



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 29 SEPTEMBER 2020

Minutes of an Ordinary Council Meeting
held on Tuesday 29 September 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
Campbell Pfeiffer	Executive Manager Property
Caroline Foley	Executive Manager Financial Planning & Systems
Naren Gangavarapu	Chief Information Officer
David Walsh	Chief Financial Officer
Lesley Milbourne	Acting Manager Governance
Tamara Lukic	Governance Officer
Jasmine Evans	Governance Officer
Brendan Shaw	Information Management Technology Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:11pm, resumed at 8:20pm, moved into closed session at 9:20pm, resumed in open session at 10:18pm and concluded at 10:38pm.

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1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 AUGUST 2020

216/20 RESOLVED

Cr Harrison / Cr Ferguson

That the Minutes of the Ordinary Council Meeting held 25 August 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 Heins declared a not significant non-pecuniary interest in relation to item 10.1 2020/21 Community Grants Program – Funding Recommendations. Councillor Heins chose to take part in the discussion and voting on this item. The reason provided by Councillor Heins was:

“I have an association with one of the grant recipient organisations for which I was a voluntary board member for many years.”

Councillor White declared a not significant non-pecuniary interest in relation to item 10.1 2020/21 Community Grants Program – Funding Recommendations. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

“Regarding Scotland Island Residents Association (SIRA) Maker Market, I am not an office bearer. I have had no involvement in the grant application”

Councillor Grattan declared a pecuniary interest in relation to item 11.1 Minor Amendments to Flood Prone Land. Councillor Grattan chose to take no part in the discussion or voting on this item. The reason provided by Councillor Grattan was:

“My family property in Balgowlah Heights lies on flood prone land.”

Councillor Grattan declared a not significant, non-pecuniary interest in relation to item 11.2 Eco Schools Grant Program – Allocation of Funding. Councillor Grattan chose to take part in the discussion and voting on this item. The reason provided by Councillor Grattan was:

“My child is at Northern Beaches Secondary College - Manly Campus, part of the same college as one of the schools allocated an eco-school grant.”

Councillor Harrison declared a not significant, non-pecuniary interest in item 10.1 2020/21 Community Grants Program – Funding Recommendations and chose to take no part in the discussion and voting on this item. The reason provided by Councillor Harrison was:

“Two of my children attend a school which has been identified as a grant recipient”

Councillor Harrison declared a not significant, non-pecuniary interest in item 11.2 Eco Schools Grant Program – Allocation of Funding. Councillor Harrison chose to take part in the discussion and voting on this item. The reason provided by Councillor Harrison was:

“I have a child who attends the Northern Beaches Secondary College - Manly Campus and there is a grant identified for Northern Beaches Secondary College - Balgowlah Boys Campus. Although it is part of a larger college, the campuses are completely separate”

Councillor White declared a not significant pecuniary interest in relation to item 11.2 Eco Schools Grants Program – Allocation of Funding. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

“I have been working at the school but have no involvement with the grant process.”

Councillor White declared a not significant non-pecuniary interest in relation to item 18.2 Further Consideration of Potential Land Purchase. Councillor White remained in the chamber as the item was adopted by exception. The reason provided by Councillor White was:

“The property is near my property”

Councillor White declared a not significant non-pecuniary interest in relation to item 18.3 RFT 2020/006 – Bell and Carols Wharf Upgrades. Councillor White chose to take no part in the discussion and voting on this item and leave the meeting if the matter is called. The reason provided by Councillor White was:

“I currently park my boat at Carols Wharf which is planned to be renovated. ”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

5.1 PUBLIC FORUM

- Graeme Jessup addressed Council in relation to the sustainable aspects of the proposed Warriewood Valley Community Centre.
- Brian Halstead addressed Council in relation to Council’s Service Review.

