



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 23 FEBRUARY 2021

Minutes of an Ordinary Council Meeting
held on Tuesday 23 February 2021
at the Civic Centre, Dee Why
Commencing at 6:04pm

ATTENDANCE:

Councillors

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

Officers

Jeff Smith	Acting Chief Executive Officer
Eskil Julliard	Acting 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
Lesley Milbourne	Acting Manager Governance
Katie Kirwan	Acting Senior Advisor Governance
Ximena Von Oven	Governance Officer
Brendan Shaw	Information Management Technology Officer
Chris Netting	Information Management Technology Officer
Kath McKenzie	Executive Manager Community Engagement and Communications
Caroline Foley	Executive Manager Financial Planning and Systems
Campbell Pfeiffer	Executive Manager Property
Yianni Mentis	Executive Manager Environment and Climate Change
Phillip Devon	Manager Transport Network

Notes

The meeting commenced at 6:04pm, adjourned at 8:49pm, resumed at 9:00pm, moved into closed session at 10:37pm, resumed in open session at 10:39pm and concluded at 11:34pm.

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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

005/21 **RESOLVED**

Cr Regan / Cr Sprott

That an apology for non-attendance be received from Councillor Natalie Warren.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 15 DECEMBER 2020

006/21 **RESOLVED**

Cr Bingham / Cr White

That the Minutes of the Ordinary Council Meeting held 15 December 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 Amon declared a not significant non-pecuniary interest in item 7.1 Mayoral Minute No 01/2021 – Recognition of our Rural Fire Service and State Emergency Services Volunteers. Councillor Amon chose to remain in the meeting for the item. The reason provided was:

“I am an active firefighter, current vice-president and past president of the Davidson Rural Fire Brigade.”

- Councillor Ian White declared a not significant non-pecuniary interest in item 7.1 Mayoral Minute No 01/2021 – Recognition of our Rural Fire Service and State Emergency Services Volunteers. Councillor White chose to remain in the meeting for the item. The reason provided was:

“I have been a member of the Rural Fire Service and State Emergency Services Volunteers for 25 years.”

- Councillor Heins declared a not significant non-pecuniary interest in item 11.1 Outcome of the Public Exhibition of Draft Bush Fire Management Policy. Councillor Heins chose to remain in the meeting for the item. The reason provided was:

“I am a member of the Bushfire Management Committee.”

- Councillor McTaggart declared a not significant non-pecuniary interest in item 12.3 Planning Proposal 5 Bowling Green Lane, Avalon Beach. Councillor McTaggart chose to remain in the meeting for the item. The reason provided was:

“I am a member of Avalon Bowling and Recreation Club. I was the Pittwater Council Mayor who negotiated the preliminary agreement.”

- Councillor Bingham declared a not significant non-pecuniary interest in item 13.3 Outcome of the Public Notice of Proposed Reclassification of Council Land at 40 Stuart Street, Manly. Councillor Bingham chose to remain in the meeting for the item. The reason provided was:

“The matter relates to areas which are close to my home.”

- Councillor Bingham declared a not significant non-pecuniary interest in Item 15.2 Notice of Motion No 9/2021 East Esplanade – 24 Hour Alcohol Free Zone. Councillor Bingham chose to remain in the meeting for the item. The reason provided was:

“The matter relates to areas which are close to my home.”

- Councillor Sprott declared a significant non-pecuniary interest in Item 15.6 Notice of Motion No 13/2021 Outdoor Dining Fees. Councillor Sprott chose to leave the meeting for the discussion and voting of this item. The reason provided was:

“My partner owns a café with outdoor dining.”

