



northern  
beaches  
council

# MINUTES

## **EXTRAORDINARY COUNCIL MEETING**

held at the Civic Centre, Dee Why on

**WEDNESDAY 1 AUGUST 2018**

**Minutes of an Extraordinary Meeting of Council  
held on Wednesday 1 August 2018  
at the Civic Centre, Dee Why  
Commencing at 6:02pm**

**ATTENDANCE:**

**Councillors**

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

**Officers**

Helen Lever	Acting Chief Executive Officer
Ben Taylor	General Manager Environment and Infrastructure
David Kerr	General Manager Planning Place and Community
Eskil Julliard	Acting General Manager Customer and Corporate
Tracey Bennett	Manager Governance
Sherryn McPherson	Coordinator Governance
Jasmine Evans	Governance Officer
Don Morales	Information Management Technology Officer

**Notes**

The meeting commenced at 6:02pm, moved into closed session at 6:24pm, resumed in open session at 8:19pm and concluded at 8:24pm.

## 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

### 2.1 APOLOGIES

203/18 RESOLVED

**Cr Ferguson / Cr Heins**

That apologies be received from Councillors De Luca, Harrison and Warren.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## 3.0 DISCLOSURES OF INTEREST

3.1 Councillor White declared a less than significant non-pecuniary interest in relation to Item 5.2 – Notice of Rescission No 03/2018 – Acquisition of the Pasadena at Church Point. Councillor White chose to remain in the meeting and participate in the voting and discussion on this Item. The reason provided by Councillor White was:

*“I overlook the site (I live more than 400m away). I do not park in Church Point”.*

3.2 Councillor Amon declared a less than significant non-pecuniary interest in relation to Item 5.2 – Notice of Rescission No 03/2018 – Acquisition of the Pasadena at Church Point. Councillor Amon chose to remain in the meeting and participate in the voting and discussion on this Item. The reason provided by Councillor Amon was:

*“I have had many conversations with many interested parties and have publicly voiced a position on this issue”.*

## 4.0 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.*

### 4.1 Item 5.1 – Notice of Motion No 48/2018 – 62 Hillside Road, Newport

Angus Gordon and Marita Macrae (on behalf of Pittwater Natural Heritage Association) addressed Council speaking in support of this Item.

### 4.2 Item 5.2 – Notice of Rescission No 03/2018 – Acquisition of the Pasadena at Church Point

Chris Drummer and Michael Wiener addressed Council speaking against this Item.

## 5.0 CONFIDENTIAL MATTERS – CLOSED SESSION

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

*NOTE: At 6:24pm the open session of Council was adjourned and Council resolved into closed session in accordance with the requirements of Section 10A(2) of the Local Government Act, 1993 with the public and press excluded to address the following Items:*

- a. **Item 5.1 – Notice of Motion No 48/2018 - 62 Hillside Road, Newport** on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act, 1993].
- b. **Item 5.2 – Notice of Rescission No 03/2018 - Acquisition of the Pasadena at Church Point** on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act, 1993]; and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege [10A(2)(g) Local Government Act, 1993].

204/18 **RESOLVED**

**Cr Bingham / Cr Ferguson**

That the open session of Council be adjourned and the closed session of Council now commence with the public and press excluded to consider Items 5.1 and 5.2.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 6.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

*NOTE: At 8:19pm the meeting resumed into the open session of Council and the Acting Chief Executive Officer reported that the following resolutions were decided in the closed session of Council.*

### 5.1 NOTICE OF MOTION NO 48/2018 - 62 HILLSIDE ROAD, NEWPORT

205/18 **RESOLVED**

**Cr McTaggart / Cr Amon**

That:

- A. Council note the community's strong desire to put into public ownership the environmentally sensitive land known as 62 and 85 Hillside Road, Newport.
- B. Council accepts the petition organised by the Pittwater Natural Heritage Association to save this land containing over 2241 signatures as tabled at the meeting.
- C. Council write to state and federal members requesting funding to assist with the purchase of the subject lands.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 5.2 NOTICE OF RESCISSION NO 03/2018 - ACQUISITION OF THE PASADENA AT CHURCH POINT

