walsh	Chief Financial Officer
Anna Moore	Acting Manager Governance
Sherryn McPherson	Coordinator Governance
Ximena Von Oven	Governance Officer
Don Morales	Information Management Technology Officer
Shaun Cleland	Service Delivery Associate

Notes

The meeting commenced at 6:00pm, adjourned at 8:04pm, resumed at 8:14pm and concluded at 9:23pm.

NOTE: In the absence of the Mayor, the Deputy Mayor opened the meeting.

1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Deputy 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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 FEBRUARY 2019

NOTE: The Mayor joined the meeting at 6:04pm and assumed the Chair.

066/19 **RESOLVED**

Cr Ferguson / Cr Bingham

That the Minutes of the Ordinary Council meeting held 26 February 2019, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Crs Amon and Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 10.1 - Financial Assistance for Private Coastal Protection Works at Collaroy – Narrabeen Beach. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“I made representations on behalf of Mr Scott Markich and this residents’ group in relation to issues pertaining to the 2016 storm that occasioned Coastal erosion and residents’ desire to erect sea walls”

4.2 Councillor Walton declared a significant non-pecuniary interest in relation to Item 10.7 - Minor Outstanding Works for Surf Life Saving Clubs. Councillor Walton chose to take no part in the discussion or voting on this item. The reason provided by Councillor Walton was:

“I am a surf life saver and member of Queenscliff SLSC of 14 years and a past Board member of that Club”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Mayor requested that each speaker acknowledge that 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: Councillors Amon and Warren joined the meeting at 6:09pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Judith Brain addressed Council in regard to Little Manly Beach.
- 5.2 David Murray addressed Council in regard to Preserving Council Heritage.

PUBLIC ADDRESS SPEAKERS:

- 5.3 **Item 10.6 – 1st Elanora Heights Scouts Group Hall**
Toby Atkinson addressed Council speaking in support of this item.
- 5.4 **Item 12.3 – Notice of Motion 11/2019 – Dog Water Parks**
Richard Kovacs addressed Council speaking in support of this item.
- 5.5 **Item 12.6 – Notice of Motion 14/2019 – Traffic Light and Pedestrian Crossing Improvements at Regent Street**
Lee Smith addressed Council speaking in support of this item.

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE: Councillor Amon left the chamber at 6:27pm and returned at 6:27pm.

Cr Daley / Cr Amon

That as a matter of urgency Council considers a motion in relation to expenditure on Vissla Sydney Surf Pro.

VOTING

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

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

LOST

6.0 ITEMS RESOLVED BY EXCEPTION

067/19 **RESOLVED**

Cr Harrison / Cr Heins

That items 8.1, 8.2, 9.1, 9.2, 9.3, 9.4, 9.5, 10.1, 10.2, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12 and 11.13 are dealt with by exception with the recommendations of the Chief Executive Officer / General Managers being adopted.

VOTING

FOR: Unanimous

CARRIED

8.1 DRAFT COMMUNITY GRANTS AND PARTNERSHIPS POLICY - FOR PUBLIC EXHIBITION

068/19 **RESOLVED**

Cr Harrison / Cr Heins

That:

- A. The draft Community Grants and Partnerships Policy be placed on exhibition for 28 days and submissions received be reported to Council.
- B. The existing Community, Arts and Cultural Grant Program 2019/20 be expanded to offer multi-year funding of projects (up to three years).

RESOLVED BY EXCEPTION

8.2 MONTHLY INVESTMENT REPORT - FEBRUARY 2019

069/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council receives and notes the Investment Report as at 28 February 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.1 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD IN NOVEMBER AND DECEMBER 2018

070/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council note the draft minutes of the five Strategic Reference Group meetings held during November and December 2018.

RESOLVED BY EXCEPTION

9.2 POLICY REVIEW PROJECT - REVOKING OF POLICIES

071/19 RESOLVED

Cr Harrison / Cr Heins

That Council revoke the following polices:

- A. Car Parking Areas – Free (former Pittwater)
- B. Mediation (former Pittwater)
- C. Mediation (former Warringah)

RESOLVED BY EXCEPTION

9.3 STRATEGIC INTERNAL AUDIT PLAN

072/19 RESOLVED

Cr Harrison / Cr Heins

That Council approve the Strategic Internal Audit Plan, endorsed by the Audit, Risk and Improvement Committee at its meeting on 19 February 2019.