- Councillor McTaggart declared a not significant non-pecuniary interest in item 15.4 Notice of Motion No 11/2021 Bilgola Plateau Public School Safety. Councillor McTaggart chose to remain in the meeting for the item. The reason provided was:

“I have grandchildren who attend Bilgola Plateau Public School.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: The Mayor requested that each speaker acknowledge they had been informed the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

- Caren Young addressed Council about the lowering of the speed limit from Careel Road to Barrenjoey Road, and the re-paving of two sections of pavement.
- Samantha Millward addressed Council about Telstra’s mobile phone facility on Stewart House, 45 Carrington Parade, Curl Curl.

PROCEDURAL MOTION - EXTENSION OF TIME

007/21 **RESOLVED**

Cr Walton / Cr De Luca

That Samantha Millward be granted an extension of one minute to address the meeting.

VOTING

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

AGAINST: Cr White, Cr Grattan, Cr Heins, Cr Philpott and Cr Regan

CARRIED

- Tom Oates addressed Council about obtaining an accessible footpath for the specialist disability accommodation at 89 Wyadra Avenue, North Manly.
- Margaret Hogge addressed Council about a clean environment during World Surf League competition to be held at North Narrabeen Beach.
- Frances Rigg addressed Council about fleet vehicles being identified as Council rangers' vehicles.
- David Parsons addressed Council about secrets.
- Miranda Korzy addressed Council about Warriewood heritage and the Oaklands farmhouse.

5.2 PUBLIC ADDRESS

- **Item 8.2 Outcome of the Public Exhibition Councillor Use of Social Media Policy**
Miranda Korzy addressed Council speaking against this item and Bruce Kitson addressed Council speaking in support of this item.
- **Item 10.1 Outcome of the Public Exhibition of Draft Community Centres Policy and Community Centres Strategy**
Geri Moorman addressed Council speaking against this item.
- **Item 10.3 Northern Beaches Art Prize - Revised Concept and Format**
Mark Norek addressed Council speaking in support of this item.
- **Item 13.2 Council's Response to the Beaches Link Environmental Impact Statement.**
Sonia Walsh addressed Council speaking against this item.
- **Item 13.3 Outcome of Public Notice of Proposed Reclassification of Council Land at 40 Stuart Street, Manly**
Jacqueline French addressed Council speaking in support of this item.
- **Item 13.4 Outcome of the Public Exhibition of Draft Proposed Outdoor Dining Licence – Waterfront Café and Store 1860 Pittwater Rd Church Point**
Christopher Drummer addressed Council speaking in support of this item.
- **Item 15.1 Notice of Motion No 8/2021 – Investigation into CCTV and Security Guards and other safety matters**
Miranda Korzy addressed Council speaking against this item.
- **Item 15.2 Notice of Motion No 9/2021 - East Esplanade - 24 Hour Alcohol Free Zone.**
Raymond Mathieson addressed Council speaking in support of this item.

PROCEDURAL MOTION - EXTENSION OF TIME

008/21 **RESOLVED**

Cr Daley / Cr Ferguson

That Raymond Mathieson be granted an extension of 1 minute to address the meeting.

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

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

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

- **Item 15.2 Notice of Motion No 9/2021 - East Esplanade - 24 Hour Alcohol Free Zone.**
Joel Outram addressed Council speaking in support of this item.
- **Item 15.5 Notice of Motion No 12/2021 – Public Safety Briefing**
Gregory Hogan addressed Council speaking against this item.

6.0 ITEMS RESOLVED BY EXCEPTION

009/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That items 9.1, 9.4, 9.5, 9.6, 9.7, 12.1, 12.3, 13.1, 13.4 and 18.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.1 USE OF DELEGATED AUTHORITY BY THE MAYOR OVER CHRISTMAS AND NEW YEAR RECESS 2020/21

010/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the decision made under the delegated authority granted by the Council to the Mayor for the period 16 December 2020 to 31 January 2021 inclusive.