5.2 PUBLIC ADDRESS

Item 13.1 – Mona Vale Surf Life Saving Club, Amenities Building and Apex Park Amenities
Bryce Munro and Paula Tocquer addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Grattan left the chamber at 6:19pm due to a declared pecuniary interest in relation to item 11.1 Minor Amendments to Flood Prone Land.

217/20 RESOLVED

Cr Ferguson / Cr Harrison

That items 9.2, 9.4, 9.6, 9.7, 11.1, 11.2, 11.3, 12.1, 18.2, 18.3, 18.4 and 18.5 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 Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr Grattan

CARRIED

9.2 MONTHLY INVESTMENT REPORT - AUGUST 2020

218/20 RESOLVED

Cr Ferguson / Cr Harrison

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

RESOLVED BY EXCEPTION

9.4 EXTENSION OF COUNCILLOR APPOINTMENTS - COMMITTEES AND STRATEGIC REFERENCE GROUPS

219/20 RESOLVED

Cr Ferguson / Cr Harrison

That Council determine to extend the existing councillor representation to 3 September 2021, or the day prior to the rescheduled NSW Local Government elections, whichever is the latest, as follows:

Strategic Reference Groups	Representation	Council Representative
Community and Belonging	Mayor (or delegate) plus 3 Councillors	Councillor Ferguson (Chair) Councillor Philpott Councillor Bingham Councillor Grattan
Economic and Smart Communities	Mayor (or delegate) plus 3 Councillors	Councillor Regan (Chair) Councillor Heins Councillor Walton Councillor Sprott
Environment	Mayor (or delegate) plus 3	Councillor Warren (Chair)

	Councillors	Councillor Sprott Councillor Daley OAM Councillor McTaggart
Transport and Travel	Mayor (or delegate) plus 3 Councillors	Councillor Grattan (Chair) Councillor Regan Councillor Amon Councillor Ferguson
Partnership and Participation	Mayor (or delegate) plus 3 Councillors	Councillor Heins (Chair) Councillor Regan Councillor Philpott Councillor Ferguson
Places for People	Mayor (or delegate) plus 3 Councillors	Councillor White (Chair) Councillor Regan Councillor Sprott Councillor Bingham
Statutory Committees		
Audit Risk and Improvement Committee	3 Councillors	Councillor Walton Councillor Heins Councillor Grattan
Council Joint Stakeholder Committees		
Ingleside Community Reference Group	2 Councillors	Councillor Ferguson (Chair) Councillor De Luca
Northern Beaches Flood Plain Management Committee	Mayor or delegate and 2 Councillors	Councillor McTaggart (Chair) Councillor Warren Councillor Heins
Community Safety Committee	5 Councillors (up to 1 per ward)	Councillor Regan (Chair) Councillor Bingham Councillor Heins Councillor Sprott Councillor Ferguson

RESOLVED BY EXCEPTION

9.6 CONFIRMED MINUTES OF THE STRATEGIC REFERENCE GROUP MEETINGS - MAY 2020

220/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the confirmed minutes of the:

1. Community and Belonging Strategic Reference Group Meeting held on 13 May 2020.
2. Economic and Smart Communities Strategic Reference Group Meeting held on 20 May 2020.
3. Environment Strategic Reference Group Meeting held on 21 May 2020.

4. Partnership and Participation Strategic Reference Group Meeting held on 6 May 2020.
5. Places for People Strategic Reference Group Meeting held on 7 May 2020.
6. Transport and Travel Strategic Reference Group Meeting held on 14 May 2020.

RESOLVED BY EXCEPTION

9.7 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 9 JUNE 2020

221/20 RESOLVED

Cr Ferguson / Cr Harrison

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 9 June 2020.

