

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 25 FEBRUARY 2020

**Minutes of an Ordinary Meeting of Council
held on Tuesday 25 February 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
Andrew Pigott	Executive Manager Strategic and Place Planning
Campbell Pfeiffer	Executive Manager Property
Caroline Foley	Executive Manager Financial Planning and Systems
Kylie Walshe	Executive Manager Community Arts and Culture
Natasha Schultz	Executive Manager Waste Management and Cleansing
Sonya Gallery	Executive Manager Governance and Risk
Yianni Mentis	Executive Manager Environment and Climate Change
Michael McDermid	Manager Corporate Strategy
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance
Ximena Von Oven	Governance Officer
Sylwia Stafford	Service Delivery Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:30pm, resumed at 8:40pm, moved into closed session at 9:56pm, resumed in open session at 10:06pm and concluded at 11:32pm.

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1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Chair 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 17 DECEMBER 2019

001/20 **RESOLVED**

Cr White / Cr Heins

That the Minutes of the ordinary Council meeting held 17 December 2019, 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

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 23 DECEMBER 2019

002/20 **RESOLVED**

Cr Regan / Cr Ferguson

That the Minutes of the extraordinary Council meeting held 23 December 2019, 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

- 4.1 Councillor Amon declared a not significant non-pecuniary interest in relation to item 7.1 - Mayoral Minute No 01/2020 - Support and Recognition of Northern Beaches Emergency Volunteers and impacted bushfire communities. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

"I am a member of the Rural Fire Service"

- 4.2 Councillor White declared a not significant non-pecuniary interest in relation to item 7.1 - Mayoral Minute No 01/2020 - Support and Recognition of Northern Beaches Emergency Volunteers and impacted bushfire communities. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

"Potential interest"

- 4.3 Councillor Amon declared a not significant non-pecuniary interest in relation to item 12.1 - Towards 2040 – Local Strategic Planning Statement. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

"I am aware that supporters of the Liberal Party have made representations to me regarding this item"

- 4.4 Councillor Daley declared a not significant non-pecuniary interest in relation to Item 13.3 - Proposed Location for a New Warringah Golf Club Clubhouse. Councillor Daley chose to take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

"I am a member of Warringah Golf Club and live in North Manly"

- 4.5 Councillor Regan declared a not significant non-pecuniary interest in relation to Item 13.3 - Proposed Location for a New Warringah Golf Club Clubhouse. 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 Curl Curl Ward is a member of Warringah Golf Club but is not a committee member"

- 4.6 Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 13.3 - Proposed Location for a new Warringah Golf Club Clubhouse. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

"I have been lobbied by members of the Golf Club"

- 4.7 Councillor Walton declared a not significant non-pecuniary interest in relation to Item 13.3 - Proposed Location for a new Warringah Golf Club Clubhouse. Councillor Walton chose to take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

"Prior work relationship with Warringah Golf Club members. Met with Warringah Golf Club officials [regarding] District Park Plan in 2018, 2019 and 2020."

- 4.8 Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 15.4 - Notice of Motion No 48/2019 Recognition for Netball and Community Contribution. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor DeLuca was:

"I am a voluntary director of NSW Netball Association Ltd that has no interest in this matter. I know Mrs Cliff however my impartiality is not compromised"

- 4.9 Councillor Amon declared a pecuniary interest in relation to item 15.9 - Notice of Motion No 58/2019 – Honouring State Emergency Service and Rural Fire Service. Councillor Amon chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

“I am a member of the Rural Fire Service and may benefit financially”

- 4.10 Councillor White declared a not significant non-pecuniary interest in relation to item 15.9 - Notice of Motion No 58/2019 - Honouring State Emergency Service and Rural Fire Service. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

“Potential interest”

- 4.11 Councillor Amon declared a not significant non-pecuniary interest in relation to item 15.12 - Notice of Motion No 03/2020 – Pittwater Rugby Park Facilities. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

“I am involved with and am a member of the Friends of Warringah”

- 4.12 Councillor Amon declared a not significant non-pecuniary interest in relation to item 15.14 - Notice of Motion No 05/2020 - Civic Reception Honouring the Volunteers of 2019/20 Black Summer Bushfire Operations. Councillor Amon chose to take part in the discussion and voting on this item. The reason provided by Councillor Amon was:

“I am a member of the Rural Fire Service”

- 4.13 Councillor White declared a not significant non-pecuniary interest in relation to item 15.14 - Notice of Motion No 05/2020 - Civic Reception Honouring the Volunteers of 2019/20 Black Summer Bushfire Operations. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

“Potential interest”

- 4.14 Councillor Regan declared a significant non-pecuniary interest in relation to Item 16.1 - Notice of Rescission No 4/2019 - Planning Proposal - Heritage Listing of 21 Whistler Street Manly Councillor Regan chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Regan was:

“The company consulting is a company that I currently use for personal planning matters”

- 4.15 Councillor Amon declared a significant non-pecuniary interest in relation to item 19.3 - RFT 2019/271 – East Esplanade Reserve Amenities. Councillor Amon chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

“A tenderer is a Liberal Party branch president with whom I have a close relationship”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Chair 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 left the chamber at 6:08pm and returned at 6:09pm.

NOTE 3: Councillor Heins left the chamber at 6:10pm and returned at 6:11pm.

NOTE 4: Councillor De Luca left the chamber at 7:02pm and returned at 7:06pm.

NOTE 5: Councillor Amon left the chamber at 7:09pm and returned at 7:21pm.

NOTE 6: Councillor Regan left the chamber at 7:18pm due to having declared an interest in Item 16.1 and Councillor Bingham assumed the Chair.

NOTE 7: Councillor Regan returned to the chamber at 7:21pm and resumed the Chair.

