



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 16 APRIL 2019

Minutes of an Ordinary Meeting of Council

held on Tuesday 16 April 2019

at the Civic Centre, Dee Why

Commencing at 6:01pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Sue Heins (Deputy Mayor)
Rory Amon
Candy Bingham
Pat Daley OAM
Vincent De Luca OAM (*arrived at 7:31pm*)
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:16pm*)
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer
David Kerr	Director Community and Belonging
Jeff Smith	Director Corporate and Legal
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Eskil Julliard	General Counsel
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Caroline Foley	Executive Manager Financial Planning and Systems
Jacqueline Grove	Manager, Environment Resilience & Climate Change
Anna Moore	Acting Manager Governance
Sherryn McPherson	Coordinator Governance
Annie Laing	Governance Officer
Sylwia Stafford	Service Delivery Officer
Greg Karageuzian	IT Network Support Officer

Notes

The meeting commenced at 6:01pm, adjourned at 7:50pm, resumed at 8:23pm and concluded at 8:27pm.

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 MARCH 2019

107/19 **RESOLVED**

Cr White / Cr Ferguson

That the Minutes of the Ordinary Council meeting held 26 March 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, Amon, Bingham, McTaggart, Regan, Heins, Ferguson, Walton, Sprott and Harrison

ABSENT: Crs De Luca and Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 8.1 – Funding Assistance under the former Manly Council Friendship Agreement with the District of Oecusse in Timor Leste. Councillor Regan chose to take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“My wife was a former member of the Manly Friends of Oecusse (MFOO).”

4.2 Councillor Grattan declared a pecuniary interest in relation to Item 11.3 Adoption of the Manly to Seaforth Flood Study. Councillor Grattan chose to take no part in the discussion or voting on this item. The reason provided by Councillor Grattan was:

“My property falls within the flood zone identified in the Manly to Seaforth Flood Study noting that it is only a very small corner of my property is affected so of marginal impact.”

4.3 Councillor Amon declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

“Discussions with and lobbied both sides of this issue.”

- 4.4 Councillor Bingham declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

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

- 4.5 Councillor Daley declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Daley chose to take part in the discussion and voting on this item. The reasons provided by Councillor Daley was:

“House (non playing) member of Warringah Golf Club. I live and am joint owner of a house in Hope Avenue which is near Warringah Golf Course.”

and

“I had discussions with members of the Warringah Golf Club regarding Warringah Golf Course in the lead up to the Northern Beaches Local Government Elections”

- 4.6 Councillor Harrison declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Harrison chose to take part in the discussion and voting on this item. The reason provided by Councillor Harrison was:

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

- 4.7 Councillor Regan declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Regan chose to take part in the discussion and voting on this item. The reason provided by Councillor Regan was:

“The person who ran on my ticket from the Curl Curl ward is a member of Warringah Golf Club but is not a committee member.”

- 4.8 Councillor Sprott declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

“I had conversations with members of the Warringah Golf Club.”

- 4.9 Councillor Walton declared a less than significant non-pecuniary interest in relation to Item 13.4 – Warringah Golf Course New Lease and Alternative Procurement for Warringah Recreation Centre Extension of Licence Agreements. Councillor Walton chose to take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

“Lobbied by Warringah Golf Club and now defunct (due to our actions) North Manly Bowling 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: Councillor Warren arrived at the meeting at 6:16pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Michele Robertson addressed Council in regard to dogs and Station Beach.
- 5.2 Anne Knowles addressed Council in regard to two good things that would be beneficial to the Northern Beaches and Manly.

PUBLIC ADDRESS SPEAKERS:

- 5.3 **Item 13.1 – Adoption of WALK - Northern Beaches Walking Plan and Footpath Delivery Schedule**

Warren Moss addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Grattan left the chamber at 6:18pm having declared a pecuniary interest in Item 11.3.

108/19 **RESOLVED**

Cr Ferguson / Cr Grattan

That items 9.1, 10.1, 10.2, 11.2, 11.3, 12.1, 13.1, 13.5 and 19.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Crs Grattan and De Luca

CARRIED

- 9.1 **DRAFT MINUTES OF COMMUNITY SAFETY COMMITTEE MEETING HELD 14 FEBRUARY 2019**

109 /19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the draft Minutes of the Community Safety Committee meeting held on 14 February 2019.