RESOLVED BY EXCEPTION

9.4 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

073/19 RESOLVED

Cr Harrison / Cr Heins

That:

- A. Councillors advise the Chief Executive Officer, in accordance with the Councillor Expenses and Facilities Policy, by 30 April 2019 of their request to attend the National General Assembly of Local Government to be held in Canberra from 16-19 June 2019.
- B. The Mayor or his delegate be the voting delegate for Northern Beaches Council.
- C. If the Mayor delegates his authority to vote a memo will be sent to advise all councillors.
- D. Council note that the Northern Beaches Council has not exercised its right to submit motions to the Australian Local Government Association for the 2019 National General Assembly.

RESOLVED BY EXCEPTION

9.5 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

074/19 RESOLVED

Cr Harrison / Cr Heins

That Council note that payments totalling \$4,428.70 have been allocated by the Northern Beaches Council Discretionary Fund for the period 19 December 2018 to 26 March 2019.

RESOLVED BY EXCEPTION

10.1 FINANCIAL ASSISTANCE FOR PRIVATE COASTAL PROTECTION WORKS AT COLLAROY - NARRABEEN BEACH

075/19 **RESOLVED**

Cr Harrison / Cr Heins

That:

- A. Council provide financial assistance under Section 356 of the Local Government Act (1993) to the owners of properties listed in the attached Properties Eligible for Financial Assistance for Private Coastal Protection Works at Collaroy Narrabeen Beach List up to a total contribution of \$1,730,000 of Council funds (subject to this contribution being matched by the NSW Government);
- B. Financial assistance will be considered for eligible activities described in Table 1, and in accordance with the process for providing financial assistance outlined in this report;
- C. Council delegate authority to the Chief Executive Officer to execute funding agreements and payment of financial assistance to the owners of properties listed in the attached Properties Eligible for Financial Assistance for Private Coastal Protection Works at Collaroy Narrabeen Beach List.
- D. Any financial assistance considered in this report be exempt from the former Warringah Council Grants and Sponsorship Policy.

RESOLVED BY EXCEPTION

10.2 UPDATE ON PUBLIC SPACE PROTECTION PLANS FOR THE MANLY CENTRAL BUSINESS DISTRICT

076/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council allocate:

- A. \$400,000 of working capital within the draft 2019/20 capital works program that will be combined with the grant funding of \$400,000 for the implementation of the Public Space Protection Measures in the Manly CBD.
- B. \$100,000 in the draft 2019/20 budget to develop a Public Space Protection Plan.

RESOLVED BY EXCEPTION

11.2 DRAFT NORTHERN BEACHES DEVELOPMENT CONTRIBUTIONS PLAN 2019 - FOR PUBLIC EXHIBITION

077/19 **RESOLVED**

Cr Harrison / Cr Heins

That:

- A. Council endorse the public exhibition of the *draft Northern Beaches Section 7.12 Contributions Plan 2019* for a period of 28 days in accordance with the requirements of the *Environmental Planning & Assessment Act Regulation 2000*.
- B. The outcomes of the public exhibition be presented to Council following the conclusion of the exhibition period.

RESOLVED BY EXCEPTION

11.3 DRAFT DEE WHY TOWN CENTRE DEVELOPMENT CONTRIBUTION PLAN - FOR PUBLIC EXHIBITION

078/19 **RESOLVED**

Cr Harrison / Cr Heins

That:

- A. Council endorse the public exhibition of the *draft Dee Why Town Centre Development Contributions Plan* for at least 28 days in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.
- B. The outcomes of the public exhibition be presented to Council following the conclusion of the exhibition period.

RESOLVED BY EXCEPTION

11.4 PLANNING PROPOSAL FOR 28 LOCKWOOD AVENUE BELROSE - WITHDRAWAL

079/19 **RESOLVED**

Cr Harrison / Cr Heins

That:

- A. Council advises the Department of Planning and Environment that it wishes to withdraw the Planning Proposal for 28 Lockwood Avenue, Belrose and that it will not be submitting a revised Planning Proposal for the reasons outlined in this report.
- B. Council advises the Proponent of its decision.