5.1 PUBLIC FORUM

- Tom Oates addressed Council in relation to the support of infrastructure for disability accommodation.
- David Tribe addressed Council in relation to waste strategies on the Northern Beaches.
- Natasha Phillips-Mason addressed Council in relation to the privatisation of Northern Beaches bus services.
- Christopher Sharpe addressed Council in relation to parking options on the Northern Beaches.

5.2 PUBLIC ADDRESS

- **Item 7.1 - Mayoral Minute No 01/2020 - Support and Recognition of Northern Beaches Emergency Volunteers and impacted bushfire communities** - Jacqueline Emery addressed Council speaking for this item.
- **Item 12.1 - Towards 2040 - Local Strategic Planning Statement** - James Linklater OAM and Miranda Korzy addressed Council speaking against this item and Adam O'Donoghue and Julien Bova addressed Council speaking for this item.
- **Item 12.2 - Assessment of Draft Voluntary Planning Agreement - 31 Bellara Avenue and 66 Powderworks Road, North Narrabeen** - Natalie Ungurian and Douglas Dewey addressed Council speaking against this item.
- **Item 13.3 - Proposed Location for a New Warringah Golf Club** - Brett Pettersen and Ryan Henry addressed Council speaking against this item.
- **Item 13.4 - Long Reef Surf Life Saving Club and Associated Community Facilities** - Peter Kinsey addressed Council speaking for this item.
- **Item 15.5 - Notice of Motion No 53/2019 - Australia Day Citizenship Ceremonies** - David Murray addressed Council speaking for this item.
- **Item 15.11 - Notice of Motion No 02/2020 - Wakehurst Parkway Biodiversity Land Bridge** - Jacqueline Marlow and David Tribe addressed Council speaking for this item.
- **Item 15.12 - Notice of Motion No 03/2020 - Pittwater Rugby Park Facilities** - Sarah Carrington addressed Council speaking for this item.

- **Item 15.13 - Notice of Motion No 04/2020 - Movies at Lionel Watts Reserve** - Norris Smith addressed Council speaking for this item.
- **Item 15.15 - Notice of Motion No 06/2020 - Infrastructure within Manly Dam Catchment** - Ann Collins addressed Council speaking for this item.
- **Item 15.17 - Notice of Motion No 08/2020 - Wakehurst Parkway and Mona Vale Road** - Mark Horton addressed Council speaking for this item.
- **Item 15.18 - Notice of Motion No 09/2020 - Support for Widening and Flood Proofing Wakehurst Parkway** - Miranda Korzy and David Murray addressed Council speaking against this item.
- **Item 16.1 - Notice of Rescission No 4/2019 - Planning Proposal - Heritage Listing of 21 Whistler Street Manly** - Garth Mathews addressed Council speaking for this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Amon left the chamber at 7:25pm.

003/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That items 9.2, 9.3, 10.2, 13.1, 13.4, 13.5, 13.6, 13.7, 13.8, 14.1, 19.1, 19.3, 19.4 and 19.5 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Cr Amon

CARRIED

9.2 MONTHLY INVESTMENT REPORT - DECEMBER 2019

004/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council receives and notes the Investment Report as at 31 December 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - JANUARY 2020005/20 **RESOLVED****Cr Ferguson / Cr Grattan**

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

RESOLVED BY EXCEPTION**10.2 OUTCOMES OF PUBLIC EXHIBITION AND ADOPTION OF CULTURAL POLICY**006/20 **RESOLVED****Cr Ferguson / Cr Grattan**

That Council:

1. Notes there were no submissions received.
2. Adopts the draft Cultural Policy.

RESOLVED BY EXCEPTION**13.1 PROPOSED EASEMENT TO DRAIN WATER OVER TOONGARI RESERVE, AVALON BEACH TO BENEFIT 69 AND 71 CENTRAL ROAD, AVALON BEACH**007/20 **RESOLVED****Cr Ferguson / Cr Grattan**

That:

1. 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 easement referred to in item B of this recommendation.
2. Council, subject to Item 4 of this recommendation and Minister's consent, authorises a two metre wide Easement to Drain Water and associated Positive Covenant, by underground pipe within Lot 102 DP 785848 Toongari Reserve, Avalon Beach in favour of 69 and 71 Central Road (Lots 15 and 16 DP 8698, also known as Lot 1 DP 1252560) for an amount in accordance with Council's adopted Fees and Charges.
3. Council delegates authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
4. All costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in Item 2 of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the applicant.

RESOLVED BY EXCEPTION

13.4 LONG REEF SURF LIFE SAVING CLUB AND ASSOCIATED COMMUNITY FACILITIES

008/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Notes the proposed funding model based on the costings as at Development Application stage.
2. Upon receiving development consent, progress the project to construction tender phase.

RESOLVED BY EXCEPTION

13.5 RESPONSE TO NOTICE OF MOTION NO 27/2019 - HERITAGE LISTING OF IVANHOE PARK

009/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council notes the contents of this report.

RESOLVED BY EXCEPTION

13.6 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACH FOR VOLLEYBALL AUSTRALIA'S VOLLEYFEST 2020 EVENT

010/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Suspends the Alcohol Prohibited Area at Manly Beach for Volleyball Australia's VolleyFest 2020 event on Friday 28 February and Saturday 29 February 2020 as outlined in this report.
2. Provides notice of the suspension of the Alcohol Prohibited Area via signage at the VolleyFest 2020 event site.
3. Continues to liaise with Volleyball Australia and Northern Beaches Police Local Area Command about safe management of service of alcohol at VolleyFest 2020 during the suspension of the Alcohol Prohibited Area at Manly Beach.