RESOLVED BY EXCEPTION

11.1 MINOR AMENDMENTS TO FLOOD PRONE LAND PLANNING REQUIREMENTS

222/20 RESOLVED

Cr Ferguson / Cr Harrison

That:

1. Council place the updated draft Pittwater 21 DCP 2014, Warringah DCP 2011, and Manly DCP 2013 amendments on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

11.2 ECO SCHOOLS GRANTS PROGRAM - ALLOCATION OF FUNDING

223/20 RESOLVED

Cr Ferguson / Cr Harrison

That Council approves the allocation of funding under the 2020 Eco Schools Grants Program to be distributed to schools as outlined in this report.

RESOLVED BY EXCEPTION

11.3 DRAFT PLACING OF HOARDINGS AND SCAFFOLDING AT CONSTRUCTION OR DEMOLITION SITES POLICY

224/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

1. Council place the draft Placing of Hoardings & Scaffolding at Construction or Demolition Sites Policy on public exhibition for two months.
2. The outcomes of the public exhibition of the draft Placing of Hoardings & Scaffolding at Construction or Demolition Sites Policy be reported to Council.

RESOLVED BY EXCEPTION

12.1 PLANNING PROPOSAL (PEX2018/0007) TO REZONE LAND WITHIN THE MANLY WARRINGAH WAR MEMORIAL STATE PARK

225/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

1. Note that remediation works have commenced on the properties owned by Crown Lands, being Lots 76 and 77 of DP 504237 and Lot 2 of DP 710023, and Council as a Planning Proposal Authority, is satisfied that once these land parcels have been remediated they will be suitable to be used for the purposes of Public Recreation (RE1).
2. Review the zoning that applies to the Sydney Water operational reservoir site (Lot 1 DP 835123) and adjoining lot with unclear ownership (Lot 1 DP 1200869) as part of the LEP review.
3. Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination to amend Warringah Local Environment Plan 2011 to:
 - A. Rezone three land parcels owned by Crown Lands (Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023) at Wakehurst Parkway, Seaforth from R2 (Low Density Residential) to RE1 (Public Recreation).
 - B. Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023, at Wakehurst Parkway, Seaforth.
 - C. Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning, Industry and Environment via Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.
 - D. Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls; from land covered by Manly Warringah War Memorial State Park Planning Proposal.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillor Grattan returned to the chamber at 6:20pm.

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

226/20 **RESOLVED**

Cr De Luca / Cr Ferguson

That as a matter of urgency Council considers a motion in relation to Suicide Prevention on the Northern Beaches.

VOTING

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

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

CARRIED

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 07/2020 - VALE LYNNE CZINNER

227/20 **RESOLVED**

Cr Regan

That:

1. Council acknowledges the sad passing of former Mayor of Pittwater, Lynne Czinner.
2. Council send our condolences and extend its sincere sympathy to the family of the late Lynne Czinner.
3. In recognition of her outstanding service as a Foundation Councillor of Pittwater Council in 1992, service as a Councillor from 1992 to 2008, as Deputy Mayor from 1998 to 2002, Mayor 2004, dedication to the environment and the people of Pittwater, requests the CEO to liaise with Ms Czinner's family to determine an appropriate location for a Memorial in her honour.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 08/2020 - ADDRESSING OUR UNWANTED WASTE ON THE NORTHERN BEACHES

228/20 **RESOLVED**

Cr Regan

That staff provide a briefing to Councillors within three months on opportunities for increasing the recovery of problem waste such as soft plastics and e-waste.

VOTING

FOR: Unanimous

CARRIED

7.3 MAYORAL MINUTE NO 09/2020 - STAFF RECOGNITION - SUCCESS AT THE LOCAL GOVERNMENT PROFESSIONALS MANAGEMENT CHALLENGE

229/20 **RESOLVED**

Cr Regan

That Council:

1. Formally acknowledge the outstanding achievement of staff in winning the NSW Regional Final of the 2020 Local Government Professionals Australasian Management Challenge.
2. Congratulate all staff and mentors who competed this year.

VOTING

FOR: Unanimous

CARRIED

7.4 MAYORAL MINUTE NO 10/2020 - PUBLIC ARTWORK

230/20 **RESOLVED**

Cr Regan

That Council no longer pursue a permanent artwork to remember, as a narrative, how the Northern Beaches community responded during the COVID-19 pandemic.