RESOLVED BY EXCEPTION

10.1 DRAFT MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD IN FEBRUARY AND MARCH 2019

110/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the draft minutes of the six Strategic Reference Group meetings held during February and March 2019.

RESOLVED BY EXCEPTION

10.2 DRAFT CODE OF CONDUCT - FOR PUBLIC EXHIBITION

111/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. The Draft Northern Beaches Council Code of Conduct and Procedures be placed on public exhibition for at least 28 days.
- B. A report be brought back to Council at the end of the exhibition period addressing any submissions received.

RESOLVED BY EXCEPTION

11.2 ADOPTION OF THE NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

112/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Adopt the Narrabeen Lagoon Floodplain Risk Management Study and Plan, April 2019.
- B. Proceed with the development of the Narrabeen Lagoon Entrance Management Strategy as a high priority.

RESOLVED BY EXCEPTION

11.3 ADOPTION OF THE MANLY TO SEAFORTH FLOOD STUDY

113/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Adopt the Manly to Seaforth Flood Study, February 2019.
- B. Update Planning Certificates for properties identified in the Manly to Seaforth Flood Study, February 2019 as being subject to flood related development controls.

RESOLVED BY EXCEPTION

12.1 AMENDMENTS TO PITTWATER DEVELOPMENT CONTROL PLAN 2014 IN RELATION TO A RANGE OF ENVIRONMENTAL CONTROLS

114/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Approve draft amendments to Pittwater Development Control Plan 2014 relating to water quality management, on-site detention, and estuarine and coastal risk management assessment shown in Attachment to the report for public exhibition for at least 28 days.
- B. Note that the draft amendment to Pittwater Development Control Plan 2014 will be reported to Council following the public exhibition period.
- C. Delegate authority to the Chief Executive Officer to make any changes prior to the public exhibition of the draft amendments to Pittwater Development Control Plan 2014 as a result of consideration of this report by Council.

RESOLVED BY EXCEPTION

13.1 ADOPTION OF WALK - NORTHERN BEACHES WALKING PLAN AND FOOTPATH DELIVERY SCHEDULE

115/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Adopt WALK – Northern Beaches Walking Plan.
- B. Note the current Footpath Priority Schedule.

RESOLVED BY EXCEPTION

13.5 ALTERNATIVE PROCUREMENT - BUS SHELTER INSTALLATIONS

116/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council exercise its authority under section 55 (3) of the *Local Government Act 1993* and approve an alternative procurement process for the relocation and installation of ten Adshel/Ooh!Media advertising bus shelters. A satisfactory result would not be achieved by inviting tenders based on the following “*extenuating circumstances*”:

- A. The bus shelters are owned, operated and maintained by Adshel/Ooh!Media and as such it is not possible for Council to utilise an open tender procurement process for this work. The shelters are subject to existing separate contracts under former Pittwater and Warringah Councils.

RESOLVED BY EXCEPTION

19.1 RFT 2019/020 - ORGANISATIONAL BOOKING SYSTEM

117/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Accepts the tender of Programus Ltd (Optimo) for RFT 2019/020 Organisational Booking System for the sum of \$450,000 excluding GST, for a period of three years commencing from the date of the award of contract, subject to cost adjustment by CPI for each year thereafter with three x two year options to extend subject to satisfactory performance and at Council's discretion.
- B. Delegates authority 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 confidential evaluation report.
- C. Delegates authority to the Chief Executive Officer to exercise Councils options to extend the contract term.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 06/2019 - FIRE AT SELF-STORAGE FACILITY - CROSS STREET, BROOKVALE

NOTE: This item was withdrawn by the Mayor.

PROCEDURAL MOTION – MAYORAL MINUTES BY EXCEPTION

NOTE: Councillor Amon left the chamber at 8:20pm.

118/19 **RESOLVED**

Cr Regan / Cr White

That the following Mayoral Minutes be resolved by exception with the motions being adopted:

- A. Item 7.2 - Mayoral Minute No 07/2019 - Financial Assistance – Aboriginal Support Group's Commemoration of Sorry Day – 26 May 2019.
- B. Item 19.2 - Mayoral Minute No 08/2019 - Request to NSW State Government – Northern Beaches Open Space/Recreation Needs.