RESOLVED BY EXCEPTION

11.5 PARKING FINE CONCESSIONS

080/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council does not opt in to reduce parking fine amounts.

RESOLVED BY EXCEPTION

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

081/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW Report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 42 North Steyne, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.7 FIRE & RESCUE NSW INSPECTION REPORT - 75 THE CORSO, MANLY

082/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 for a BCA Audit and Upgrade Report to be carried out by an Accredited Certifier pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 75 The Corso, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.8 FIRE & RESCUE NSW INSPECTION REPORT - 27 THE CORSO, MANLY

083/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 27 The Corso, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.9 FIRE & RESCUE NSW INSPECTION REPORT - 55 NORTH STEYNE, MANLY

084/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 55 North Steyne, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.10 FIRE & RESCUE NSW INSPECTION REPORT - EAST ESPLANADE, MANLY (MANLY WHARF)

085/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of Manly Wharf Retail Wharves and Jetties, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.11 FIRE & RESCUE NSW INSPECTION REPORT – 69 – 71 THE CORSO, MANLY

086/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW Report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 69-71The Corso, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.12 FIRE & RESCUE NSW INSPECTION REPORT - 29 SYDNEY ROAD, MANLY

087/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 for a BCA Audit and Upgrade Report to be carried out by an Accredited Certifier pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 29 Sydney Road, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

11.13 FIRE & RESCUE NSW INSPECTION REPORT - 1–15 CENTRAL AVENUE, MANLY

088/19 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Give Notice of Intention to issue Fire Safety Order number 1 to adequately address all matters raised in the FRNSW Report pursuant to section 9.34 and Part 2, Schedule 5 of the *Environmental Planning and Assessment Act 1979* to the owners of 1-15 Central Road, Manly.
- B. Provide notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 03/2019 - SUPPORTING COMMUNITY SOLAR UPTAKE

PROCEDURAL MOTION – MOTION BE PUT

089/19 **RESOLVED**

Cr Harrison / Cr Ferguson

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

090/19 **RESOLVED**

Cr Regan / Cr Warren

That:

- A. Council undertake engagement to determine the barriers for our community to accelerate uptake of solar panel installations on residential dwellings.
- B. Council develop an approach on how Council can facilitate removing these barriers linking to the draft Natural Environment and Climate Change Strategy and its targets.
- C. As part of the development of the approach, Council identify an ambitious residential solar panel installations target for residential dwellings.
- D. A report outlining the barriers, the approach and a proposed target for residential solar panel installations be presented back to Council within 4 months.

VOTING

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

AGAINST: Crs Daley and Sprott

CARRIED

7.2 MAYORAL MINUTE NO 04/2019 - FREE COMPOST PROGRAM FOR RESIDENTS

PROCEDURAL MOTION - MOTION BE PUT

091/19 **RESOLVED**

Cr Harrison / Cr Ferguson

That the motion be now put.

VOTING

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

AGAINST: Crs Amon, De Luca and Walton

CARRIED

092/19 **RESOLVED**

Cr Regan

That:

- A. Council allocate \$200,000 from additional funds in its waste program towards a free compost program for residents.
- B. Within that allocation, Council allocate funds towards the purchase of compost bins or worm farms and the engagement of additional temporary staff within Council's waste education team to assist residents with the setup of their compost program.
- C. Council immediately promote and offer Northern Beaches residents a free compost bin or worm farm as part of the new Waste Service.
- D. A report outlining the outcomes of the program be provided to Council within 6 months including the level of the uptake of this offer.

VOTING

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

AGAINST: Crs Daley, Amon, De Luca and Sprott

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

093/19 **RESOLVED**

Cr Regan / Cr De Luca

That the Order of Business be changed so Item 10.6 – 1st Elanora Heights Scouts Group Hall be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

10.6 1ST ELANORA HEIGHTS SCOUTS GROUP HALL

NOTE 1: Councillor Ferguson left the chamber at 7:19pm and returned at 7:20pm.

NOTE 2: Councillor Harrison left the chamber at 7:19pm and returned at 7:19pm.