RESOLVED BY EXCEPTION

13.7 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACH FOR SURFING NSW'S SYDNEY SURF PRO EVENT 2020

011/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Suspends the Alcohol Prohibited Area at Manly Beach for Sydney NSW's Sydney Surf Pro 2020 event from Wednesday 11 March to Sunday 15 March 2020 as outlined in this report.
2. Provides notice of the suspension of the Alcohol Prohibited Area via signage at the Sydney Surf Pro 2020 event site.
3. Continues to liaise with Surfing NSW and Northern Beaches Police Local Area Command about safe management of service of alcohol at the Sydney Surf Pro 2020 during the suspension of the Alcohol Prohibited Area at Manly Beach.

RESOLVED BY EXCEPTION

13.8 PUBLIC EXHIBITION OF DRAFT NORTHERN BEACHES BIKE PLAN

NOTE: Councillor Grattan acknowledged the work of the staff involved in the development of the draft Northern Beaches Bike Plan.

012/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council endorses the draft Northern Beaches Bike Plan to be placed on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported back to Council.

RESOLVED BY EXCEPTION

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

013/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Notes the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending December.
2. Notes final reports are being prepared for the Office of Local Government to acquit the Stronger Community Fund for the projects listed below:
 - A. Cycleways and Shared Paths (Connecting the Northern Beaches program) – funds exhausted.

- B. Barrenjoey Community Performance Space (Tied Grants Program) – building works complete.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE: Councillor Amon returned to the chamber at 7:29pm.

Cr De Luca / Cr Ferguson

That the order of business be changed so items 12.1, 12.2, 13.3, 13.4, 15.5, 15.11, 15.12, 15.13, 15.15, 15.17, 15.18 and 16.1 be brought forward and dealt with immediately.

VOTING

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

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

LOST

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 01/2020 - SUPPORT AND RECOGNITION OF NORTHERN BEACHES EMERGENCY VOLUNTEERS AND IMPACTED BUSHFIRE COMMUNITIES

NOTE 1: Councillor White left the chamber at 7:52pm due to having declared an interest in this item.

NOTE 2: Councillor Amon declared an interest in this item.

014/20 **RESOLVED**

Cr Regan

That Council:

1. Acknowledges the success of the Drought Assistance initiative that brought drought affected families from Mullaley last month to stay at the Royal Far West in Manly.
2. Acknowledges the devastating impact of the summer of bushfires on many rural and regional communities across the State.
3. Provides a report back to Council in April outlining the options and costs of providing support and recognition to our Rural Fire Service volunteers and communities impacted during the bushfire including:
 - A. Hosting a 'Christmas style' civic event to recognise and thank our local Rural Fire Service volunteers and their families who gave of their time over Christmas and the New Year to assist in other areas of the State over the bushfire season.
 - B. Identifying the costs of partnering with the Royal Far West to provide respite to children severely impacted by the devastating bushfires.

- C. Considering other in-kind support that Council could offer such as waiving fees to Council facilities and working with local businesses to provide support.
4. Writes to the State and Federal local members to seek their participation in the civic event and their assistance in seeking funding to enable the Royal Far West to expand the initiative to provide respite to children severely impacted by the devastating bushfires.

VOTING

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

ABSENT: Cr White

CARRIED

PROCEDURAL MOTION - MATTER OF URGENCY

NOTE: Councillor White returned to the chamber 7.53pm.

Cr Sprott / Cr Walton

That as a matter of urgency Council considers a motion in relation to acknowledging the work of Council staff during the recent flood and storm events.

VOTING

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

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

LOST

7.2 MAYORAL MINUTE NO 02/2020 - MCCARRS CREEK ROAD, CHURCH POINT - ROAD SAFETY CONCERNS

015/20 **RESOLVED**

Cr Regan

That Council:

1. Writes to the Minister for Transport NSW outlining the urgent safety concerns regarding speeding along McCarrs Creek Road, Church Point and request their assistance to undertake:
 - A. a pilot project to install point-to-point speed cameras along McCarrs Creek Road, Church Point
 - B. an updated speed survey to be undertaken along McCarrs Creek Road, Church Point
 - C. an immediate assessment to enable mobile speed cameras on McCarrs Creek Road, Church Point.
2. Writes to the Local Member for Pittwater, the Hon. Rob Stokes, MP confirming our support of these proposals and to seek his further assistance to take up the matter with his parliamentary colleagues.

3. Writes to Northern Beaches Commander, Superintendent David Darcy confirming our support of these proposals.
4. Requests that the report being prepared by staff to the Northern Beaches Local Traffic Committee be finalised as a matter of urgency and brought to the March meeting for consideration.
5. Notes the unanimous support from Council's Community Safety Committee of proposed actions.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 DECEMBER 2019 QUARTER REVIEW

NOTE: Councillor Heins left the chamber at 8:05pm and returned at 8:07pm.

016/20 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

1. Notes the Budget Review Statement for the six months ended 31 December 2019.
2. Approves the following changes to the Current Forecast in the December 2019 Budget Review Statement:
 - A. A decrease in the forecast Surplus from Continuing Operations which includes Capital Grants and Contributions of \$7,689,097 to \$26,440,837.
 - B. A decrease in capital expenditure by \$13,740,179 to \$104,473,545.
3. Notes the Quarterly Report on Service Performance for the period ended 31 December 2019.

VOTING

FOR: Unanimous

CARRIED

9.4 USE OF DELEGATED AUTHORITY OVER THE 2019-2020 RECESS PERIOD

NOTE 1: Councillor Grattan left the chamber at 8:09pm and returned at 8:11pm.

NOTE 2: Councillor Daley left the chamber at 8:09pm.

NOTE 3: Councillor Ferguson left the chamber at 8:25pm and returned at 8:27pm.

017/20 RESOLVED

Cr Harrison / Cr Bingham

That Council note the decision made under the delegated authority granted by the Council to the Mayor for the period 18 December 2019 to 2 February 2020 inclusive.

VOTING

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

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

ABSENT: Cr Daley

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The meeting adjourned at 8:30pm and reconvened at 8:40pm.