VOTING

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

ABSENT: Cr Amon and De Luca

CARRIED

7.2 MAYORAL MINUTE NO 07/2019 - FINANCIAL ASSISTANCE – ABORIGINAL SUPPORT GROUP'S COMMEMORATION OF SORRY DAY – 26 MAY 2019

119/19 **RESOLVED**

Cr Regan / Cr White

That Council:

- A. Provide funding to the Aboriginal Support Group – Manly Warringah Pittwater totalling \$1,200 towards the free event to be held on 26 May 2019 to commemorate National Sorry Day at Mona Vale Memorial Hall.
- B. Allocate the funding of \$1,200 from the Community Grants and Partnership Program / Events Program.

RESOLVED BY EXCEPTION

19.2 MAYORAL MINUTE NO 08/2019 - REQUEST TO NSW STATE GOVERNMENT – NORTHERN BEACHES OPEN SPACE/RECREATION NEEDS

120/19 **RESOLVED**

Cr Regan / Cr White

That:

- A. Council call on the NSW Government to purchase land within the Northern Beaches Local Government Area for open space/recreational purposes, and for the NSW Government to commit to the relocation of recreational facilities from Aquatic Reserve, Frenchs Forest to the acquired land to enable the delivery of the NSW Government's Frenchs Forest Structure Plan including the relocation of The Forest High School.
- B. The Mayor write to the State Member for Wakehurst, the Hon. Brad Hazzard, MP and call on him to advocate for the NSW Government's purchase of additional land for open space/recreational purposes within the Northern Beaches Local Government Area.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillor Amon returned to the chamber at 8:21pm.

NOTE 2: The Chair ruled that the matter was one of urgency and that the item would be dealt with at the end of the agenda.

121/19 **RESOLVED**

Cr Sprott / Cr Bingham

That as a matter of urgency Council considers a motion in relation to retaining the Freshwater class Manly Ferry.

VOTING

FOR: Crs Daley, Amon, Bingham, McTaggart, Ferguson, Walton and Sprott

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

ABSENT: Cr De Luca

There being an equal number of votes the Mayor used his casting vote for the motion which was declared CARRIED.

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE: The Chair ruled that the matter was one of urgency and that the item would be dealt with at the end of the agenda.

122/19 **RESOLVED**

Cr Sprott / Cr Amon

That as a matter of urgency Council considers a motion in relation to removing trees and back filling at 595 and 597 Warringah Road.

VOTING

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

AGAINST: Crs White, Heins, Regan and Harrison

ABSENT: Cr De Luca

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 FUNDING ASSISTANCE UNDER THE FORMER MANLY COUNCIL FRIENDSHIP AGREEMENT WITH THE DISTRICT OF OECUSSE IN TIMOR LESTE

NOTE: Councillor Regan declared a less than significant non-pecuniary interest in this item.

123/19 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

- A. Note the historical arrangements of the former Manly Council in respect to activities in the District of Oecusse in Timor Leste.
- B. Grant funding totalling \$7,000 under section 356 of the Local Government Act 1993 to Oz Green-Global Rivers Environmental Education Network (Australia) Incorporated for the purpose of delivering a number of community development projects in the District of Oecusse in Timor Leste in 2019.
- C. Seek a report from OzGREEN outlining the projects undertaken by OzGREEN and auspiced non-profit organisations in the District of Oecusse in Timor Leste including a cost analysis and outcomes from the work undertaken.

VOTING

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

AGAINST: Cr Amon

ABSENT: Cr De Luca

CARRIED

8.2 DRAFT DELIVERY PROGRAM 2019-2023, OPERATIONAL PLAN AND BUDGET 2019/20 (INCLUDING FEES AND CHARGES)

Cr Grattan / Cr Ferguson

That:

- A. Council endorses a draft Operational Plan and Budget including the rate rise of 2.7%.
- B. The draft Delivery Program 2019-2023 and Operational Plan 2019/20 be revised prior to exhibition to reflect Council's endorsed position.
- C. The Draft Delivery Program 2019-2023, Operational Plan 2019/20 (including Fees and Charges) as endorsed by Council be placed on exhibition for at least 28 days.