094/19 **RESOLVED**

Cr Amon / Cr Heins

That:

- A. Council endorse the strategy to repair and upgrade the 1st Elanora Heights Scout Hall using metal frames, and non-timber cladding and internal linings.
- B. Council propose a suitable budget via the 2019/20 budget process to progress the project via a tender process.
- C. In order to provide certainty to the 1st Elanora Heights Scout Group the Chief Executive Officer be delegated authority to do all things necessary to:
 - a. Put in place an appropriate lease or licence with the 1st Elanora Heights Scout Group for the use of the building for their regular scouting activities as well as provision for a suitable amount of exclusive storage space.
 - b. Enable the building to be utilised by other community groups at all other times through Council's usual processes.
 - c. Ensure such agreements commence immediately upon completion of the refurbished building.

VOTING

FOR: Unanimous

CARRIED

9.0 CUSTOMER AND CORPORATE DIVISION REPORTS

9.6 SUSPENSION OF ALCOHOL FREE ZONE AND ALCOHOL PROHIBITED AREA FOR TASTE OF MANLY 2019

NOTE 1: Councillor De Luca left the chamber at 7:27pm and returned at 7:31pm.

NOTE 2: Councillor Warren left the chamber at 7:29pm and returned at 7:31pm.

NOTE 3: Councillor Grattan left the chamber at 7:32pm and returned at 7:33pm.

NOTE 4: Councillor De Luca left the chamber at 7:32pm and returned at 7:34pm.

NOTE 5: Councillor White left the chamber at 7:33pm and returned at 7:33pm.

095/19 RESOLVED

Cr Regan / Cr Bingham

That Council:

- A. Suspend the Alcohol Free Zone and Alcohol Prohibited Area for the Taste of Manly 2019 event from Saturday 25 to Sunday 26 May 2019 for the service and consumption of alcohol within the designated event site from no earlier than 11.30am to no later than 5.00pm each event day.
- B. Provide appropriate notice of the suspension of the Alcohol Free Zone and Alcohol Prohibited Area.
- C. Events Staff continue to liaise with Northern Beaches Local Area Command about the safe management of service of alcohol at the Taste of Manly event.

VOTING

FOR: Unanimous

CARRIED

10.0 ENVIRONMENT AND INFRASTRUCTURE DIVISION REPORTS

10.3 AVALON BEACH RESERVE DOG OFF-LEASH AREA TRIAL

096/19 RESOLVED

Cr Ferguson / Cr Amon

That Council:

- A. Declares a section of Avalon Beach Reserve as an off-leash area under Section 13(6) of the Companion Animals Act (1998) as shown in Attachment 2 (*Avalon Beach Dog Off - Leash Area Concept Plan dated March 2019*).
- B. Implements the infrastructure upgrades at Avalon Beach reserve listed in Table 1 of the report.

VOTING

FOR: Unanimous

CARRIED

10.4 ROWLAND RESERVE - PUBLIC EXHIBITION RESULTS097/19 **RESOLVED*****Cr Ferguson / Cr Amon***

That Council:

- A. Adopt the following proposed fees and charges for parking at Rowland Reserve.
- \$5 per hour off-peak (1 May – 30 Sept)
 - \$22 per 24 hours off-peak (1 May – 30 Sept)
 - \$6 per hour peak (1 Oct – 30 April)
 - \$25 per 24 hours peak (1 Oct – 30 April)
- B. Approve the conversion of a row of existing pay and display parking spaces into free 1P parking spaces at Rowland Reserve.

VOTING**FOR:** Unanimous**CARRIED****10.5 COLLAROY CAR PARK TIME RESTRICTION CHANGES**098/19 **RESOLVED*****Cr Heins / Cr Regan***

That Council:

- A. Approve the implementation of the proposed changes in the off-street parking areas in Collaroy as outlined in the report.
- B. Review the implemented changes after the peak season in summer 2019/2020.
- C. Write to the Minister for Transport requesting an extension of the On-Demand Transport service/s to include the commuter catchment for the Collaroy B-Line stop.
- D. Write to the Minister for Transport requesting an investigation into additional commuter parking options at Collaroy, Narrabeen, and Warriewood to support the ongoing success of the B-Line service and further increase public transport patronage on the Northern Beaches.

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

10.7 MINOR OUTSTANDING WORKS FOR SURF LIFE SAVING CLUBS

NOTE: Councillor Walton left the chamber at 7:44pm having declared a significant non-pecuniary interest in this item.