RESOLVED BY EXCEPTION

9.4 MONTHLY INVESTMENT REPORT - NOVEMBER 2020

011/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council receive and note the Investment Report as at 30 November 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.5 MONTHLY INVESTMENT REPORT - DECEMBER 2020

012/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council receive and note the Investment Report as at 31 December 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.6 MONTHLY INVESTMENT REPORT - JANUARY 2021

013/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council receive and note the Investment Report as at 31 January 2021, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.7 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD 3 SEPTEMBER 2020 AND 8 SEPTEMBER 2020

014/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note:

1. The confirmed minutes of the Audit, Risk and Improvement Committee extraordinary meeting held on 3 September 2020.
2. The confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 8 September 2020.

RESOLVED BY EXCEPTION

12.1 NATURAL DISASTERS LOCAL ENVIRONMENTAL PLANS CLAUSE

015/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

1. Agree that the proposed Natural Disaster Local Environmental Plan clause prepared by the Department of Planning, Industry and Environment, be inserted into Manly Local Environmental Plan 2013, Pittwater Local Environmental Plan 2014, Warringah Local Environmental Plan 2011 and Warringah Local Environmental Plan 2000, applying to all zones in those Local Environmental Plans.
2. Advise the Department of Planning, Industry and Environment of its agreement to amend the four Northern Beaches Local Environmental Plans by a State Environmental Planning Policy amendment in the above terms.

RESOLVED BY EXCEPTION

12.3 PLANNING PROPOSAL 5 BOWLING GREEN LANE, AVALON BEACH

016/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council endorse the planning proposal for 5 Bowling Green Lane, Avalon Beach (Green 3) to be rezoned from R2 Low Density Residential to RE1 Public Recreation and that the planning proposal be submitted to the Department of Planning, Industry and Environment to seek a gateway determination.

RESOLVED BY EXCEPTION

13.1 OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT NORTH HARBOUR RESERVE LANDSCAPE PLAN

NOTE: Councillor Grattan thanked the Parks and Recreation team for the fantastic work on North Harbour Reserve, working closely with the community to come up with a well-supported plan.

017/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council adopt the North Harbour Reserve Landscape Plan.

RESOLVED BY EXCEPTION

13.4 OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT PROPOSED OUTDOOR DINING LICENCE - WATERFRONT CAFE AND STORE 1860 PITTWATER RD CHURCH POINT

018/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

1. Council note the objections received in respect of the proposed outdoor dining licence and endorses the position in response to those objections set out in this report.
2. Council apply to the Minister for Local Government in accordance with section 47 (5) – (9) of the *Local Government Act 1993* for consent to grant the proposed outdoor dining licence referred to in item 4 of this recommendation.
3. Subject to the consent of the Minister for Local Government, Council apply to the Minister for Planning and Public Spaces under clause 70(2)(f) of the *Crown Land Management Regulation 2018* to grant the proposed outdoor dining licence referred to in item 4 of this recommendation.
4. Subject to consent from both the Minister for Local Government and the Minister for Planning and Public Spaces, Council grant the proposed outdoor dining licence to the business trading as Waterfront Café & General Store for the use of 38.4sqm of space on the newly constructed boardwalk at 1860 Pittwater Road, Church Point for an amount in accordance with Council's adopted Fees and Charges and for a term of approximately eighteen (18) years, terminating 31 October 2039 in line with the adjacent café lease held by the applicant from Crown Lands.
5. Council delegate authority to the Chief Executive Officer to do all things and execute all necessary documentation in order to give effect to the above.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 01/2021 - RECOGNITION OF OUR RURAL FIRE SERVICE AND STATE EMERGENCY SERVICES VOLUNTEERS

019/21 **RESOLVED**

Cr Regan

That Council provide funding totalling \$38,000 to the following 19 organisations for the purpose of covering the costs of holding small gatherings permissible under the COVID-19 health restrictions or equipment required to serve the community. Funds of \$2,000 each be provided to:

1. Rural Fire Service Brigades:
 - A. Beacon Hill
 - B. Belrose
 - C. Coal and Candle
 - D. Davidson
 - E. Duffys Forest
 - F. Warringah Headquarters

- G. Terrey Hills
- H. Cottage Point
- I. Coasters Retreat
- J. Ingleside
- K. Mackerel Beach
- L. Scotland Island
- M. Tumbledown Dick
- N. West Pittwater
- O. Catering
- P. Communications
- Q. Cadets.

