



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 NOVEMBER 2020

Minutes of an Ordinary Council Meeting
held on Tuesday 24 November 2020
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

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

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Kath McKenzie	Executive Manager Community Engagement and Communications
Caroline Foley	Executive Manager Financial Planning and Systems
Steve Lawler	Executive Manager Parks and Recreation
Eva Havenstein	Executive Manager Capital Projects
Lesley Milbourne	Acting Manager Governance
Jasmine Evans	Governance Officer
Ximena Von Oven	Governance Officer
Don Morales	Information Management Technology Officer
Chris Netting	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:14pm, resumed at 8:24pm, moved into closed session at 10:24pm, resumed in open session at 11:06pm and concluded at 11:11pm.

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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

PROCEDURAL MOTION - MOTION OF URGENCY

301/20 **RESOLVED**

Cr Philpott / Cr Amon

That:

1. As a matter of urgency Council considers a motion in relation to the recent court decision related to the Station Beach Dog off leash trial.
2. Given the nature of questions proposed to be asked of staff when considering this motion, that it be dealt with in confidential session under Section 10A(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 OCTOBER 2020

302/20 **RESOLVED**

Cr Ferguson / Cr Heins

That the Minutes of the Ordinary Council Meeting held 27 October 2020, 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 DISCLOSURES OF INTEREST

- Councillor Sprott declared a significant non-pecuniary interest in relation to item 7.1 - Mayoral Minute No 13/2020 – Extension of Fee Waivers under COVID-19 Business Support Package. Councillor Sprott chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Sprott was:

“My partner owns a café and the café has outdoor dining.”

- Councillor White declared not significant non-pecuniary interest in relation to item 11.1 – Commercial Feasibility of the Provision of Water and Wastewater Services for Scotland Island. Councillor White chose to remain in the meeting. The reason provided by Councillor White was:

“The report is about the possible provision of waste water services on Scotland Island. I am a resident of Scotland Island.”

- Councillor Regan declared a not significant non-pecuniary interest in relation to item 13.3 – Sport and Recreation Infrastructure Grants Program 2020/2021. Councillor Regan chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Regan was:

“I am a patron of Long Reef Golf Club and I am a patron of Tennis Northern Beaches.”

- Councillor Walton declared a significant non-pecuniary interest in relation to item 15.1 – Notice of Motion No 52/2020 - Reclaiming Surplus Land Creating Open Space for the Community. Councillor Walton chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Walton was:

“I’m employed by Transport and dealing issues around land purchases at the moment.”

- Councillor Walton declared a not significant non-pecuniary interest in relation to item 18.2 – Update on Land Acquisition. Councillor Walton chose to remain in the meeting for the discussion or voting on this item. The reason provided by Councillor Walton was:

“I’ve already claimed a conflict of interest in relation to Dr McGahey being a member of the Wakehurst Liberal conference.”

- Councillor Amon declared a not significant non-pecuniary interest in relation to item 18.1 Response to Notice of Motion 50/2020 – Potential Property Acquisition. Councillor Amon chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Amon was:

“The number two candidate on my 2017 Council ticket is a leader of the campaign in relation to this matter.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: 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.

5.1 PUBLIC FORUM

- Sasha Grebe addressed Council in relation to emissions reduction.
- Margaret Hogge addressed Council in relation to protecting the bus transport system by calling NSW Government to mandate face-masks on public transport.
- Bruce Kitson addressed Council in relation to an independent investigation into Whistler Street, Manly Oval and associated issues.
- David Parsons addressed Council in relation to Whistler Street carpark.
- Miranda Korzy addressed Council in relation to the Ingleside escarpment.

5.2 PUBLIC ADDRESS

- **Item 7.9 – Mayoral Minute 21/2020 – Acknowledgement of Funding for Wakehurst Parkway Flood Mitigation**

Miranda Korzy addressed Council speaking against this item.

- **Item 9.1 – Monthly Investment Report – October 2020**

Gregory Hogan addressed Council speaking against this item.