099/19 **RESOLVED**

Cr Sprott / Cr Bingham

That Council approve the allocation of \$473,000 from the surplus identified in the second quarter Operational Budget review for the delivery of the additional minor Surf Life Saving Club building capital works.

VOTING

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

ABSENT: Cr Walton

CARRIED

11.0 PLANNING PLACE AND COMMUNITY DIVISION REPORTS

11.1 UPDATE - ASSISTANCE TO DROUGHT STRICKEN RURAL AREAS

NOTE 1: Councillor Walton returned to the chamber at 7:45pm.

NOTE 2: Councillor Sprott left the chamber at 7:48pm and returned at 7:49pm.

NOTE 3: Councillor Heins left the chamber at 7:48pm and returned at 7:49pm.

100/19 **RESOLVED**

Cr Daley / Cr Harrison

That Council:

- A. Continue to work with our existing rural Sister City councils Brewarrina and Gunnedah, to identify projects that will have benefits for all councils and communities involved, within current resources.
- B. Identify grant opportunities that might assist in activating proposals which require additional resources.

VOTING

FOR: Unanimous

CARRIED

12.0 NOTICES OF MOTION

12.1 NOTICE OF MOTION NO 09/2019 - SEISMIC OIL AND GAS TESTING AND EXPLORATION OFFSHORE OF THE NORTHERN BEACHES

NOTE: Councillor Sprott left the chamber at 7:53pm.

PROCEDURAL MOTION - MOTION BE PUT

101/19 RESOLVED

Cr Heins / Cr Harrison

That the motion be now put.

VOTING

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

ABSENT Cr Sprott

CARRIED

102/19 RESOLVED

Cr Warren / Cr McTaggart

That:

- A. Council oppose both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- B. Council notes the NSW Government's Minister for Resources, Energy and Utilities, the Hon. Don Harwin MLC, has publically opposed exploration off the NSW coast, asserting that federal approval processes are not robust and do not adequately consider the environment risks of testing.
- C. Council makes a formal submission to the NSW Government that:
 - a. Prohibit the processing and transport of gas produced from wells offshore from the NSW coastline to the NSW mainland.
 - b. Prohibit the construction of infrastructure relating to offshore exploration and mining activities in NSW.
- D. Council makes a formal submission to the Federal Government to request:
 - a. The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11), including any proposal for further seismic testing, be suspended and reviewed based on a full assessment of the environmental impact of both the exploration activity and the potential mining activity associated with this approval.
 - b. That future offshore oil and gas exploration on the NSW Coast from the Northern Beaches in Sydney to Newcastle be prohibited.
 - c. An explanation of the concerns raised by Minister Harwin and the Federal Government's response to these concerns.
- E. Council liaise with the Newcastle, Port Stephens, Lake Macquarie and Central Coast Councils and relevant community environmental groups to communicate this decision and identify opportunities for collaboration on this matter.

VOTING

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

AGAINST: Crs Daley, Amon and Walton

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 8:04pm and resumed at 8:14pm.

103/19 **RESOLVED**

Cr Regan / Cr Grattan

That, in accordance with clause 19.2 of the Code of Meeting Practice, the meeting be adjourned for 10 minutes.

VOTING

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

ABSENT Cr Sprott

CARRIED

12.2 NOTICE OF MOTION NO 10/2019 - SUPPORTING RURAL COMMUNITIES IN DROUGHT

NOTE: Councillor Sprott returned to the chamber at 8:14pm.

104/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council staff brief councillors within 2 months on innovative options to assist our drought stricken rural communities noting that Northern Beaches Council is already trialling alternate water equipment options.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

105/19 **RESOLVED**

Cr Ferguson / Cr Regan

That item 14.1 is dealt with by exception with the recommendation of the General Manager being adopted.

VOTING

FOR: Unanimous

CARRIED

12.3 NOTICE OF MOTION NO 11/2019 - DOG WATER PARKS

107/19 **RESOLVED**

Cr Heins / Cr Philpott

That Council come back with a report within 5 months with options on providing a park with water features for dogs with a range of water supplies from innovative to traditional.