2. SES Units:

- A. Manly and Warringah
- B. Pittwater.

VOTING

FOR: Unanimous

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

020/21 **RESOLVED**

Cr Bingham / Cr Walton

That Council note payments totalling \$6,103.40 have been allocated by the Northern Beaches Council Discretionary Fund for the period 28 October 2020 to 22 February 2021.

VOTING

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

AGAINST: Cr Amon and Cr De Luca

CARRIED

8.2 OUTCOME OF PUBLIC EXHIBITION - COUNCILLOR USE OF SOCIAL MEDIA POLICY

NOTE: Councillor Ferguson left the chamber at 8:27pm and returned at 8:28pm.

021/21 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

1. Note the outcomes of the public exhibition of the draft Councillor Use of Social Media Policy.

2. Amend the Social Media policy as follows:

- In the “*Councillor use of social media*” section delete words shown in strikethrough below:

“Councillors should behave in a way at all times that ~~upholds the values, behaviours and reputation of the Council and is consistent with the Code of Conduct and other Council policies.~~”

- Under scope and application where ever words “*personal*” and “*professional*” appear delete and insert “*local government capacity*”.
- Under “*principles*” delete the paragraph that reads “respects the democratic process acknowledging council resolutions represent the majority view”.

3. Adopt the amended Councillor use of Social Media Policy.

VOTING

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

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

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

AMENDMENT

Cr De Luca / Cr Daley

That Council:

1. Note that wherever the word “*policy*” is referred to, that it be deleted and replaced with the word “*guide*” and that this document be explicitly excluded for the purpose of a Code of Conduct complaint.
2. Note the outcomes of the public exhibition of the draft Councillor Use of Social Media Policy whereby a majority of submissions opposed the policy.
3. Note that the paragraph titled “*Breaches*” on page 16 of the draft Councillor Use of Social Media Policy be deleted.
4. Adopt the guide.

VOTING

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

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

LOST

PROCEDURAL MOTION - ADJOURN THE MEETING

022/21 **RESOLVED**

Cr Regan / Cr Ferguson

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

VOTING

FOR: Unanimous

CARRIED

8.3 EVENT GRANTS AND SPONSORSHIP PROGRAM 2020/21 - ROUND 2 FUNDING RECOMMENDATIONS

023/21 **RESOLVED**

Cr Amon / Cr Regan

That Council approve funding of \$3,000 including cash and fee waivers under the 2020/21 Events Grants and Sponsorship Program, as recommended by the assessment panel.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 CONSTITUTIONAL REFERENDUMS AND COUNCIL POLLS

024/21 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

1. In accordance with section 224 of the *Local Government Act 1993*, determine the number of councillors for the following term of Council be 15.
2. Note that no action is necessary to alter existing ward boundaries, however ward boundary elector number will be kept under review as required under section 211 of the *Local Government Act 1993*.
3. Note that the method of electing the mayor will remain as currently arranged for the 2024 election.
4. Note that the method of electing councillors will remain as currently arranged.
5. Note no constitutional referendum in relation to the matters in section 16 of the *Local Government Act 1993* is required at the September 2021 local government election.

VOTING

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

AGAINST: Cr Daley, Cr De Luca and Cr Walton

CARRIED

9.3 QUARTERLY REVIEW - DECEMBER 2020

NOTE: Councillor Sprott left the chamber at 9:17pm due to a disclosure of interest.