VOTING

FOR: Unanimous

CARRIED

7.5 MAYORAL MINUTE NO 11/2020 - VALE ROBERT DUNN

231/20 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the enormous contribution made by the late Robert Dunn.
2. Send our condolences to the family of the late Robert Dunn.

VOTING

FOR: Unanimous

CARRIED

7.6 MAYORAL MINUTE NO 12/2020 - CALL FOR VOLUNTEERS - COVID SAFETY AMBASSADORS

NOTE: Councillor Harrison left the chamber at 6:57pm and returned at 6:59pm.

232/20 **RESOLVED**

Cr Regan

That Council:

1. Bring back a report to the October Council meeting on the possibility of using volunteers as COVID Safety Ambassadors for beaches and open space.
2. Advertise immediately for Expressions of Interest from local residents who would be interested should we determine to go down this path.
3. Approach each surf club for Expressions of Interest from their members who might like to individually contribute outside of their patrols or other club duties.
4. Write to the Premier and Ministers for Emergency Services and also Planning and Open Space to ask for their consideration of a State Sponsored Campaign for all Councils to assist with recruiting volunteers for each Local Government Area.
5. Investigate the possibility of using Red Frog or similar volunteers to help with social distancing at any schoolies celebrations.

VOTING

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

AGAINST: Cr Amon and Cr De Luca

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 ELECTION OF DEPUTY MAYOR

NOTE 1: The Returning Officer advised valid nominations for the office of Deputy Mayor were received and accepted by Councillor Bingham and Councillor Ferguson.

NOTE 2: The Returning Officer declared Councillor Bingham as Deputy Mayor for the term of office up to and including 4 September 2021.

233/20 RESOLVED

Cr Regan / Cr Ferguson

That Council:

1. Resolve to elect a Deputy Mayor in accordance with section 231 of the Local Government Act 1993 and in accordance with clause 394 of the Local Government (General) Regulation 2005, for the term of office up to and including 4 September 2021.
2. Resolve that should there be more than one candidate nominated for election as Deputy Mayor, the election of Deputy Mayor proceed by open voting (show of hands) in accordance with Schedule 7, Part 1, Clause 3 of the Local Government (General) Regulation 2005.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 2019/20 DRAFT FINANCIAL STATEMENTS

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

NOTE 2: Councillor Bingham left the chamber at 7:17pm and returned at 7:17pm.

NOTE 3: Councillor Daley left the chamber at 7:16pm and returned at 7:20pm.

NOTE 4: Councillor Warren left the chamber at 7:22pm and returned at 7:25pm.

234/20 RESOLVED

Cr Grattan / Cr Regan

That:

1. Council resolves in its opinion that the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2020:
 - A. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
 - B. to the best of the Council's knowledge and belief the Financial Statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records.

- C. the Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
2. The Mayor and Councillor Grattan, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for both the General Purpose Financial Statements and Special Purpose Financial Statements.
3. The Annual Financial Statements for the year ended 30 June 2020 be referred to the Council's Auditor for audit.
4. Council hereby delegates to the Chief Executive Officer authority, upon receipt of the Auditor's report of the Council, to:
 - A. Forward a copy to the Office of Local Government.
 - B. Arrange for the public notice of the Council Meeting for presentation to the public, in the required format to be placed on Council's web page.
 - C. Arrange for the Council's audited Financial Statements and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at Council's Customer Service Centres and Libraries.
 - D. List the audited Financial Statements and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.

VOTING

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

AGAINST: Cr Daley, Cr Amon and Cr De Luca

CARRIED

9.3 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020

235/20 **RESOLVED**

Cr Bingham / Cr Regan

That Council nominates the following councillors to attend the online Local Government NSW Annual Conference on Monday 23 November 2020 as voting delegates:

- A. Cr Michael Regan
- B. Cr Kylie Ferguson
- C. Cr Ian White
- D. Cr Sue Heins
- E. Cr Stuart Sprott
- F. Cr Candy Bingham.