VOTING

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

AGAINST: Crs Grattan, Bingham and Sprott

CARRIED

12.4 NOTICE OF MOTION NO 12/2019 - ECONOMIC AND SOCIAL BENEFITS OF INCREASING SOLAR ELECTRICITY PRODUCTION

108/19 **RESOLVED**

Cr Sprott / Cr Amon

That:

- A. Council conduct a review of its annual expenditure on solar panel installation on Council buildings.
- B. Council undertake financial analysis on increasing expenditure on increased solar panel use in council, its effect in reducing operational expenditure on electricity and modelling on pay back times through reduced operational expenditure.
- C. Councillors be provided with a briefing on the effect of increased capital expenditure on solar panels upon the budget, prior to the finalisation of the 2019/20 budget.
- D. Recognises the good work of the 3 former Councils in implementing solar systems across a number of their buildings prior to amalgamation.
- E. Acknowledges the achievements so far of the new Council with over 340KW of solar systems installed across 34 assets and notes the potential for an additional 245KW in the next 12 -18 months.

VOTING

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

AGAINST: Crs Philpott, Grattan and Harrison

CARRIED

12.5 NOTICE OF MOTION NO 13/2019 - NO RATE RISE

NOTE: Councillor Harrison left the meeting at 8:50pm.

PROCEDURAL MOTION - MOTION BE PUT

109/19 **RESOLVED**

Cr Heins / Cr Regan

That the motion be now put.

VOTING

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

ABSENT: Cr Harrison

CARRIED

Cr Amon / Cr De Luca

That the draft 2019/20 budget to be presented to Council includes:

- A. A .91% reduction of forecast 2019/20 Operating Expenditure.
- B. A rate increase of only 1.79%, not the IPART allowed increase of 2.7%, noting the Consumer Price Index is 1.8%.

VOTING

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

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

ABSENT: Cr Harrison

LOST

12.6 NOTICE OF MOTION NO 14/2019 - TRAFFIC LIGHT AND PEDESTRIAN CROSSING IMPROVEMENTS AT REGENT STREET / FISHER ROAD, DEE WHY

NOTE 1: Councillor Ferguson left the chamber at 9:09pm and returned at 9:10pm.

NOTE 2: Councillor Grattan left the meeting at 9:15pm.

110/19 **RESOLVED**

Cr Walton / Cr Sprott

That Council write to the Chief Executive of Roads and Maritime Services requesting they bring forward improvements to the Regent Street and Fisher Road, Dee Why traffic lights to include expanded pedestrian crossing arrangements for children, parents, the disabled, cyclists and other pedestrians crossing Regent Street.

VOTING

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

ABSENT: Crs Grattan and Harrison

CARRIED

NOTE: The Mayor reported the following resolution of the confidential item resolved by exception earlier in the meeting:

14.1 RFT 2019/014 - BUILDING REFURBISHMENT WORKS AND FIT OUT FOR MANLY COMMUNITY PRESCHOOL & YOUTH CENTRE, KANGAROO STREET MANLY

106/19 **RESOLVED**

Cr Ferguson / Cr Regan

That:

- A. Council accepts the tender of The Trustee for The Adaptive Trust trading as DeSign Interiors for RFT 2019/014 – Building Refurbishment Works and Fit Out for Manly Community Preschool and Youth Centre for the sum of \$1,995,500 excluding GST.
- B. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the Financial Impact section of the confidential Evaluation Report.

RESOLVED BY EXCEPTION

13.0 RESPONSES TO QUESTIONS ON NOTICE

13.1 RESPONSE TO QUESTION ON NOTICE NO 01/2019 - EXPENDITURE OF THE ESPLANADE, MANLY

Submitted by: Councillor Vincent De Luca OAM

QUESTIONS:

Since amalgamation what have been the total costs for the following at East Esplanade, Manly:

- A. Ranger Patrols and salaries:
 - a. day
 - b. night
 - c. after hours Ranger call out.
- B. Landscaping and capital works.
- C. Rubbish collection:
 - a. on staff to collect rubbish
 - b. to dispose of rubbish
- D. Fireworks and other activities.
- E. Gardening/Maintenance staff salaries.