018/20 RESOLVED

Cr Regan / Cr De Luca

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

VOTING

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

ABSENT: Cr Daley

CARRIED

9.5 BROOKVALE OVAL CENTRE OF EXCELLENCE

019/20 RESOLVED

Cr Amon / Cr De Luca

That Council:

1. In accordance with Section 55(3)(i) of the Local Government Act 1993 enter into direct arrangement with the Manly Warringah Sea Eagles for the lease of land at Brookvale Oval for their construction and ongoing operation of a Centre of Excellence and Grandstand due to an unavailability of competitive or reliable tenderers given:

- A. Specific grant funds have been provided to Manly Warringah Sea Eagles for this proposed development and use.
 - B. There is no other organisation with use and tenure of Brookvale Oval that can achieve the required outcomes of the project.
2. Delegates authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution.

VOTING

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

AGAINST: Cr Harrison

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 PUBLIC EXHIBITION OF PROPOSED FEES AND CHARGES FOR BILARONG COMMUNITY HALL AND MANLY YOUTH AND COMMUNITY CENTRE

020/20 **RESOLVED**

Cr Amon / Cr Heins

That:

1. Council place the proposed fees and charges for both Bilarong Community Hall and Manly Youth and Community Centre on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: Unanimous

CARRIED

10.3 MINUTES OF THE PUBLIC ART WORKING GROUP MEETINGS 31 OCTOBER 2019 AND 5 DECEMBER 2019

021/20 **RESOLVED**

Cr Philpott / Cr Regan

That Council:

1. Notes the draft minutes of the Public Art Working Group meetings held on 31 October 2019 and 5 December 2019.
2. Further develop with the Public Art Working Group at the 5 March 2020 meeting, a vision that expresses the unique opportunity that the Coast walk presents to create a journey through the use of public art including artworks, wayfinding and connection with our cultural heritage and the environment.

3. Endorses the following five sites to be prioritised for the commissioning and delivery of artwork along the Coast Walk, with the first four sites to commence in 2020:
- A. McKillop Park (viewing platform), Freshwater
 - B. Governor Phillip Park, Palm Beach (northern end)
 - C. Robert Dunn Reserve, Mona Vale Headland (south)
 - D. Dee Why Beach (southern end)
 - E. Freshwater Beach (southern end).

VOTING**FOR:** Unanimous**CARRIED****12.0 PLANNING AND PLACE DIVISION REPORTS****12.1 TOWARDS 2040 - LOCAL STRATEGIC PLANNING STATEMENT**

NOTE 1: Councillor Sprott left the chamber at 9:10pm and returned at 9:11pm.

NOTE 2: Councillor Amon declared an interest in this item.

022/20 RESOLVED**Cr White / Cr Grattan**

That Council:

1. Notes this report and associated attachments, including the outcomes of the public exhibition process and Council's proposed response to the feedback received.
2. Endorses Towards 2040 – Northern Beaches Local Strategic Planning Statement.
3. Refers Towards 2040 – Northern Beaches Local Strategic Planning Statement to the Greater Sydney Commission for the purpose of the assurance process.
4. Delegates authority to the Chief Executive Officer to make the Local Strategic Planning Statement upon written support being received from the Greater Sydney Commission.
5. On page 32 of the Local Strategic Planning Statement or page 33 of attachment booklet 2, insert after the words “future MRA investigation area” the words “until relevant studies have been undertaken and subject to those studies.”

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

12.2 ASSESSMENT OF DRAFT VOLUNTARY PLANNING AGREEMENT - 31 BELLARA AVENUE AND 66 POWDERWORKS ROAD, NORTH NARRABEEN

NOTE: Councillor Ferguson left the chamber at 9:16pm and returned at 9:18pm.

023/20 **RESOLVED**

Cr De Luca / Cr Sprott

That Council:

1. Notes the assessment of the draft Voluntary Planning Agreement.
2. Places the draft Voluntary Planning Agreement and Explanatory Note on public exhibition for a minimum 28 days in accordance with legislative requirements.
3. Be presented with a report on the outcomes of the public exhibition of the draft Voluntary Planning Agreement.
4. Note the exhibition of the draft Voluntary Planning Agreement is not pre-empting the outcome of the Development Application.

VOTING

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

AGAINST: Cr Warren

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 PROPOSED EASEMENTS TO DRAIN WATER OVER PATANGA PARK - FRENCHS FOREST ROAD EAST, FRENCHS FOREST TO BENEFIT 22 AND 26 FRENCHS FOREST ROAD EAST, FRENCHS FOREST

024/20 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. 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 easements referred to in item 2 of this recommendation.
2. Council, subject to Item 4 of this recommendation and Minister's consent, authorises:
 - A. Easement 1

An Easement to Drain Water, 1 metre wide and approximately 21 metres in length, and associated Positive Covenant, by underground pipe within Lots 82 and 87 in DP 25964 Patanga Park, Frenchs Forest in favour of 22 Frenchs Forest Road East, Frenchs Forest (Lot 86 DP 20077) for an amount in accordance with Council's adopted Fees and Charges.

B. Easement 2

An Easement to Drain Water, 1 metre wide and approximately 5 metres in length, and associated Positive Covenant, by underground pipes within Lot 82 DP 25964 Patanga Park, Frenchs Forest in favour of 26 Frenchs Forest Road East, Frenchs Forest (Lot 84 DP 20077) for an amount in accordance with Council's adopted Fees and Charges.

3. Council delegates authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
4. All costs associated with the granting of the proposed easements and associated Positive Covenants as referred to in item B of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the applicants.

VOTING

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

AGAINST: Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison and Cr Warren

CARRIED

13.3 PROPOSED LOCATION FOR A NEW WARRINGAH GOLF CLUB CLUBHOUSE

NOTE: Councillors Daley, Regan, Sprott and Walton declared an interest in this item.