- **Item 11.1 – Commercial Feasibility of the Provision of Water and Wastewater Services for Scotland Island**

Colin Haskell and Bill Gye addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

303/20 **RESOLVED**

Cr Heins / Cr Grattan

That items 8.4, 9.1, 9.3, 10.1, 10.2, 11.1, 12.2, 13.1, 14.1, 18.2, 18.3, 18.5 and 18.7 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

8.4 RESPONSE TO NOTICE OF MOTION 47/2020 - TWILIGHT ACTIVITY OPTIONS IN MANLY

304/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council reallocate \$6,000 in funding from the World Food Markets, Manly to support a summer activation on the Corso including family friendly entertainment.
2. Delegation of authority be granted to the CEO to authorise the temporary suspension of the Alcohol Free Zones (AFZ) in Manly CBD and other areas as required, to streamline approvals for outdoor dining and activations, subject to the liquor licenses being approved by the Office of Liquor & Gaming.
3. In accordance with section 645(i) of the Local Government Act 1993, Council will provide appropriate notice of the suspension of the Alcohol Free Zone through Council's communications via the website and newsletter.

RESOLVED BY EXCEPTION

9.1 MONTHLY INVESTMENT REPORT - OCTOBER 2020

305/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council receives and notes the Investment Report as at 31 October 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE ENTERPRISE RISK MANAGEMENT POLICY

306/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Notes the outcome of the public exhibition of the draft Enterprise Risk Management Policy.
2. Adopts the Enterprise Risk Management Policy.

RESOLVED BY EXCEPTION

10.1 COMMUNITY HIRE OF MANLY TOWN HALL MEETING ROOMS (RESPONSE TO NOTICE OF MOTION 16/2019)

307/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council extend the review of the community usage of the Manly Town Hall meeting rooms for a further twelve months, to be reported back to Council in November 2021.

RESOLVED BY EXCEPTION

10.2 MONA VALE PERFORMANCE SPACE - STRONGER COMMUNITIES FUNDING

308/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council endorse the payment of \$2,377,512 (being all remaining funds held in reserve) to the NSW Department of Education, School Infrastructure Division to facilitate the delivery of a performance space in the grounds of the Mona Vale Public School subject to:
 - A. A funding agreement being entered into by the Department of Education, that includes appropriate supervision of progress by Council and milestones to be met by Schools Infrastructure, including endorsement of the final design prior to any tender process.
 - B. A community use and access agreement being entered into by Council and the Department of Education, that provides for out of school hours and school holiday access to community hirers.
2. Council not progress with the establishment of a Charitable Trust for the Mona Vale Performance Space.

RESOLVED BY EXCEPTION

11.1 COMMERCIAL FEASIBILITY OF THE PROVISION OF WATER AND WASTEWATER SERVICES FOR SCOTLAND ISLAND

309/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Endorse outcomes of the Scotland Island Water and Wastewater investigations and associated reports.
2. Writes to the Hon Rob Stokes, MP, Minister for Planning and Member for Pittwater, the Hon Melinda Pavey, MP, Minister for Water, Property and Housing, and Roch Cheroux, Managing Director, Sydney Water, providing copies of reports and requesting the Scotland Island water and wastewater project be programmed for implementation.

RESOLVED BY EXCEPTION

**12.2 PLANNING PROPOSAL - 4 BELLARA AVENUE, NORTH NARRABEEN
(PEX2020/0007)**

310/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Endorse the Planning Proposal, lodged for 4 Bellara Ave, North Narrabeen, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
2. Request the applicant prepare and provide a preliminary contamination report prior to formal statutory exhibition.

RESOLVED BY EXCEPTION

**13.1 OUTCOME OF PUBLIC EXHIBITION OF PROPOSED NAMING OF SOUTH CURL
CURL BOARDWALK AFTER HARRY ELLIFFE**

311/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council resolves to name the South Curl Curl boardwalk 'Harry Elliffe Way' in recognition of Harry Elliffe's community contributions.