*NOTE 1: David Kerr, General Manager Planning, Place and Community, left the chamber at 6:47pm in accordance with the agreed probity arrangements for this matter.*

*NOTE 2: Councillors Amon and White declared a less than significant non-pecuniary interest in this Item.*

*NOTE 3: Councillor Heins left the chamber at 7:19pm and returned at 7:20pm.*

*NOTE 4: Councillor Daley left the chamber at 7:21pm and returned at 7:23pm.*

*NOTE 5: Councillor Daley left the chamber at 7:30pm and returned at 7:35pm.*

*NOTE 6: Councillor Ferguson left the chamber at 7:36pm and returned at 7:37pm.*

*NOTE 7: Councillor Sprott left the chamber at 7:40pm and returned at 7:43pm.*

*NOTE 8: Councillor Bingham left the chamber at 7:42pm and returned at 7:43pm.*

*NOTE 9: Councillor Regan left the chamber at 8:00pm and Councillor Bingham assumed the Chair.*

*NOTE 10: Councillor Regan returned to the meeting and resumed the Chair 8:02pm.*

206/18 **RESOLVED**

**Cr Amon / Cr McTaggart**

That Council's Resolution 172/17 relating to Item 4.2 – Administrator Minute No. 13/2017 – Acquisition of the Pasadena at Church Point passed at the meeting of Council on 8 August 2017 be rescinded.

**VOTING**

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

**AGAINST:** Cr White

**CARRIED**

**CONSEQUENTIAL MOTION**

207/18 **RESOLVED**

**Cr Amon / Cr McTaggart**

That:

- A. Council ensure continued monitoring and enforcement of parking restrictions in the Bayview-Church Point area, including the use of parking officers at night, to the extent that can be accommodated within existing operational budgets.
- B. Council review and install signage in the Church Point area (as deemed appropriate by staff) to ensure appropriate signage exists to assist community understanding regarding parking restrictions in the Church Point area, including alternative areas to park and alternatives to driving to Church Point, which is to be funded from existing operational budgets.
- C. Council notes the recent addition of the 156 bus service from McCarrs Creek to Mona Vale, stopping near the Pasadena site, which operates approximately every half hour from 6am to midnight, Monday to Sunday, with an end to end trip taking approximately 15 minutes.
- D. Council negotiate with the owner of the Pasadena site and make a commercial offer for the purchase of the Pasadena site, and should this offer be accepted, the Council authorises the carrying out of all things necessary to give effect to this resolution including the execution of any required documentation under power of attorney.
- E. The offer referred to in D include a condition that the owner seek to assign any lease of the adjoining crown land to Council.
- F. Staff advise Council of the negotiation outcomes.
- G. If the offer referred to at D is not accepted, Council notes that the acquisition of the Pasadena site will not proceed and Council write to Minister Stokes MP seeking that the funding allocated to the acquisition be reallocated to the other 10 projects allocated funding in the Stronger Communities Fund, as referred to in Item 6.4 of the 24 October 2017 Council meeting.
- H. If the offer referred to at D is accepted, Council develop a Masterplan for the Pasadena site and adjacent land to ensure maximum public benefit into the future.
- I. Council write to the relevant minister and seek an extension for the tied grant irrespective of the outcome.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION – RESUME OPEN SESSION**

*NOTE: David Kerr, General Manager Planning, Place and Community, returned to the chamber at 8:22pm.*

208/18 **RESOLVED**

**Cr Regan / Cr Ferguson**

That Council resume into open session.

**VOTING**

**FOR:** Unanimous

**CARRIED**

*The meeting concluded at 8:24pm*

This is the final page of the minutes comprising 7 pages  
numbered 1 to 7 of the Extraordinary Council Meeting  
held on Wednesday 1 August 2018 and confirmed on Tuesday 28 August 2018

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Mayor

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Acting Chief Executive Officer