VOTING

FOR: Unanimous

CARRIED

9.5 COUNCILLOR EXPENSES 1 JANUARY 2020 TO 30 JUNE 2020

236/20 **RESOLVED**

Cr Grattan / Cr Walton

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 January 2020 to 30 June 2020.

VOTING

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

AGAINST: Cr Amon and Cr Walton

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 2020/21 COMMUNITY GRANTS PROGRAM - FUNDING RECOMMENDATIONS

NOTE 1: Councillor Harrison left the chamber at 7:33pm due to a declared non pecuniary interest in relation to this item.

NOTE 2: Councillor Amon left the chamber at 7:33pm.

237/20 **RESOLVED**

Cr Walton / Cr Regan

That Council approve the allocation of \$279,993 under the 2020/21 Community Grants Program, as recommended by the Assessment Panels, including:

1. \$95,150 towards the Arts and Creativity grants stream.
2. \$97,566 towards the Community Development grants stream.
3. \$47,184 towards the second year of multi-year funding as recommended in the 2019/20 Community Grants Program.
4. \$40,093 towards the Environmental grants stream.

VOTING

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

ABSENT: Cr Harrison, Cr Amon

CARRIED

12.2 PUBLIC SPACE VISION AND DESIGN GUIDELINES

238/20 **RESOLVED**

Cr Daley / Cr Regan

That:

1. Council endorse the draft Public Space Vision and Design Guidelines for the purpose of public exhibition and publicly exhibit the document for a period of 28 days.
2. Following the exhibition period, the Public Space Vision and Design Guidelines be reported back to Council.

VOTING

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

ABSENT: Cr Amon and Cr Harrison

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 MONA VALE SURF LIFE SAVING CLUB, AMENITIES BUILDING AND APEX PARK AMENITIES

NOTE 1: Councillor De Luca left the chamber at 7:35pm.

NOTE 2: Councillor Harrison returned to the chamber at 7:37pm.

NOTE 3: Councillor Amon returned to the chamber at 7:38pm.

239/20 **RESOLVED**

Cr Ferguson / Cr Regan

That Council approve the proposed new Mona Vale Surf Life Saving Club building, Mona Vale Beach amenities building and Apex Park amenities building progress to construction tender stage.

VOTING

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

AGAINST: Cr McTaggart

ABSENT: Cr De Luca

CARRIED

13.2 PROPOSED LEASE - CENTRE OF EXCELLENCE - BROOKVALE OVAL

NOTE 1: Councillor White left the chamber at 7:41pm and returned at 7:42pm.

NOTE 2: Councillor De Luca returned at 7:41pm.

NOTE 3: Councillor Ferguson left the chamber at 7:47pm.

240/20 RESOLVED

Cr Amon / Cr Regan

That:

1. Council note the approval of DA2019/1190 by the Sydney North Planning Panel on 29 July 2020 for the construction of a Centre of Excellence at the northern end of Brookvale Oval (Part Lot 1 DP 651295, Part Lot 6 DP 785409, Part Lot 1 DP 748268, Part Lot 1 DP 114027 and Part Lot B DP 966128) (Brookvale Oval).
2. Council enter into a construction lease and agreement for lease for a Centre of Excellence at Brookvale Oval with the Manly Warringah Sea Eagles Limited and authority be delegated to Council's Chief Executive Officer to negotiate the terms and conditions of the construction lease and the agreement for lease in line with the Heads of Agreement.
3. Council note the objections received in respect of the proposed ground lease and endorse the position in response to those objections set out in the report for this item.
4. Council apply to the Minister for Local Government in accordance with Sections 47(5)(a) and (b) and 47(6) of the Local Government Act 1993 for consent to grant the proposed ground lease to the Manly Warringah Sea Eagles Limited for a term of up to thirty 30 years, noting the objections received to the ground lease.
5. Subject to the consent of the Minister for Local Government, Council enter into a ground lease for a Centre of Excellence at Brookvale Oval with the Manly Warringah Sea Eagles Limited for a term of up to 30 years and authority be delegated to Council's Chief Executive Officer to negotiate the terms and conditions of the ground lease in line with the Heads of Agreement.
6. All costs associated with the drafting and registration of the documents referred to above, including but not limited to, Council's legal costs, survey costs, subdivision costs, documentation registration, be funded by Manly Warringah Sea Eagles Limited.
7. Council delegates authority to the Chief Executive Officer to do all things and execute all necessary documentation in order to give effect to the above.