025/20 **RESOLVED**

Cr Regan / Cr Bingham

That Council:

1. Agrees in principle to the proposal for the Warringah Golf Club to build a new clubhouse on the current Warringah Recreation Centre site, subject to appropriate terms being agreed by the parties.
2. Delegates to the Chief Executive Officer to carry out all things necessary to give effect to this resolution including the execution of any required documentation under Delegated Authority, subject to his satisfaction that the terms agreed have met with Council's requirements.

VOTING

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

AGAINST: Cr Amon, Cr Heins, Cr McTaggart, Cr De Luca, Cr Ferguson and Cr Warren

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

026/20 **RESOLVED**

Cr Regan / Cr Bingham

That the order of business be changed so items 19.2 and 19.6 be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

19.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE: Council moved into closed session at 9:56pm.

027/20 **RESOLVED**

Cr Regan / Cr Bingham

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:

- a. Item 19.2 RFT 2020/005 - Installation of a Solar Photovoltaic System at Manly Andrew 'Boy' Charlton Aquatic Centre 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 the installation of a solar system on a Council facility. 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 prejudice the commercial position of tenderers.

- b. Item 19.6 RFT 2020/011 - Commercial Building Upgrade and Office Fit Out Works at 52 Raglan Street Manly 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 details of tender submissions and the disclosure of this matter in open meeting would, on balance be contrary to the public interest in maintaining openness and transparency in council decision making because the disclosure of this information would prejudice the commercial position of the person who supplied it.

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

15.0 NOTICES OF MOTION

NOTICES OF MOTION BY EXCEPTION

028/20 **RESOLVED**

Cr De Luca / Cr Ferguson

That:

1. Items 15.4, 15.6, 15.8, 15.12 and 15.13 are dealt with by exception.
2. These items be adopted with the following nominally assigned movers and seconders:
 - 15.4 - Notice of Motion No 48/2019 - Recognition for Netball and Community Contribution - moved Councillor Sprott and seconded Cr De Luca.
 - 15.6 - Notice of Motion No 55/2019 - 5G on the Northern Beaches - moved Councillor De Luca and seconded Cr Regan.
 - 15.8 - Notice of Motion No 57/2019 - Network of Recycling Centres - moved Councillor Warren and seconded Cr Regan.
 - 15.12 - Notice of Motion No 03/2020 - Pittwater Rugby Park Facilities - moved Councillor Daley and seconded Cr Amon.
 - 15.13 - Notice of Motion No 04/2020 - Movies at Lionel Watts Reserve - moved Councillor Philpott and seconded Cr Harrison.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 48/2019 - RECOGNITION FOR NETBALL AND COMMUNITY CONTRIBUTION

NOTE: Councillor De Luca declared an interest in this item.

029/20 **RESOLVED**

That in recognition of the long service and outstanding work for the people of Frenchs Forest in the area of netball, Council writes to the Geographical Names Board of NSW and associated State Government departments requesting the newly refurbished netball courts at Melwood Oval be named the Margaret Cliff Netball Courts.

RESOLVED BY EXCEPTION

15.6 NOTICE OF MOTION NO 55/2019 - 5G ON THE NORTHERN BEACHES030/20 **RESOLVED**

That Council:

1. Notes the concern of some residents regarding (EME) from 5G proposed installations across the Northern Beaches, particularly at 92A Mona Vale Road, Warriewood where it is alleged the EME levels will go from 5.43% to 32.068%.
2. Noting that 5G Infrastructure falls under the Federal Government's jurisdiction, Council formally writes to local Federal MPs, Jason Falinski MP and Zali Steggall MP requesting they respond to community concern and ensure independent testing of 5G infrastructure on the Northern Beaches in the interests of public safety as a matter of urgency.

RESOLVED BY EXCEPTION**15.8 NOTICE OF MOTION NO 57/2019 - NETWORK OF RECYCLING CENTRES**031/20 **RESOLVED**

That Council staff bring back a feasibility study to a council briefing within four months regarding how Council might go about setting up a network of distributed recycling centres throughout the Northern Beaches LGA, including details such as:

- Identifying possible locations for recycling centres.
- An initial business plan and operating model that allows for expansion in stages.
- Any potential grants available.
- Visiting and benchmarking successful business models in other LGAs.

RESOLVED BY EXCEPTION**15.12 NOTICE OF MOTION NO 03/2020 - PITTWATER RUGBY PARK FACILITIES**

NOTE: Councillor Amon declared an interest in this item.

032/20 **RESOLVED**

That:

1. Council conduct an immediate review regarding the women's change rooms at Pittwater Rugby Park to ensure that there are adequate facilities for women's rugby and other sports at the ovals that reflect not only their inclusiveness and standing in the game of rugby, but also provides women with the same quality facility as that provided to a male player when both are scheduled to play at Pittwater Rugby Park at the same times/days.
2. Staff bring back an urgent report to council within one month giving recommendations regarding these issues.
3. Council also conducts an immediate review of all relevant sporting ovals and premises within the Northern Beaches Local Government area regarding women's change room facilities and come back with a report to council within three months which also gives recommendations.

RESOLVED BY EXCEPTION

15.13 NOTICE OF MOTION NO 04/2020 - MOVIES AT LIONEL WATTS RESERVE**033/20 RESOLVED**

That Council investigate and report back within three months on the instigation in December/January 2020/21, of a program of summer time movies to be held outdoors, which will be freely open to the community. It is anticipated this would be ideally situated in community areas/sports fields; initially, and in particular, at Lionel Watts recreation area, Frenchs Forest.