RESOLVED BY EXCEPTION

**14.1 STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND -
QUARTERLY REPORT SEPTEMBER 2020**

312/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council notes the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending September 2020.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 13/2020 - EXTENSION OF FEE WAIVERS UNDER COVID-19 BUSINESS SUPPORT PACKAGE

NOTE: Councillor Sprott left the chamber at 6:49pm.

313/20 **RESOLVED**

Cr Regan

That Council extends its business support package until 31 March 2021 for the waiving of:

1. Fees for outdoor dining and footpath merchandise.
2. Fees on food and other health on premises and fire safety fees.

VOTING

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

ABSENT: Cr Sprott

CARRIED

7.2 MAYORAL MINUTE NO 14/2020 - NSW YOUTH WORK AWARDS

314/20 **RESOLVED**

Cr Regan

That Justin Burke and Samantha King be congratulated for being inducted into the NSW Youth Workers Hall of Fame and thanked for their ongoing hard work and dedication to the young people and community of the Northern Beaches.

VOTING

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

ABSENT: Cr Sprott

CARRIED

7.3 MAYORAL MINUTE NO 15/2020 - RECOGNITION OF THE KEEP AUSTRALIA BEAUTIFUL 2020 SUSTAINABLE CITIES AWARD

NOTE: Councillor Sprott returned to the chamber at 6:51pm.

315/20 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge and congratulate all staff involved in the programs recently recognised at the 2020 Keep Australia Beautiful Awards.
2. Write to Seaforth Primary School and Northern Beaches Secondary College, Cromer Campus to acknowledge their commitment to our environment and their success at the 2020 Keep Australia Beautiful Awards.

VOTING

FOR: Unanimous

CARRIED

7.4 MAYORAL MINUTE NO 16/2020 - RECOGNITION OF ACHIEVEMENTS BY NORTHERN BEACHES COUNCIL AT THE GREATER SYDNEY COMMISSION'S AWARD

316/20 **RESOLVED**

Cr Regan

That Council:

1. Formally acknowledge the outstanding achievement in being awarded the Greater Sydney Commission's Planning Awards 'Community Collaboration' Award for our Local Strategic Planning Statement, Towards 2040 and our Arts and Creativity Strategy, Connected through Creativity 2029.
2. Congratulate all council staff within the Strategic Place & Planning, Arts & Culture, Community Engagement, Communications and Graphic Design and Production teams.

VOTING

FOR: Unanimous

CARRIED

7.5 MAYORAL MINUTE NO 17/2020 - RECOGNITION OF ACHIEVEMENTS BY GUNNEDAH SHIRE COUNCIL AND OUR NORTHERN BEACHES SUICIDE RESPONSE PROJECT AT THE 2020 NSW RESILIENT AUSTRALIA AWARDS

317/20 **RESOLVED**

Cr Regan

That Council:

1. Congratulate staff on receiving a Highly Commended Award under the Local Government category of the NSW Resilient Australia Awards and NSW Get Ready Community Awards.
2. Write to Mayor Jamie Chaffey of Gunnedah Shire Council for winning the winning the Award for their Community Resilience Program.

VOTING

FOR: Unanimous

CARRIED

7.6 MAYORAL MINUTE NO 18/2020 - RECOGNITION OF ACHIEVEMENT BY CHILDREN'S SERVICES

318/20 **RESOLVED**

Cr Regan

That Council:

1. Formally acknowledge the outstanding achievement in receiving an 'Excellence' rating from the National Quality Framework for services provided at the Belrose Children's Centre.
2. Acknowledge the efforts of staff at the Belrose Children's Centre and all staff in our Children's Services at our Long Day Care Centres and Pre-schools and thank them for their part in this achievement.

VOTING

FOR: Unanimous

CARRIED

7.7 MAYORAL MINUTE NO 19/2020 - RECOGNITION OF OUR LOCAL WOMEN'S AFL AND FOOTBALL PREMIER DIVISION TEAMS ON THEIR RECENT PREMIERSHIP VICTORIES

319/20 **RESOLVED**

Cr Regan

That:

1. Council write to both the Manly Warringah Australian Football Club and the Manly United Football Club congratulating them on the success of their Women's Premier Division teams in the 2020 season.
2. Councillors Bingham, De Luca, Walton, McTaggart, Ferguson, Amon and Sprott nominate to contribute as part of a working party and staff commence development of a Civic Events Policy and Guidelines.