VOTING

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

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

ABSENT: Cr Ferguson

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 38/2020 - EAST ESPLANADE

NOTE 1: Councillor Ferguson returned to the chamber at 7:49pm.

NOTE 2: Councillor Heins left the chamber at 7:51pm and returned at 7:53pm.

Cr Daley / Cr Harrison

That East Esplanade grass area be returned to a 24 hour alcohol free zone as it was previously. This is for the duration of the COVID-19 pandemic.

VOTING

FOR: Cr Daley and Cr Harrison

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

LOST

15.2 NOTICE OF MOTION NO 39/2020 - PASSING OF COMMUNITY LEADER MRS BRENDA DUCHEN

241/20 **RESOLVED**

Cr De Luca / Cr Regan

1. That Council resolves to note:
 - a. With sadness, the passing of community leader and Manly Warringah Sea Eagles Rugby League stalwart, Mrs Brenda Duchen on Saturday 29 August 2020.
 - b. Manly Warringah Sea Eagles Coach, Des Hasler's tribute to Mrs Duchen on Channel 9 in an official Press Conference following her passing, honouring her over 50 years support of Manly Warringah Sea Eagles and noted "her advocacy ... her great sympathy for her fellow human being; her work in justice and individuals' rights, is legendary"
 - c. Mrs Duchen was a female trail blazer and in 2019 was recognised in the NSW Volunteer of the Year Awards for her many decades of devotion to sport, sport philanthropy, social welfare and particularly advocacy for women and the less fortunate
 - d. Mrs Duchen came from South Africa to Australia in 1965 having experienced the toll of apartheid and while her two younger children, were still at school, she sat the Higher School Certificate and enrolled in a law degree.
 - e. Mrs Duchen trailed her eldest son through law school, who contended graciously with her presence one year behind him and after a short stint at prestigious law firm Freehills, she set up in private practice, doing mostly legal aid work with some conveyancing on the side to fund her true love, criminal law.
 - f. Former NSW public defender, John Stratton SC paid tribute to Mrs Duchen "she became a formidable defender of the underdog" - among her early cases she acted for the Chelmsford Victims Action Group of around 200 victims of the Chelmsford Hospital scandal, in which patients were heavily drugged and subjected to electro-convulsive

shock treatment while in a comatose state. In a line which would come to epitomise Brenda's criminal practice, journalist Janet Fife-Yeomans, covering the case, observed that "Mrs Duchen is not being paid because the group has no money".

- g. Throughout her trail blazing career in the Law, Mrs Duchen pursued her vocation of defending some of society's poorest, most disadvantaged citizens, many of her clients were indigenous.
- h. Despite her busy, inspirational and successful career, Mrs Duchen selflessly devoted herself to others and particularly the Manly Warringah Sea Eagles - in the last few weeks of her life, she gave away all her Manly paraphernalia to her Twitter followers – a final act of generosity.