RESOLVED BY EXCEPTION**15.1 NOTICE OF MOTION NO 45/2019 - WAKEHURST PARKWAY TREE MANAGEMENT****034/20 RESOLVED*****Cr Amon / Cr De Luca***

That Council:

1. Calls on the Roads and Maritime Services to ensure that the safety of the Wakehurst Parkway (Narrabeen to Frenchs Forest) corridor is maintained in relation to risks present by trees and to provide assurances regarding the nature and frequency of their maintenance program.
2. Writes to the Roads and Maritime Services, the State Members of Parliament for Pittwater, Davidson and Wakehurst regarding this matter.

VOTING**FOR:** Unanimous**CARRIED****15.2 NOTICE OF MOTION NO 46/2019 - WARRIEWOOD DEVELOPMENT CONTROL PLAN BREACHES****035/20 RESOLVED*****Cr Amon / Cr Ferguson***

That Council:

1. Thanks the Member for Pittwater for his recent correspondence (received 14 November 2019) and welcomes his offer to meet with Council to discuss possible improvements to the Complying Development system.
2. Reinforces its previous position that State Environmental Planning Policies (SEPPs) such as the Affordable Rental Housing SEPP and Seniors Living SEPP are having adverse impacts on our local communities and local character.
3. Notes its commitment in Action 15.3 of the draft Local Strategic Planning Statement (Towards 2040) to seek exemption from State policies that override local housing provisions based on

the delivery of housing that meets the demonstrated needs of our community – policies which we seek exemption to include seniors housing, affordable rental housing (boarding houses) and medium density housing code.

4. Urge the Minister for Planning to make urgent changes to State Environmental Planning Policy (Educational Establishments and Child Care Facilities) to address the adverse bulk, scale, streetscape and amenity impacts that school buildings 22 metres high have on low scale residential areas. The SEPP should be amended to include provisions that require consideration of existing local character and residential amenity.
5. Urge the Minister of Planning to amend the Exempt and Complying Codes SEPP to allow local government area specific site and locality based controls to be incorporated into the Codes SEPP.

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 47/2019 - BIKE SHARE OPERATIONS EXPRESSION OF INTEREST

036/20 **RESOLVED**

Cr Sprott / Cr Walton

That Council prepares a briefing on the advantages and disadvantages of GPS positioning systems verses docking station for bike share systems and to be presented to Council before a decision is made to proceed with the expression of interest process.

VOTING

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

AGAINST: Cr Grattan, Cr Heins, Cr Regan, Cr Bingham and Cr Warren

CARRIED

15.5 NOTICE OF MOTION NO 53/2019 - AUSTRALIA DAY CITIZENSHIP CEREMONIES PROCEDURAL MOTION - MOTION BE PUT

037/20 **RESOLVED**

Cr Harrison

That the motion be now put.

VOTING

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

AGAINST: Cr Amon and Cr Ferguson

CARRIED

Cr Ferguson / Cr Amon

That Council holds future Citizenship Ceremonies on Australia Day on a rotating basis at the following three locations:

1. Newport Beach.
2. Dee Why Beach.
3. Manly Beach.

VOTING

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

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

LOST

15.7 NOTICE OF MOTION NO 56/2019 - THE DUNNY DOOR CAMPAIGN

038/20 **RESOLVED**

Cr De Luca / Cr Ferguson

That Council:

1. Notes that one in five Australian women experience sexual assault, domestic or family violence.
2. Notes 'The 'Dunny Door Campaign' aims to place a NSW Rape Crisis Service sticker on the back of every public toilet door in Australia to help those who are victims of sexual assault, domestic or family violence, while the NSW Domestic Violence Line is shown on posters again displayed in public toilets.
3. Requests the Chief Executive Officer to furnish a short report to the April 2020 Council meeting on the feasibility and cost of placing such stickers and posters on all Council controlled public toilets on the Northern Beaches.
4. Requests staff to bring back to a briefing a plan outlining the ways Council could further support victims of family and domestic violence including but not limited to support for women's shelters, legal and medical services, requesting funding from state and federal government where appropriate and including consultation with the Northern Beaches Domestic Violence Committee.
5. Acknowledges the assistance and input also of Councillors Warren, Heins and Bingham.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

039/20 **RESOLVED**

Cr Regan / Cr Bingham

That the order of business be changed so items 16.1, 15.20 and 15.11 be brought forward and dealt with immediately.

VOTING

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

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

CARRIED

16.1 NOTICE OF RESCISSION NO 4/2019 - PLANNING PROPOSAL - HERITAGE LISTING OF 21 WHISTLER STREET MANLY

NOTE: Councillor Regan left the chamber at 10:45pm due to having declared an interest in this item and Councillor Bingham assumed the Chair.

040/20 **RESOLVED**

Cr Amon / Cr De Luca

That Council rescind resolution 439/19 – Item 12.4 Planning Proposal – Heritage Listing of 21 Whistler Street, Manly adopted at the Council meeting of 17 December 2019, being:

That Council resolve to submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

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 Warren

ABSENT: Cr Regan

CARRIED

REPLACEMENT MOTION

041/20 **RESOLVED**

Cr Amon / Cr De Luca

That the matter is deferred until the 24 March 2020 meeting of Council when the outcome of an independent heritage report will be known.

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 Warren

ABSENT: Cr Regan

CARRIED

15.20 NOTICE OF MOTION NO 11/2020 - WASTE COLLECTION SERVICE

NOTE 1: Councillor Regan returned to the chamber at 10:47pm and resumed the Chair.

NOTE 2: Councillor Amon left the chamber at 10:47pm.

NOTE 3: Councillor Ferguson left the chamber at 10:48pm and returned at 10:50pm.

NOTE 4: Councillor Sprott left the chamber at 10:49pm and returned at 10:50pm.

NOTE 5: Councillor Warren left the chamber at 10:54pm and returned at 10.56pm.