025/21 **RESOLVED**

Cr Grattan / Cr Philpott

That Council:

1. Note the Budget Review Statement for the six months ended 31 December 2020.
2. Approve the following changes to the Current Forecast in the December 2020 Budget Review Statement:
 - A. a decrease in the forecast surplus from Continuing Operations which includes Capital Grants and Contributions of \$9.137 million to \$18.210 million
 - B. a decrease in capital expenditure by \$16.572 million to \$105.511 million.
3. Note the Budget Review Statement for the six months ended 31 December 2020.
4. Endorse the proposed works schedule for consideration for grant funding under the 'COVID Local Roads and Community Infrastructure Program':
 - A. Road Resheeting - \$1,640,000
 - B. Sportsfield Renewal Program - \$680,000
 - C. Footpath Renewal - \$2,314,762
 - D. New Footpaths - \$1,695,238
 - E. Recreational Trails Renewal Program - \$200,000
 - F. North Curl Curl Youth Facility - \$700,000
 - G. Bike Plan Implementation - New - \$354,978
 - H. Children's Centres Works Program - \$450,000
 - I. VMS traffic boards - \$100,000.
5. Waive all outdoor dining fees until 30 June 2021 and bring back to Council a report in March 2021 identifying capital projects of an equivalent value recommended for deferral to offset the budget impact.

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 and Cr Regan

ABSENT: Cr Sprott

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT COMMUNITY CENTRES POLICY AND COMMUNITY CENTRES STRATEGY

NOTE: Councillor Sprott returned to the chamber at 9:47pm.

026/21 **RESOLVED**

Cr De Luca / Cr Bingham

That the matter be deferred to the March Ordinary Council meeting.

VOTING

FOR: Unanimous

CARRIED

10.2 THE COAST WALK PUBLIC ART STRATEGIC PLAN - FUNDING (INCLUDING RESPONSE TO NOTICE OF MOTION 30/2020)

027/21 **RESOLVED**

Cr Amon / Cr Heins

That Council:

1. Note the research undertaken regarding the steps and commitment required to successfully fundraise.
2. Support the development of a detailed fundraising plan for the long-term funding of public art on the Coast Walk.
3. Establish an internally restricted cash reserve named Manly Art Gallery and Museum Gift Fund for the purpose of managing cash contributions through Manly Art Gallery and Museum's existing Deductible Gift Recipient Status for expenditure on the development, housing, display, administration, management and maintenance of its collection and associated matters.
4. Rename the existing internally restricted cash reserve 'Manly Art Gallery' to 'Manly Art Gallery Bequest Fund' to differentiate the gift fund from the funds received through a bequest to Council from Theodore Batten to fund youth art award programs and artwork acquisitions.
5. Place the amended Cultural Collections Management and Gifts Policy on public exhibition for 28 days to include public art in the Manly Art Gallery and Museum collection.

VOTING

FOR: Unanimous

CARRIED

10.3 NORTHERN BEACHES ART PRIZE - REVISED CONCEPT AND FORMAT

028/21 **RESOLVED**

Cr Philpott / Cr Ferguson

That Council endorse the revised concept and format of the Northern Beaches Art Prize.

VOTING

FOR: Unanimous

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT BUSH FIRE MANAGEMENT POLICY

029/21 **RESOLVED**

Cr Amon / Cr Ferguson

That Council:

1. Note the outcomes of the public exhibition of the draft Bush Fire Management Policy.
2. Adopt the Bush Fire Management Policy at Attachment 1.

VOTING

FOR: Unanimous

CARRIED

11.2 OUTCOMES OF THE PUBLIC EXHIBITION OF DRAFT BUSHLAND AND BIODIVERSITY POLICY

030/21 **RESOLVED**

Cr Amon / Cr Ferguson

That Council:

1. Note the outcomes of the public exhibition of the draft Bushland and Biodiversity Policy.
2. Adopt the Bushland and Biodiversity Policy at Attachment 1.
3. Rescind the former Warringah Council Bushland Policy 2008.