VOTING

FOR: Unanimous

CARRIED

7.8 MAYORAL MINUTE NO 20/2020 - PROPOSAL FOR IMPROVED CUSTOMER SERVICE TO OUR LOCAL BUSINESSES

320/20 **RESOLVED**

Cr Regan

That Council, as part of the Service Review Framework, investigates the delivery of a case management or 'concierge style' service for customers which includes:

1. The benefits and challenges of providing this style of service to local businesses.
2. The costs and any savings opportunities.
3. Any other relevant factors including the impacts on other service areas of Council.

VOTING

FOR: Unanimous

CARRIED

7.9 MAYORAL MINUTE NO 21/2020 - ACKNOWLEDGEMENT OF FUNDING FOR WAKEHURST PARKWAY FLOOD MITIGATION

321/20 **RESOLVED**

Cr Regan

That Council writes:

1. To the Minister for Transport, the Hon. Andrew Constance, MP and thank the NSW Government for the funding for flood mitigation works on the Wakehurst Parkway.
2. To our local State Members, the Hon. Rob Stokes, MP for Pittwater and the Hon. Brad Hazzard, MP for Wakehurst and Mr Jonathan O'Dea, MP for Davidson, thanking them for their advocacy and strong support in securing the additional funding.

VOTING

FOR: Unanimous

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 PUBLIC EXHIBITION OF THE DRAFT DESTINATION NORTHERN BEACHES: CREATING A SUSTAINABLE VISITOR ECONOMY AND DESTINATION COVID RECOVERY PLAN

322/20 **RESOLVED**

Cr Walton / Cr Regan

That Council:

1. Place the draft Destination Northern Beaches: Creating a sustainable visitor economy and the Destination COVID Recovery Plan on public exhibition for a minimum of 28 days.
2. Report the outcomes of the public exhibition of the draft Destination Northern Beaches: Creating a sustainable visitor economy and the Destination COVID Recovery Plan to the Council Meeting in March 2021.

VOTING

FOR: Unanimous

CARRIED

8.2 PUBLIC EXHIBITION OF THE DRAFT COUNCILLOR USE OF SOCIAL MEDIA POLICY

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

NOTE 2: Councillors Ferguson and Heins left the chamber at 7:37pm and returned at 7:38pm.

323/20 RESOLVED

Cr Bingham / Cr Philpott

That:

1. Council place on public exhibition the draft Councillor Use of Social Media Policy for a period of at least 28 days
2. The outcomes of the public exhibition of the draft Councillor Use of Social Media Policy be reported to Council.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Daley, Cr Amon, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Walton and Cr Sprott

CARRIED

AMENDMENT

Cr De Luca / Cr Amon

That this Council:

1. Note the definitions below and where the words 'offensive' or 'humiliate' appear, delete them:
 - Offensive "causing someone to feel resentful upset or annoyed";
 - Humiliating "injuring someone's pride or making them feel ashamed"
2. The Policy is repetitious of the mandatory Code of Conduct and thus, should the policy be adopted, it not be permissible to be used for vexatious complaints, politically motivated complaints or for the purpose of Code of Conduct complaints.

VOTING

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

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

LOST

8.3 CALL FOR VOLUNTEERS - COVID SAFETY AMBASSADORS

324/20 RESOLVED

Cr Heins / Cr Grattan

That Council:

1. Commences a volunteer program for COVID ambassadors, to assist the community with the implementation of the COVID Summer Action Plan.
2. Thank the volunteers who registered an expression of interest and accept other community volunteers who may consider participating in the COVID ambassadors program.

VOTING

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

AGAINST: Cr Amon, Cr De Luca and Cr Walton

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

325/20 RESOLVED

Cr Ferguson / Cr Bingham

That in accordance with clause 19.1 of the Code of Meeting Practice the meeting be adjourned for 10 minutes.