042/20 RESOLVED**Cr Daley / Cr Bingham**

That Council:

1. Acknowledges that:
 - A. Council has just completed the biggest bin rollout in the Southern Hemisphere in an unprecedented exercise for an Australian Council.
 - B. Change to a waste collection service on this scale will inherently have teething issues for Council, Contractor and the community.
 - C. Significant improvements are being achieved by Council and our waste contractor, URM as this service is bedded down.
2. Thanks the community for their patience during this period of change.
3. Arranges a briefing to Councillors on the dashboard reporting systems developed for the new waste service to provide confidence that performance is being monitored for our community.
4. Invites Council's waste contractor URM Group to a briefing with Councillors to discuss the Northern Beaches Council Waste Collection Contract within two months.

VOTING

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

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

ABSENT: Cr Amon

CARRIED

PROCEDURAL MOTION – EXTEND MEETING CONCLUSION TIME

NOTE: Councillor Amon returned to the chamber at 11:02pm.

043/20 RESOLVED**Cr Regan / Cr Bingham**

That the business of the meeting be extended as per the Code of Meeting Practice clause 19.3 to 11:30pm.

VOTING

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

AGAINST: Cr Amon, Cr Heins, Cr Harrison and Cr Warren

CARRIED

15.11 NOTICE OF MOTION NO 02/2020 - WAKEHURST PARKWAY BIODIVERSITY LAND BRIDGE

044/20 **RESOLVED**

Cr Sprott / Cr Grattan

That Council:

1. Recognises the potential impact of widening of the Wakehurst Parkway on animal movement and safety concerns of park and road users between Manly Dam and the Garigal National Park.
2. Writes to the NSW State Government and its relevant ministers requesting that the BL Tunnel project includes a commitment for the inclusion of land bridges:
 - A. Across Wakehurst Parkway at Seaforth for animals, bush walkers and mountain bikers to provide a safe connection between the Manly Dam War Memorial Park and Garigal National park to ensure the protection of the parks' biodiversity.
 - B. Across Burnt Bridge Creek Deviation to provide a wildlife corridor, additional green space and enable the connection of the communities of Balgowlah, North Balgowlah and Seaforth.
 - C. That these land bridges be designed with considerable width to allow for all animals and people to use this access.
3. Also request the State Government to provide an update on requests for:
 - A. The Warringah Rd Land bridge connection as per Warringah Council's original request.
 - B. The Land Bridge connection across the Wakehurst Parkway adjacent / near the Warringah Aquatic Centre as part of any upgrade/ widening.

VOTING

FOR: Unanimous

CARRIED

15.9 NOTICE OF MOTION NO 58/2019 - HONOURING STATE EMERGENCY SERVICE AND RURAL FIRE SERVICE

NOTE 1: Councillor White left the chamber at 11:11pm due to having declared an interest in this item.

NOTE 2: Councillor Amon left the chamber at 11:12pm due to having declared an interest in this item.

045/20 **RESOLVED**

Cr De Luca / Cr Ferguson

That Council:

1. Acknowledges the outstanding service, particularly recently during the unprecedented bushfires and storms, of Northern Beaches State Emergency Service (SES), Rural Fire Service (RFS) officers, Surf Life Saving Clubs, Avalon Beach Surf Life Saving Club, WIRES, Sydney Wildlife, Council staff and all volunteers.

2. In honour and in appreciation of Northern Beaches' SES and RFS Officers' outstanding service Council's Chief Executive Officer be requested to investigate and report to the April 2020 Council meeting the feasibility of Council granting free access to them and their families, upon proof of membership of a Northern Beaches SES or RFS a year's access to all Council run pools as well as one free parking sticker for the member, for one year, upon proof of membership of a Northern Beaches SES or RFS.

VOTING

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

ABSENT: Cr White and Cr Amon

CARRIED

15.10 NOTICE OF MOTION NO 01/2020 - MARINE PARK IN NORTH HARBOUR

NOTE 1: Councillor White returned to the chamber at 11:16pm.

NOTE 2: Councillor Amon returned to the chamber at 11:16pm.

NOTE 3: Councillor De Luca left the chamber at 11:22pm and returned at 11:23pm.

046/20 RESOLVED***Cr Sprott / Cr Ferguson***

That Council write to the relevant Minister requesting an update on the proposed NSW Marine Estate Reforms, particularly in relation to the proposed expansion Reserve in North Harbour and two Sanctuary Zones in Fairlight and Spring Cove.

VOTING

FOR: Unanimous

CARRIED

15.14 NOTICE OF MOTION NO 05/2020 - CIVIC RECEPTION HONOURING THE VOLUNTEERS OF 2019/20 BLACK SUMMER BUSHFIRE OPERATIONS

NOTE: With the acknowledgement of the Chair, Councillor Walton withdrew this item following the adoption of item 7.1.

15.15 NOTICE OF MOTION NO 06/2020 - INFRASTRUCTURE WITHIN MANLY DAM CATCHMENT047/20 **RESOLVED****Cr Harrison / Cr Sprott**

That:

1. The Chief Executive Officer writes to the NSW Department of Planning and Transport for NSW requesting the inclusion of appropriate Northern Beaches Council staff in the EIS development, and throughout the design and construction process for the Northern Beaches tunnel, should it proceed, to ensure the ongoing protection of the ecology of Manly Dam.
2. The Chief Executive Officer writes to School's Infrastructure within the NSW Department of Education requesting:
 - A. Appropriate Northern Beaches Council staff are included throughout the design and construction process of any new school in the Manly Dam catchment to ensure the ongoing protection of the ecology of Manly Dam.
 - B. The old Spastic Centre of NSW and other brown sites be considered as a possible site for the relocation and construction of The Forest High School.