RESPONSES:

- A. The total estimated cost of Ranger patrols and salaries at East Esplanade since amalgamation to 28 February 2019 are as follows:
 - a. \$39,000
 - b. \$173,000
 - c. \$0.
- B. The total estimated cost since amalgamation to 28 February 2019 for Landscaping is \$39,339.68 and Capital Works is \$443,873.85.
- C. Rubbish collection:
 - a. The cleansing schedule has been amended to commence at East Esplanade around 4.15am to pick up litter and dumped rubbish. Further detailed cleansing works around trees, benches and bins occurs generally from 7.00am daily. These works do not incur any additional employee costs.
 - b. The Waste Team has added an additional four hour shift on Saturday, Sunday, Monday and public holidays. Costs for additional shifts for waste collection in the period 14 December 2018 to 28 February 2019 were \$9,262.00. Disposal costs are estimated to be less than \$1,000.00 for this period.

- D. The event management to support the delivery of the free community New Year's Eve Fireworks event which is held annually at Manly, includes an extensive road closure plan that extends from West Esplanade at Commonwealth Parade through to the intersection of Ashburner Street and East Esplanade and includes multiple road closures and detour points along West Promenade, Belgrave Street, Sydney Road and Whistler Street. Throughout this area the is managed by licenced traffic controllers, security personnel and Council staff. The total cost of the 9pm family fireworks at Manly from 2016 -2018 is \$86,000.
- E. The total estimated cost since amalgamation to 28 February 2019 for gardening / maintenance staff salaries is \$43,117.65

13.2 RESPONSE TO QUESTION ON NOTICE NO 02/2019 - MANLY CINEMA

Submitted by: Councillor Candy Bingham

QUESTION

The Manly Twin Cinema at East Esplanade has remained empty since 2013, with no effort by the owner to find a new lessee despite many attempts by local business people to take over the business.

1. Was it a condition of consent for the redevelopment of the site around 1985 (which was previously the Embassy Cinema opened in 1933 and later the remodeled Odeon Cinema in 1960) that a cinema be part of the new development?
2. Is there any action Council can take to assist in the reinstatement of the operation of a Cinema?

ANSWER

1. The site is known as Unit 25, 43-45 East Esplanade, Manly. Consent 1196/84 did not contain any conditions of consent that mandated a cinema as being part of the development. A 400 seat cinema was part of the approval for the construction of a new building, which also included retail floor space, a restaurant, office, residential and basement car parking. Consent 1196/84 contained the following condition.

“Condition 3 The applicant to discuss with Council’s Chief Town Planner the possibility of community uses for the theatre as set out in the applicant’s letter 13 February 1985”

The letter dated 13 February 1985, cannot be located in Council’s records, however the condition does not specify the use must occur. Further, any such condition if placed on the consent could be overcome by a modification of consent, or be superseded by a subsequent Development Application which changed the use of the cinema floor space to another activity.

2. Council cannot require the owner to operate a cinema. The consent is still active and anyone seeking to operate a cinema, could potentially benefit from the 1984 consent.

13.3 RESPONSE TO QUESTION ON NOTICE NO 03/2019 - COST OF NEW ORGANISATIONAL STRUCTURE

Submitted by: Councillor Vincent De Luca OAM

QUESTION

In view of the new Organisational Structure could the costs for the following please be advised:

- A. Expenditure incurred to Derwent Search for the recruitment of new Directors?
- B. Redundancy payments for the existing General Managers who were unsuccessful in gaining positions in the new structure?
- C. Salary costs for each new respective Director (by each Directorate)?
- D. Advertising and any other costs in relation to recruitment for the new Structure?

ANSWER

- A. \$149,000
- B. \$510,540
- C. The total cost, as per clause 217(1)(c) of the *Local Government (General) Regulations 2005* which prescribes the information which is to be included in the annual report, is \$2,000,000. The net cost associated with Council's new Directorates is \$953,678.

The cost for each Director, by Directorate, is provided in item 14.2 of this agenda in accordance with section 10A(2) of the *Local Government Act 1993*.

- D. \$89,008

The meeting concluded at 9:23pm

This is the final page of the minutes comprising 25 pages
numbered 1 to 25 of the Ordinary Council Meeting
held on Tuesday 26 March 2019 and confirmed on Tuesday 16 April 2019

Mayor

Chief Executive Officer