VOTING

FOR: Unanimous

CARRIED

8.5 OUTCOME OF PUBLIC EXHIBITION OF THE COVID SUMMER ACTION PLAN

326/20 RESOLVED

Cr Amon / Cr Regan

That Council note the outcome of the public exhibition of the COVID Summer Action Plan.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 SEPTEMBER 2020 QUARTER REVIEW

327/20 RESOLVED

Cr Grattan / Cr Walton

That Council:

1. Notes the Budget Review Statement for the three months ended 30 September 2020.
2. Approve the following changes to the Current Forecast in the September 2020 Budget Review Statement:
 - A. A decrease in the forecast surplus from Continuing Operations which includes Capital Grants and Contributions of \$3.568 million to \$27.348 million
 - B. An increase in capital expenditure by \$7.492 million to \$122.083 million
3. Note the Quarterly Report on Service Performance for the period ending 30 September 2020.

VOTING

FOR: Unanimous

CARRIED

9.4 REVOCATION OF VARIOUS POLICIES

328/20 RESOLVED

Cr Regan / Cr Ferguson

That this item to be deferred to a special interest Councillor briefing and report to be brought back to the December Council meeting.

VOTING

FOR: Unanimous

CARRIED

9.5 RESPONSE TO NOTICE OF MOTION 48/2020 - REMOTE ATTENDANCE AT COUNCIL MEETINGS

329/20 RESOLVED

Cr Warren / Cr Heins

That Council note this information.

VOTING

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

AGAINST: Cr De Luca, Cr Ferguson and Cr Spratt

CARRIED

9.6 CHRISTMAS AND NEW YEAR RECESS 2020-21 - OPERATING HOURS AND COUNCIL DELEGATED AUTHORITY

NOTE: Councillor Heins left the chamber at 8:45pm and returned at 8:46pm.

330/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council, pursuant and subject to the limitations of section 377 of the Local Government Act 1993, grant authority to the Mayor to make provision for decisions to be made on critical or urgent Council matters during the 2020-21 Christmas and New Year recess being 16 December 2020 to 31 January 2021 inclusive.
2. A report be provided to the 23 February 2021 Council meeting outlining how the delegated authority was exercised.
3. Council approve the operating hours outlined in the table below:

Administration buildings and customer service centres	
Wednesday 23 December	8.30am – 12pm (normal operations to close from midday)
Thursday 24 December	Closed (staff concessional leave day)
Friday 25 December (Public holiday)	Closed
Monday 28 December (Public holiday)	Closed
Tuesday 29 December – Thursday 31 December	Normal operating hours
Friday 1 January (Public holiday)	Closed
Monday 4 January	Normal operating hours resume
Aquatic Centres (Warringah and Manly Andrew Boy Charlton)	
Thursday 24 December	5.30am – 6pm
Friday 25 December (Public holiday)	Closed
Saturday 26 – Sunday 27 December	Warringah: 7am – 6pm Manly: 6am – 6pm
Monday 28 December (Public holiday)	Warringah: 7am – 6pm Manly: 6am – 6pm
Tuesday 29 December – Wednesday 30 December	5.30am – 9pm
Thursday 31 December	5.30am – 6pm
Friday 1 January (Public holiday)	Warringah: 7am – 6pm Manly: 6am – 6pm
Saturday 2 January	Normal operating hours resume
Library Services	

Wednesday 23 December	9am – 12.30pm
Thursday 24 December	Closed
Friday 25 December (Public holiday)	Closed
Saturday 26 – Sunday 27 December	Closed
Monday 28 December (Public holiday)	Closed
Tuesday 29 December – Wednesday 30 December	9am – 5pm: Manly, Mona Vale, Dee Why Closed: Forestville, Glen Street, Warringah Mall
Thursday 31 December	9am – 12.30pm: Manly, Mona Vale, Dee Why Closed: Forestville, Glen Street, Warringah Mall
Friday 1 January (Public holiday)	Closed
Saturday 2 – Sunday 3 January	Closed
Monday 4 January	Normal operating hours resume
Other services	
All long day care operations	Closed 22 December 2020 to 6 January 2021 inclusive.
Kangaroo Street Pre-school	Closed 19 December to 26 January inclusive
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am – 4pm. Closed: Mondays and Public Holidays