VOTING

FOR: Unanimous

CARRIED

11.3 AMENDMENT OF THE WATER MANAGEMENT FOR DEVELOPMENT POLICY

031/21 **RESOLVED**

Cr Sprott / Cr Regan

That Council:

1. Approve the inclusion of Curl Curl Creek Catchment as a high quality catchment in the Water Management for Development Policy.
2. Replace all current Maps (Set) 1 – Northern Beaches High Quality Catchments in that policy, with all maps contained in Attachment 1.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

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

032/21 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note the Development Applications approved with variations to development standards during the period of 1 October 2020 to 31 December 2020.

VOTING

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

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

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 COUNCIL'S RESPONSE TO THE BEACHES LINK ENVIRONMENTAL IMPACT STATEMENT

NOTE 1: Councillor Regan left the chamber at 9:59pm and Councillor Bingham took the chair.

NOTE 2: Councillor Ferguson left the chamber at 9:59pm and returned at 10:00pm.

NOTE 3: Councillor Heins left the chamber at 10:08pm and returned at 10:13pm.

NOTE 4: Councillor Regan returned to the chamber at 10:14pm.

033/21 RESOLVED

Cr Grattan / Cr Bingham

That Council:

1. Make the following amendments to the Council submission on the Beaches Link EIS (BL EIS):
 - a. P4 Strategic Context - add an additional reason and renumber:
"1. To address the existing high levels of traffic congestion on the Northern Beaches with only three access points that are highly congested in both the AM and PM peaks, plus on weekends whilst contending with the impact of an opening bridge on one of the key access points - Spit Bridge."
 - b. P12 request an independent advocate be engaged to act on the community's behalf and address any problems in a timely manner (eg 3AM noise complaints, stormwater run-off), to be located onsite and monitor compliance in real time.
 - c. P13 add references to:
 - i. other impacted local schools – North Balgowlah Public, St Cecilia's (Balgowlah) and St Kevin's (Manly Vale)
 - ii. local preschools and child care centres.
 - d. p15 Operational Traffic and Transport. Add a new sentence after "a critical omission in the assessment."
 - i. "Council notes that traffic modelling is based on 2016 survey data and should be updated to account for differences in post-COVID19 working patterns and reductions in public transport patronage from both pandemic and bus timetable changes."
 - e. p17 Balgowlah Portal surrounds:
 - i. strengthen the language in this section from "should" to "must"; "likely" to "will" and remove qualifiers such as "potential to".
 - ii. the final sentence to read "the above projects MUST be introduced in conjunction with the project..."
 - f. Address in the submission by raising a concern as to the impact of:
 - i. lights/lighting on Wakehurst Parkway on fauna during construction and operation
 - ii. loss of resident parking due to contractor/worker vehicles parking on local streets near worksites

- iii. the lack of information regarding additional heavy vehicle movements along Sydney Road, Frenchs Forest Road through Seaforth Village, residential areas and past Seaforth Public School, including impacts as to noise, pedestrian safety and wellbeing of children
 - iv. Reinforce the importance of the vegetated land bridge (overpass) joining the Manly Warringah War Memorial State Park and the Garigal National Park to maintain flora and fauna connectivity and biodiversity of both areas.
 - g. Consider in the section on Cumulative Impacts, the impact of simultaneous construction at both portals, and the WHT over the construction period. Suggest that to lessen traffic congestion and accessibility impacts these be considered for construction consecutively.
 - h. Make identified minor grammatical/typographic changes such as removing first person references.
 - i. Confirm in the submission that Council continues to provide in-principle support to the Beaches Link tunnel Project, subject to minimising impacts on the community and environment.
2. Once amended, endorse the submission to the Beaches Link Environmental Impact Statement (Attachment 1) for submission to the NSW Department of Planning, Industry and Environment.
 3. Write to the Hon. Andrew Constance MP, Minister for Transport and Roads advocating strongly for the amendments to the proposed design to further address the concerns of our community and also confirming Council's continued in-principle support to the Beaches link Tunnel Project, subject to minimising impacts on the community and environment.
 4. Write to the Hon. Robert Stokes MP, Minister for Planning and Public Spaces requesting an extension to the EIS submission deadline of 1 March until at least 1 April to enable the local community, in particular school communities, to digest, compile and submit a response to the EIS.
 5. Place the Council submission to the BL EIS on "Your Say" to capture community feedback to Council's submission and that this be used to inform Council of community concerns during future detailed design phases and other project related discussions with Transport for NSW. Note that this feedback will not be available for submission as part of the EIS process as the due date is currently 1 March 2021.