AMENDMENT

Cr Amon / Cr Daley

- A. Council endorses a draft Operational Plan and Budget including no rate rise.
- B. The draft Delivery Program 2019-2023 and Operational Plan 2019/20 be revised prior to exhibition to reflect Council's endorsed position.
- C. The Draft Delivery Program 2019-2023, Operational Plan 2019/20 (including Fees and Charges) as endorsed by Council be placed on exhibition for at least 28 days.

VOTING

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

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

ABSENT: Cr De Luca

The amendment was LOST and Council returned to the substantive motion.

124/19 RESOLVED

Cr Grattan / Cr Ferguson

That:

- A. Council endorses a draft Operational Plan and Budget including the rate rise of 2.7%.
- B. The draft Delivery Program 2019-2023 and Operational Plan 2019/20 be revised prior to exhibition to reflect Council's endorsed position.
- C. The Draft Delivery Program 2019-2023, Operational Plan 2019/20 (including Fees and Charges) as endorsed by Council be placed on exhibition for at least 28 days.

VOTING

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

AGAINST: Crs Daley, Amon, Walton and Sprott

ABSENT: Cr De Luca

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 URBAN NIGHT SKY PLACE - PALM BEACH HEADLAND

125/19 RESOLVED

Cr McTaggart / Cr Ferguson

That Council:

- A. Recognise Palm Beach Headland as a potential Urban Night Sky Place.
- B. Progress the application process using existing staff resources.
- C. Allocate \$50,000 from the Pittwater (SRV) Energy Saving Initiatives & Retrofits Program towards the completion of the necessary public lighting work required for Palm Beach Headland to be designated an Urban Night Sky Place.
- D. Convene a working group which includes National Parks, local businesses, Palm Beach Whale Beach Residents Association and other interested organisations to ensure an early engagement of the issues.

VOTING

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

ABSENT: Cr De Luca

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 MANLY RESIDENTIAL PARKING PERMIT SCHEME REVIEW

126/19 RESOLVED

Cr Bingham / Cr Grattan

That Council:

- A. Conduct a full audit of all off-street (private) car parking spaces in all ten scheme areas to determine eligibility for permits and to work towards compliance with Roads and Maritime Services guidelines.
- B. Commences consultation on a full review of the Manly Residential Parking Permit Scheme to work towards compliance with Roads and Maritime Services guidelines.
- C. Receives a further report within four months on the outcomes of the engagement and directions required to achieve a compliant scheme in each of the scheme areas.

VOTING

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

AGAINST: Cr Sprott

ABSENT: Cr De Luca

CARRIED

13.3 REQUEST FOR LAND OWNER'S CONSENT BROOKVALE OVAL - PROPOSED GRANDSTAND AND CENTRE OF EXCELLENCE

NOTE: During debate the Chief Executive Officer recommended that any further debate in relation this item should be dealt with in closed session due to its confidential nature.

Cr Walton / Cr Regan

That Council approve the provision of land owner's consent for the Manly Warringah Sea Eagles to lodge a development application for the construction of grandstand facilities and a Centre of Excellence at Brookvale Oval.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

127/19 RESOLVED

Cr Amon / Cr Ferguson

That the order of business be changed so Item 13.3 – Request for Land Owner's Consent Brookvale Oval – Proposed Grandstand and Centre of Excellence be moved to the end of the meeting and be dealt with in closed session in accordance with 10A(2)(c) of the *Local Government Act, 1993*.

VOTING

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

ABSENT: Cr De Luca

CARRIED

13.4 WARRINGAH GOLF COURSE NEW LEASE AND ALTERNATIVE PROCUREMENT FOR WARRINGAH RECREATION CENTRE EXTENSION OF LICENCE AGREEMENTS

NOTE: Councillors Amon, Bingham, Daley, Harrison, Regan, Sprott and Walton declared a less than significant non-pecuniary interest in this item.