VOTING**FOR:** Unanimous**CARRIED****15.16 NOTICE OF MOTION NO 07/2020 - UNDERGROUND POWERLINES AND CABLES***NOTE: Councillor Philpott left the chamber at 11:28pm and returned to the chamber at 11:30pm.*048/20 **RESOLVED****Cr De Luca / Cr Ferguson**

That Council resolves to writes to the NSW Minister for Energy, The Hon Matt Kean MP, the Minister for Planning, The Hon Dr Rob Stokes MP and Minister for Local Government, The Hon Shellie Hancock MP:

1. Calling for powerlines and cables to be undergrounded to improve reliability of electricity supply, public amenity, the environment, public and workplace safety, reduction in health risks and maintenance costs.
2. Requesting an update as to what, if anything, their respective Departments are currently doing to effect the undergrounding of powerlines and cables now and into the future in New South Wales.

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

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE 1: The Chair reported the following confidential resolutions passed in closed session and by exception at item 6.0 - Items Resolved by Exception.

NOTE 2: Councillor Amon left the chamber at 11:31pm and returned to the chamber at 11:32pm.

19.1 RFT 2019/001 - SERVICES FOR PAVEMENT CLEANING

049/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. In accordance with Clause 178 of the Local Government (General) Regulation 2005 Council accepts the tender of Shellkote Pty Ltd T/as Enviro Clean & Capture for RFT 2019/001 – Services for Pavement Cleansing for the initial amount of \$170,352 (ex GST) p.a. (subject to cost adjustment by CPI for each year thereafter) for the a period of three (3) years with two options of a one year extension, subject to satisfactory performance.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. The Chief Executive Officer be delegated authority to exercise Council's options to extend the contract term should that be advantageous to Council.

RESOLVED BY EXCEPTION

19.3 RFT 2019/271 - EAST ESPLANADE RESERVE AMENITIES

NOTE: Councillor Amon declared an interest in this item.

050/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council accepts the Tender of Westbury Constructions Pty Ltd for RFT 2019/271 – East Esplanade Reserve Amenities for the sum of four hundred and seventy seven thousand, six hundred and thirty two dollars (\$477,632.00) 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

19.4 RFT 2019/164 - GUTTER AND ROOF INSPECTION, CLEANING, CONDITION REPORTING AND MINOR REPAIR051/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That:

1. Council accept the tender offer received from Plateau Tree Services Pty Ltd for Zone 1 – Northern Zone, for the initial annual amount of \$37,335 ex GST for an initial contract period of three years with the option to extend for a further 2 consecutive terms of up to one year each subject to satisfactory continuing performance. CPI may apply to the schedule of rates after the first 12 months.
2. Council accept the tender offers received from Prime Group Australia Pty Ltd for Zone 2 – Central Zone, for the initial annual amount of \$56,890 ex GST and Zone 3 – Southern Zone, for the initial annual amount of \$48,020 ex GST, for an initial contract period of three years with the option to extend for a further 2 consecutive terms of up to one year each subject to satisfactory continuing performance. CPI may apply to the schedule of rates after the first 12 months.
3. Chief Executive Officer be delegated authority to execute contracts with the companies as listed, subject to satisfactory induction and to approve contract payments up to the amounts specified in the confidential evaluation report.
4. Chief Executive Officer be delegated authority to exercise Council's discretionary option to extend both contracts for up to two further consecutive terms of up to one year each.

RESOLVED BY EXCEPTION**19.5 RFT 2019/204 - EFFLUENT REMOVAL SERVICES**052/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That:

1. Council accept the tender offer received from Able Liquid Waste Pty Ltd for an initial contract period of three years with the option to extend for a further two consecutive terms of up to one year each subject to satisfactory continuing performance. CPI may apply to the schedule of rates after the first 12 months.
2. Chief Executive Officer be delegated authority to execute contract and to approve contract payments up to the amounts specified in the confidential evaluation report.
3. Chief Executive Officer be delegated authority to exercise Council's discretionary option to extend the contract for up to two further consecutive terms of up to one year each.

RESOLVED BY EXCEPTION

19.2 RFT 2020/005 - INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM AT MANLY ANDREW 'BOY' CHARLTON AQUATIC CENTRE

053/20 **RESOLVED**

Cr Bingham / Cr Grattan

That:

1. Council accepts the tender of The Green Guys Group Pty Ltd for RFT 2020/005 - Installation of a 265 kWp Grid Connected Solar Photovoltaic System at Manly Andrew 'Boy' Charlton Aquatic Centre for the sum of \$381,888.00 (ex GST).
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

19.6 RFT 2020/011 - COMMERCIAL BUILDING UPGRADE AND OFFICE FIT OUT WORKS AT 52 RAGLAN STREET MANLY

NOTE: Cr Amon left the chamber at 10:04pm and returned at 10:05pm.

054/20 **RESOLVED**

Cr Grattan / Cr Bingham

That:

1. In accordance with cl178 (1)(a) of the Local Government (General) Regulation 2005 Council accepts the tender of Grindley Interiors Pty Ltd for RFT2020/011 – Commercial Building upgrade and office fit out works at 52 Raglan Street, Manly for the sum of \$633,004.00 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.
3. The Chief Executive Officer bring back a report within three months on the impact on the operating budget and identify alternative funding sources for the community hub strategy at the Raglan St premises.

VOTING

FOR: Unanimous

CARRIED

NOTE 1: In accordance with clause 19.3 of the Code of Meeting Practice the meeting concluded at 11:32pm.

NOTE 2: The following items were deferred to the ordinary Council meeting of 24 March 2020 in accordance with clause 19.4(a) of the Code of Meeting Practice:

- *15.17 - Notice of Motion No 08/2020 - Wakehurst Parkway and Mona Vale Road*
- *15.18 - Notice of Motion No 09/2020 - Support for Widening and Flood Proofing Wakehurst Parkway*
- *15.19 - Notice of Motion No 10/2020 - Tree Planting for Newborns*

This is the final page of the minutes comprising 36 pages
numbered 1 to 36 of the ordinary Council meeting
held on Tuesday 25 February 2020 and confirmed on Tuesday 24 March 2020

Mayor

Chief Executive Officer