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 Harrison and Cr Regan

CARRIED

13.3 OUTCOME OF PUBLIC NOTICE OF PROPOSED RECLASSIFICATION OF COUNCIL LAND AT 40 STUART STREET, MANLY

NOTE: Councillor White left the chamber at 10:16pm and returned at 10:17pm.

034/21 RESOLVED

Cr Bingham / Cr Grattan

That Council:

1. Note the submissions received in respect of the proposed reclassification of 40 Stuart Street, Manly (Lot 3 DP 252420) and Council's response to the submissions.
2. Reclassify 40 Stuart Street, Manly (Lot 3 DP 252420) from operational to community land in accordance with the *Local Government Act 1993 (NSW)*.
3. Update the Little Manly Coastline Plan of Management to include this land and to incorporate this land in the Little Manly Reserve.
4. Subject to the requirements of the *Local Government Act 1993 (NSW)*, continue to lease the dwelling on the land until it is demolished, which is anticipated to occur in 2022/23.
5. Delegate authority to the Chief Executive Officer to do all things and execute all necessary documentation in order to give effect to the above resolutions.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION – CHANGE TO ORDER OF BUSINESS

035/21 RESOLVED

Cr Regan / Cr Ferguson

That the order of business be changed so items 18.2 and 18.3 be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

036/21 **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 18.2 RFT 2020/002 - Narrabeen Lagoon Pedestrian and Cycle Bridge 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 tenders for works from external parties. 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 make public information which is commercial in-confidence and would prejudice the commercial position of the tenderers.
 - b. Item 18.3 RFT 2020/161 - Renewable Electricity Procurement 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 specific electricity contract details including pricing. 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 make public confidential details of the contract.
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

PROCEDURAL MOTION – RESUME INTO OPEN SESSION

037/21 **RESOLVED**

Cr Bingham / Cr Regan

That Council resume in open session.

VOTING

FOR: Unanimous

CARRIED

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

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

038/21 **RESOLVED**

Cr Amon / Cr Grattan

That Council notes the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending 31 December 2020.

VOTING

FOR: Unanimous

CARRIEDW

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 8/2021 - INVESTIGATION INTO CCTV AND SECURITY GUARDS

NOTE: Councillor Philpott left the chamber at 10:42pm and returned at 10:44pm.

039/21 **RESOLVED**

Cr De Luca / Cr Harrison

MOTION

That Council:

1. Note the significant costs documented in the attached memo in relation to vandalism of Council assets.
2. Request the Chief Executive Officer to investigate and furnish a presentation to a briefing in April and the matter subsequently be reported to a Council meeting, as determined at the briefing regarding the efficacy and costs of installing CCTV and alarms at all Council owned buildings and at identified hot spots, and appointing Security Guards to patrol during high periods of known vandalism, eg school holidays, weekends.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING

040/21 **RESOLVED**

Cr Regan / Cr Ferguson

That in accordance with clause 19.3 of the Code of Meeting Practice the meeting time be extended by 30 minutes.

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 and Cr Regan

AGAINST: Cr Harrison

CARRIED.