Cr Regan / Cr Walton

That Council:

- A. Authorises a 20 year lease to Warringah Golf Club Limited ACN 000 085 601 (the Club) for Warringah Golf Course being Lots 1 & 7 DP829465 (part Lots 2742 and 2743 in DP752038) be offered at market rental based on independent valuation advice with market rent reviews every five years and annual CPI rent increases in between the market reviews subject to notification in accordance with the *Local Government Act 1993*.
- B. Authorises the Chief Executive Officer to negotiate the lease terms for the new 20 year golf course lease.
- C. Authorises that should negotiations and notification for the new 20 year golf course lease not be completed prior to the existing agreement termination date 31 August 2019, an extension of the existing lease be offered to Warringah Golf Club for up to 12 months, until such time

as the new 20 year lease is negotiated, notified and ready to commence.

- D. Authorises licences of the Warringah Recreation Centre to tennis operators Voyager Tennis Pty Ltd, squash operators Luik Holdings Pty and futsal operators Northern Beaches Futsal Association Inc for an interim period of one year from 1 September 2019 to 31 August 2020 by extending the existing agreements with those entities.
- E. Resolves pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the licences referred to in D because of extenuating circumstances by reason of the following:
- a. the recent conclusion of the open tender (RFT 2017/208) for a new sport and community facility and long term lease of existing facilities at District Park. North Manly has left the future of the site unknown.
 - b. Council has an immediate and critical need to take the necessary steps to ensure ongoing operations at the Warringah Recreation Centre.
 - c. The short (one-year) term of the licences would limit the utility and competitiveness of a tender process.
 - d. The proposed licensees have the experience, expertise and equipment to satisfy Council's requirements for a one-year term.
 - e. While the future of the site is determined, it is appropriate to extend the existing agreements for a one-year term.
- F. Authorises the Chief Executive Officer to carry out of all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority.

AMENDMENT

Cr Sprott / Cr Amon

That Council:

- A. Authorises a 20 year lease to Warringah Golf Club Limited ACN 000 085 601 (the Club) for Warringah Golf Course being Lots 1 & 7 DP829465 (part Lots 2742 and 2743 in DP752038) be offered at market rental based on independent valuation advice with market rent reviews every five years and annual CPI rent increases in between the market reviews subject to notification in accordance with the *Local Government Act 1993*.
- B. Authorises the Chief Executive Officer to negotiate the lease terms for the new 20 year golf course lease.
- C. Authorises that should negotiations and notification for the new 20 year golf course lease not be completed prior to the existing agreement termination date 31 August 2019, an extension of the existing lease be offered to Warringah Golf Club for up to 12 months, until such time as the new 20 year lease is negotiated, notified and ready to commence.
- D. Authorises licences of the Warringah Recreation Centre to tennis operators Voyager Tennis Pty Ltd, squash operators Luik Holdings Pty and futsal operators Northern Beaches Futsal Association Inc for an interim period of one year from 1 September 2019 to 31 August 2020 by extending the existing agreements with those entities.
- E. Resolves pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the licences referred to in D because of extenuating circumstances by reason of the following:
- a. the recent conclusion of the open tender (RFT 2017/208) for a new sport and

community facility and long term lease of existing facilities at District Park. North Manly has left the future of the site unknown.

- b. Council has an immediate and critical need to take the necessary steps to ensure ongoing operations at the Warringah Recreation Centre.
 - c. The short (one-year) term of the licences would limit the utility and competitiveness of a tender process.
 - d. The proposed licensees have the experience, expertise and equipment to satisfy Council's requirements for a one-year term.
 - e. While the future of the site is determined, it is appropriate to extend the existing agreements for a one-year term.
- F. Authorises the Chief Executive Officer to carry out of all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority.
- G. That Council writes to Warringah Golf Club and its members and apologises for the stress and uncertainty caused by the failed tender process.

VOTING

FOR: Crs Daley, Amon, Walton and Sprott

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

ABSENT: Cr De Luca

The amendment was LOST and Council returned to the substantive motion.