VOTING

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

AGAINST: Cr Amon, Cr De Luca, Cr Walton and Cr Sprott

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.2 REVISED CONSTITUTION - PITTWATER ENVIRONMENTAL FOUNDATION

331/20 RESOLVED

Cr Amon / Cr Ferguson

That Council approve the revised Constitution for the Pittwater Environmental Foundation subject to:

1. Replacing the term “Northern Beaches Area” with “Former Pittwater Local Government Area” in Clause 1.2, Clause 1.3(a) and Clause 1.3(a)(v); and
2. Removing the “Northern Beaches Area” definition from Clause 16.1; and
3. Adding the following definition to Clause 16.1; “Former Pittwater Local Government Area means that part of Northern Beaches Local Government Area that was the former Pittwater Local Government Area immediately prior to the creation of Northern Beaches Council”.

VOTING

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

AGAINST: Cr Regan, Cr Heins and Cr Harrison

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS

332/20 RESOLVED

Cr Heins / Cr Ferguson

The Council note the Development Applications approved with variations to development standards during the period of 1 July 2020 to 30 September 2020.

VOTING

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

AGAINST: Cr Amon and Cr Harrison

CARRIED

12.3 FIRE & RESCUE NSW INSPECTION REPORT - 48A CONSUL ROAD, BROOKVALE

333/20 RESOLVED

Cr Heins / Cr Regan

That Council:

1. In accordance with the Environmental Planning and Assessment Act 1979, exercise its powers to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at 48a Consul Road Brookvale.
2. Provide notice to Fire & Rescue NSW of this determination.

VOTING

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

AGAINST: Cr Amon

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 ALTERNATIVE PROCUREMENT FOR LICENCE RENEWALS TO WOOLWORTHS FOR LOADING DOCK, AND CAR PARK/TROLLEY BAYS, AT 76 OLD BARRENJOEY ROAD, AVALON

334/20 **RESOLVED**

Cr Heins / Cr Regan

That Council:

1. Resolves in accordance with section 55(3)(i) of the Local Government Act 1993 and subject to paragraph 2 below, to enter into a direct arrangement with Woolworths Group Limited for the licence of land at 76 Old Barrenjoey Rd, Avalon, for 10 years for the continued occupation of a loading dock, car park and trolley bays, as a satisfactory result would not be achieved by inviting tenders because of extenuating circumstances given:
 - A. The land comprises a small parcel which adjoins the supermarket operated by Woolworths Group Limited.
 - B. There is limited demand for the land apart from Woolworths Group Limited as the major adjoining land user.
 - C. The licence of land for 10 years is authorised in the applicable Plan of Management.
 - D. The development consent for the supermarket contemplates the use of the land by Woolworths Group Limited.
2. Publicly notifies the proposed licence in accordance with section 47 of the Local Government Act 1993 and should objections be received during the public notification period a further report be brought back to Council.
3. Delegates authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution and negotiate a condition of the licence to ensure that abandoned trolleys in and outside the carpark are appropriately managed.

VOTING

FOR: Unanimous

CARRIED

13.3 SPORT AND RECREATION INFRASTRUCTURE GRANTS PROGRAM 2020/2021

335/20 **RESOLVED**

Cr Regan / Cr Bingham

That:

1. Council approves the funding of these projects through the 2020/2021 Sport and Recreation Infrastructure Grants Program:
 - A. Careel Bay Tennis Club; to install a sunshade over the playground at the Careel Bay Tennis Centre, \$13,500.
 - B. Terrey Hills Tennis Club; to upgrade lighting on four tennis courts with LED lights at the Terrey Hills Tennis Centre, \$17,500.
 - C. Narraweena Tennis Club; to resurface two synthetic grass tennis courts at the Narraweena Tennis Centre, \$33,940.
 - D. Mona Vale Bowling Club; to upgrade the driveway at the Mona Vale Bowling Club Complex, \$13,000.
 - E. Long Reef Golf Club; to replace two emergency access gates and upgrade the entry to the multi-use building at the Long Reef Golf Course, \$12,500.
 - F. Mona Vale Golf Club; to restore the path to the 11th tee at the Mona Vale Golf Course, \$9,560.
2. This program be subject to a service review and brought back to a Councillor briefing within 6 months.