15.2 NOTICE OF MOTION NO 9/2021 - EAST ESPLANADE - 24 HOUR ALCOHOL FREE ZONE

041/21 **RESOLVED**

Cr Daley / Cr Walton

MOTION

That Council:

1. Bring key stakeholders of East Esplanade together to form a working group to establish strategies and action plans to help prevent alcohol related anti-social behaviour by a small number of visitors to East Esplanade.
2. That the working group include key stakeholders: NSW Police Force; spokesperson(s) for residents surrounding East Esplanade; spokesperson(s) from the 'Save the Office' petition; Councillors Bingham, McTaggart and Grattan and Northern Beaches Council senior management.
3. Council management report back to Council on agreed strategies and action plans within three months.
4. Council management work with the Police and residents to implement immediate cost effective risk management actions to minimise the harm to neighbouring residents of East Esplanade, related to the alcohol related complaints from East Esplanade.

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 10/2021 - INPATIENT PALLIATIVE CARE BEDS, MONA VALE HOSPITAL

042/21 **RESOLVED**

Cr Ferguson / Cr White

MOTION

That Council thank all those involved who have worked to bring inpatient palliative care beds to Mona Vale Hospital.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 11/2021 - BILGOLA PLATEAU PUBLIC SCHOOL SAFETY

Cr Amon / Cr Ferguson

MOTION

That Council:

1. Investigate the allocation of funds in the 2021/22 budget to widen the footpath outside of Bilgola Plateau Public School.
2. Write to the Hon. Robert Stokes MP, Minister for Planning and Public Spaces, seeking his support of Council's application for grant funding for the widening of the footpath at Bilgola Plateau Public School.

VOTING

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

AGAINST: Cr Philpott, Cr Bingham and Cr Sprott

CARRIED

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

Confidential item 18.1 was dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

18.1 ALTERNATIVE PROCUREMENT PROCESS - WORKS ON PUBLIC ASSETS AT COLLAROY NARRABEEN BEACH

043/21 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the proposed alternative procurement strategy under Section 55(3)(b) of the *Local Government Act 1993* for the ongoing construction of the Collaroy to Narrabeen Beach coastal protection works.

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.2 RFT 2020/002 - NARRABEEN LAGOON PEDESTRIAN AND CYCLE BRIDGE

037/21 **RESOLVED**

Cr Amon / Cr Regan

That:

1. Council accept the tender of SMC Marine Pty Ltd for RFT2020/002 – Narrabeen Lagoon Pedestrian and Cycle Bridge for the sum of \$3,270,860.00 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.

VOTING

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

ABSENT: Cr Grattan and Cr Heins

CARRIED

18.3 RFT 2020/161 - RENEWABLE ELECTRICITY PROCUREMENT

038/21 **RESOLVED**

Cr Sprott / Cr Regan

That Council note:

1. That a Renewable Electricity Power Purchase Agreement with Infigen Energy Markets Pty Ltd commenced on 1 January 2021.

2. That the agreement will supply electricity to Council's 27 large sites and street lighting for at least the next seven years, delivering an estimated \$1.9 million in savings against the long-term financial plan over that period.
3. That Council is meeting its target of 100% of renewable electricity from suitable sites nine years earlier than planned.

VOTING

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

ABSENT: Cr Amon

CARRIED

NOTE: In accordance with clause 19.4(a) of the Code of Meeting Practice the following items were deferred to the ordinary Council meeting of 23 March 2021:

- *Item 15.5 Notice of Motion No 12/2021 Public Safety Briefing*
- *Item 15.6 Notice of Motion 13/2021 Outdoor Dining Fees*
- *Item 15.7 Notice of Motion 14/2021 Bare Creek Self-Funding Maintenance Report*
- *Item 15.8 Notice of Motion 15/2021 COVID-19 Summer Lockdown – Impact on Council Finances*

The meeting concluded at 11:34pm

This is the final page of the minutes comprising 27 pages
numbered 1 to 27 of the Ordinary Council Meeting
held on Tuesday 23 February 2021 and confirmed on Tuesday 23 March 2021

Mayor

Chief Executive Officer