128/19 **RESOLVED**

Cr Regan / Cr Walton

That Council:

- A. Authorises a 20 year lease to Warringah Golf Club Limited ACN 000 085 601 (the Club) for Warringah Golf Course being Lots 1 & 7 DP829465 (part Lots 2742 and 2743 in DP752038) be offered at market rental based on independent valuation advice with market rent reviews every five years and annual CPI rent increases in between the market reviews subject to notification in accordance with the *Local Government Act 1993*.
- B. Authorises the Chief Executive Officer to negotiate the lease terms for the new 20 year golf course lease.
- C. Authorises that should negotiations and notification for the new 20 year golf course lease not be completed prior to the existing agreement termination date 31 August 2019, an extension of the existing lease be offered to Warringah Golf Club for up to 12 months, until such time as the new 20 year lease is negotiated, notified and ready to commence.
- D. Authorises licences of the Warringah Recreation Centre to tennis operators Voyager Tennis Pty Ltd, squash operators Luik Holdings Pty and futsal operators Northern Beaches Futsal Association Inc for an interim period of one year from 1 September 2019 to 31 August 2020 by extending the existing agreements with those entities.
- E. Resolves pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the licences referred to in D because of extenuating circumstances by reason of the following:
 - a. the recent conclusion of the open tender (RFT 2017/208) for a new sport and

community facility and long term lease of existing facilities at District Park. North Manly has left the future of the site unknown.

- b. Council has an immediate and critical need to take the necessary steps to ensure ongoing operations at the Warringah Recreation Centre.
- c. The short (one-year) term of the licences would limit the utility and competitiveness of a tender process.
- d. The proposed licensees have the experience, expertise and equipment to satisfy Council's requirements for a one-year term.
- e. While the future of the site is determined, it is appropriate to extend the existing agreements for a one-year term.

F. Authorises the Chief Executive Officer to carry out of all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority.

VOTING

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

ABSENT: Cr De Luca

CARRIED

15.0 NOTICES OF RESCISSION

15.1 NOTICE OF RESCISSION NO 01/2019 - PARKING FINE CONCESSIONS

Cr Amon / Cr Daley

That Council rescind Resolution 080/19 relating to Item 11.5 Parking Fine Concessions passed at the meeting of Council on 26 March 2019, being:

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

VOTING

FOR: Crs Daley, Philpott, Amon, McTaggart, Ferguson, Walton and Sprott

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

ABSENT: Cr De Luca

There being an equal number of votes the Mayor used his casting vote against the motion which was declared LOST.

16.0 NOTICES OF MOTION

16.1 NOTICE OF MOTION NO 15/2019 - GROSS POLLUTANT TRAPS

129/19 **RESOLVED**

Cr Sprott / Cr Amon

That:

- A. Council note the work being done by staff to investigate what additional stormwater treatment can be done for our coastal outlets.
- B. A report be brought to Council within six months identifying costs and priorities for upgrading stormwater outlets to better treat water before it hits our valuable coastal areas.
- C. Council investigates suitable sources of funding through State and Federal Government Grants.

VOTING

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

ABSENT: Cr De Luca

CARRIED

MATTER OF URGENCY - RETAINING FRESHWATER CLASS MANLY FERRIES

NOTE 1: Councillor Amon left the chamber at 7:17pm and returned at 7:18pm.

NOTE 2: Councillor Ferguson left the chamber at 7:18pm and returned at 7:20pm.

130/19 **RESOLVED**

Cr Sprott / Cr Bingham

That Council writes to the State Government noting Councils position in retaining the iconic Freshwater class Manly Ferries recognising its important tourist value to the local economy and heritage, whilst continuing to service the needs of the community and commuters.

VOTING

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

AGAINST: Cr Harrison

ABSENT: Cr De Luca

CARRIED

MATTER OF URGENCY - REMOVING TREES AND BACK FILLING AT 595 AND 597 WARRINGAH ROAD

NOTE: Councillor De Luca arrived at the meeting at 7:31pm.

131/19 **RESOLVED**

Cr Sprott / Cr Amon

That:

- A. Noting the trees are to be removed just after Easter 2019, Council seeks a urgent meeting with the Minister of Transport and Roads, Andrew Constance and Council also writes to the Minister for Transport and Roads, Andrew Constance, the Greater Sydney Commissioner, Lucy Turnbull, the District North Commissioner, Deborah Dearing and Department of Planning, Commissioner of Open Space and Parklands, Fiona Morrison asking for an immediate halt on the removal of approximately 15 mature trees and back filling at the Roads and Maritime Services site formally known as 595 and 597 Warringah Road.
- B. Council acknowledges the dangerous access to the properties and asks for a report be given as to the alternate uses.
- C. Council acknowledges and writes to the Minister for Transport and Roads, Andrew Constance regarding the substantial loss of open green corridor that was removed by the Roads and Maritime Services for the expansion of Warringah Road and asks that the report investigates the returning of these sites back to the community as open green space, retaining the trees and include a landscape plan to reduce noise and particle matter from Warringah Road reducing the impacts to local residents.