VOTING

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

AGAINST: Cr Harrison

CARRIED

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

14.2 ANNUAL REPORT 2019/20

NOTE: Councillor Daley left the chamber at 9:29pm.

336/20 **RESOLVED**

Cr Heins / Cr Walton

That Council note the Annual Report 2019/20.

VOTING

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

AGAINST: Cr Amon

ABSENT: Cr Daley

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 52/2020 - RECLAIMING SURPLUS LAND CREATING OPEN SPACE FOR THE COMMUNITY

NOTE 1: Councillor Walton left the chamber at 9:30pm.

NOTE 2: Councillor Daley returned to the chamber at 9:31pm.

NOTE 3: Councillor Heins left the chamber at 9:33pm and returned at 9:38pm.

NOTE 4: Councillor Ferguson left the chamber at 9:37pm and returned at 9:38pm.

NOTE 5: Councillors Amon and Warren left the chamber at 9:46pm and returned at 9:51pm.

337/20 RESOLVED

Cr Sprott / Cr Ferguson

That Council:

1. Defer the item to the next Council meeting; and
2. Write to Transport for NSW and request a briefing on the site and their intentions noting our desire to see public space and bush regeneration.

VOTING

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

ABSENT: Cr Walton

CARRIED

15.2 NOTICE OF MOTION NO 53/2020 - GROWING OUR OWN TREES FOR OUR FUTURE

NOTE 1: Councillor Walton returned to the chamber at 9:53pm.

NOTE 2: Councillor Grattan left the chamber at 9:53pm and returned at 9:54pm.

338/20 RESOLVED

Cr Sprott / Cr Ferguson

That Council:

1. Investigate the financial and logistical possibilities of running a small native plant nursery to help maintain the supply of native and endemic trees in the Northern Beaches Local Government Area for Council's tree planting program.
2. Brief the Councillors on this matter as soon as possible.

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 55/2020 - LACK OF DRUG TESTING

NOTE: Councillor Bingham left the chamber at 10:16pm and returned at 10:19pm.

Cr Daley / Cr Amon

That Council notes:

1. On 21 November 2017, Council staff advised councillors that it was considering a drug and alcohol policy and program (Record number 2017/460995).
2. On 11 January 2019, Council staff advised councillors that “The proposed (new) operation policy to manage Drugs and Alcohol iii is currently in draft includes provision for drugs testing” (Record Number 2019/014277).
3. Since November 2017, some Councillors have made many requests regarding the drug testing of councillors and/or council staff.
4. In about November 2019, Council contracted a drugs testing provider (Record Number 2020/570279).
5. Drugs and alcohol abuse are a significant risk to any organisation, its staff, and its customers (in this case Northern Beaches residents).
6. Notwithstanding the above matters, not one drugs test has been undertaken by this Council.
7. Council is concerned as to the lack of drug testing and the organisational and risk to community created.

VOTING

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

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

LOST

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

339/20 RESOLVED

Cr Ferguson / Cr Bingham

That:

1. 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:

- A. Item 18.1 Response to Notice of Motion 50/2020 - Potential Property Acquisition 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].

This report discusses a potential land dealing between Council and a private landholder. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would provide a commercial advantage to the owner of the land and potentially disadvantage Council's position in negotiations.

- B. Item 18.4 RFT 2020/090 - St David Avenue Park, Dee Why on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- C. Item 18.6 Notice of Motion No 54/2020 - Saving Important Community Open Space for all the Community 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].