VOTING

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

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

CARRIED

19.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE: Council resolved into closed session at 7:50pm.

132/19 RESOLVED

Cr Regan / Cr Heins

That:

- A. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss Item 13.3 – Request for Land Owner’s Consent Brookvale Oval – Proposed Grandstand and Centre of Excellence on the basis that it involves the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].
- B. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the Minutes of the Council Meeting.

VOTING

FOR: Unanimous

CARRIED

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE: Council resumed in open session at 8:23pm and the Chair reported the following confidential resolutions passed in closed session and resolved by exception.

13.3 REQUEST FOR LAND OWNER'S CONSENT BROOKVALE OVAL - PROPOSED GRANDSTAND AND CENTRE OF EXCELLENCE

133/19 RESOLVED

Cr Amon / Cr Spratt

That:

- A. Council instruct the Chief Executive Officer to negotiate a draft term sheet for the Centre of Excellence Agreement for Lease / Licence for the entirety of Brookvale Park, which includes, but is not limited to the following issues:
- Length of the lease period.
 - The charging of commercial rent.
 - Rental arrangements during and at the end of the lease period.
 - Maintenance of the facility.
 - Condition of the facility.
 - Community usage and shared sporting uses.
 - What exclusive rights the Manly Sea Eagles may or may not be entitled to.

- Sponsorship or naming rights, including Council to have veto rights.
 - Council receiving a fair share of associated revenue.
 - Lease termination provisions.
- B. Council be provided with the following documents before granting land owners' consent:
- a. The concept plans for the Centre of Excellence facility.
 - b. The business case for the Centre of Excellence facility.
 - c. The draft term sheet for the Centre of Excellence Agreement for Lease / Licence.
- C. The Chief Executive Officer be authorised to do all things to have Council grant land owners consent subject to his satisfaction with the matters in "B" above being satisfied.

VOTING

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

AGAINST: Crs Philpott, Regan and Heins

CARRIED

19.1 RFT 2019/020 - ORGANISATIONAL BOOKING SYSTEM

117/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Accepts the tender of Programus Ltd (Optimo) for RFT 2019/020 Organisational Booking System for the sum of \$450,000 excluding GST, for a period of three years commencing from the date of the award of contract, subject to cost adjustment by CPI for each year thereafter with three x two year options to extend subject to satisfactory performance and at Council's discretion.
- B. Delegates authority 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 confidential evaluation report.
- C. Delegates authority to the Chief Executive Officer to exercise Councils options to extend the contract term.

RESOLVED BY EXCEPTION

**19.2 MAYORAL MINUTE NO 08/2019 - REQUEST TO NSW STATE GOVERNMENT –
NORTHERN BEACHES OPEN SPACE/RECREATION NEEDS**

120/19 RESOLVED

Cr Regan / Cr White

That:

- A. Council call on the NSW Government to purchase land within the Northern Beaches Local Government Area for open space/recreational purposes, and for the NSW Government to commit to the relocation of recreational facilities from Aquatic Reserve, Frenchs Forest to the acquired land to enable the delivery of the NSW Government's Frenchs Forest Structure Plan including the relocation of The Forest High School.
- B. The Mayor write to the State Member for Wakehurst, the Hon. Brad Hazzard, MP and call on him to advocate for the NSW Government's purchase of additional land for open space/recreational purposes within the Northern Beaches Local Government Area.

RESOLVED BY EXCEPTION

The meeting concluded at 8:27pm

This is the final page of the minutes comprising 22 pages
numbered 1 to 22 of the Ordinary Council Meeting
held on Tuesday 16 April 2019 and confirmed on Tuesday 28 May 2019



Mayor



Chief Executive Officer