This report discusses/provides advice concerning a potential land dealing between Council and a private landholder. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would provide a commercial disadvantage to the owner of the land and potentially disadvantage Council's position in negotiations.

2. 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

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

Confidential items 18.2, 18.3, 18.5 and 18.7 were dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

18.2 UPDATE ON LAND ACQUISITION

340/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Undertake the proposed actions listed in Table 1 in the confidential report for this item.
2. Delegate authority to the Chief Executive Officer to take any necessary action to give effect to this resolution.

RESOLVED BY EXCEPTION

18.3 RFT 2020/040 - QUEENSCLIFF SURF CLUB ALTERATIONS & LIFT INSTALLATION

341/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council accepts the tender submission of Grindley Interiors Pty Ltd for RFT 2020/040 – Queenscliff Surf Club Alterations and Lift Installation for the sum of \$1,028,004.00 excluding GST.
2. 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 Confidential Evaluation Report.

RESOLVED BY EXCEPTION

18.5 RFT 2020/164 FAIRY BOWER STORMWATER OUTLET RENEWAL

342/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council accepts the tender of GPM Marine Constructions Pty Ltd for RFT 2020/164 – Fairy Bower Stormwater Outlet Renewal Works for the sum of \$317,011.00 excluding GST.
2. 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 Confidential Evaluation Report.

RESOLVED BY EXCEPTION

18.7 MAYORAL MINUTE NO 22/2020 - ANNUAL PERFORMANCE REVIEW OF THE CHIEF EXECUTIVE OFFICER OCTOBER 2019 - SEPTEMBER 2020

343/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. The report and outcomes in the Performance Review of the Chief Executive Officer October 2019 to July 2020 be adopted.
2. In accordance with Section 7 of the Chief Executive Officer's employment contract, Council send a written report setting out its conclusions to the Chief Executive Officer advising him of his performance.
3. The Performance Agreement developed by the Performance Review Panel on behalf of Council for the 2020/2021 performance period be adopted.

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 RESPONSE TO NOTICE OF MOTION 50/2020 - POTENTIAL PROPERTY ACQUISITION

344/20 **RESOLVED**

Cr Regan / Cr Ferguson

That Council notes the information in the report.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Walton, Cr Sprott and Cr Harrison

AGAINST: Cr Amon, Cr De Luca, Cr Warren and Cr Regan

CARRIED

18.4 RFT 2020/090 - ST DAVID AVENUE PARK, DEE WHY

345/20 **RESOLVED**

Cr Walton / Cr Regan

That:

1. Council accepts the tender of Glascott Landscape and Civil Pty Ltd for RFT2020/090 – St David Avenue Park, Dee Why for the sum of \$1,377,355.14 excluding GST.
2. Authority to 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 Confidential Evaluation Report.

VOTING

FOR: Unanimous

CARRIED

18.6 NOTICE OF MOTION NO 54/2020 - SAVING IMPORTANT COMMUNITY OPEN SPACE FOR ALL THE COMMUNITY

346/20 **RESOLVED**

Cr Sprott / Cr Heins

That:

1. Council seeks an update from the Member for Wakehurst and the Minister for Planning and Open Space into acquisition of the site.
2. Staff brief Councillors on the history and options of the site within 4 months.

VOTING

FOR: Unanimous

CARRIED

MATTER OF URGENCY – STATION BEACH OFF LEASH DOG TRIAL

347/20 **RESOLVED**

Cr Philpott / Cr Amon

That an urgent briefing be provided to Councillors on this matter and reported back to the December 2020 Council meeting.

VOTING

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

AGAINST: Cr Harrison and Cr Warren

CARRIED

PROCEDURAL MOTION – RESUME INTO OPEN SESSION

348/20 **RESOLVED**

Cr Amon / Cr Bingham

That Council resume in open session.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 11:11pm

This is the final page of the minutes comprising 32 pages
numbered 1 to 32 of the Ordinary Council Meeting
held on Tuesday 24 November 2020 and confirmed on Tuesday 15 December 2020

Mayor

Chief Executive Officer