2. That this Council resolves to:

- a. Acknowledge and commends the outstanding community service of Mrs Brenda Duchen over the decades, particularly with the Manly Warringah Sea Eagles Rugby League Club and in honour of that service, requests the CEO to liaise with Mrs Duchen's family and the Manly Warringah Sea Eagles Rugby League Club's management to establish an appropriate permanent Memorial to Mrs Duchen at Brookvale Oval.
- b. Extend its condolences to Mrs Duchen's family; her husband David, children Steven, Tessa and Paul, their spouses, and her "eight angels" – her grandchildren.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 8:11pm and resumed at 8:20pm.

242/20 **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

15.3 NOTICE OF MOTION NO 40/2020 - SECURING THE FUTURE OF OUR NORTHERN BEACHES YOUNG PEOPLE

NOTE 1: Councillor Ferguson left the chamber at 8:47pm and returned at 8:47pm.

NOTE 2: Councillor Warren left the chamber at 8:56pm and returned at 8:58pm.

243/20 **RESOLVED**

Cr Sprott / Cr Grattan

That Council:

1. Note the increased unemployment and underemployment on the northern beaches post the COVID-19 lockdown, particularly of our young people.
2. Staff provide an update to Councillors at a briefing on options for a scaleable job creation program trial designed to provide an employment and/or training opportunity during the COVID recession for northern beaches youth including a discussion of potential options for the trials implementation, with an intention to launch in December 2020.
3. Explore funding options for a Job creation pilot or Traineeship trial including from available grants and/or savings.
4. Acknowledges the contribution to this motion and issue by Cr Heins and Walton.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 41/2020 - JOB CREATION FOR YOUTH AND TRAINEESHIPS

NOTE: Councillor Grattan withdrew this item due to being incorporated into the Notice of Motion 40/2020 Securing the Future of our Northern Beaches Young People.

15.5 NOTICE OF MOTION NO 42/2020 - COUNCIL'S COVID-19 SUMMER ACTION PLAN FOR OUTDOOR PUBLIC SPACES

244/20 **RESOLVED**

Cr Amon / Cr De Luca

That:

1. Council's Covid-19 Summer Action Plan for Outdoor Public Spaces (**the Plan**) go on public exhibition for 28 days and that key stakeholders and Chambers of Commerce be notified of the public exhibition.
2. A report be brought to Council's November meeting for consideration of the community feedback on the Plan.

VOTING

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

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

CARRIED

15.6 NOTICE OF MOTION NO 43/2020 - REVIEW OF DEVELOPMENT APPLICATION PROCESS FOR EVENTS

245/20 **RESOLVED**

Cr White / Cr Bingham

That:

1. The Events Team in consultation with the Planning and Place Division prepare a report on how events could become exempt of the Development Application process, in order to help streamline events within the Local Government Area, by providing an alternate approval process.
2. A report to be provided before the December Council meeting.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

NOTE: Council moved into closed session at 9:20pm.

246/20 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. In accordance with the requirements of Section 10A of the Local Government Act 1993 as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 Update on Whistler Street Legal Matter on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) Local Government Act 1993].

This report provides advice concerning litigation, namely, New South Wales Supreme Court Proceedings No 2017 / 00324554, in which Council is the defendant, and which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Further, the advice concerns legal matters that meet the requirements of Section 10B(2) of the Act. 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 Council's legal and commercial position, potentially preventing Council from achieving the best outcome for the community. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

- B. Item 18.6 Exemption from Tendering for the Ongoing Engagement of Information & Communication Technology Suppliers 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 the ongoing engagement of ICT suppliers. 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 release pricing information which could prejudice the commercial position of the suppliers.

- C. Item 18.7 Mayoral Minute No 14/2020 Preservation of Bushland within the Northern Beaches on the basis that it involves the receipt and discussion of) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. [10A(2)(c) Local Government Act 1993].

This report discusses a potential acquisition of land by Council and others. On balance, the public interest in preserving the confidentiality of information about this matter outweighs the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would provide a commercial advantage to the landowners in negotiations and would put Council at a commercial disadvantage, preventing it from achieving a 'best value for money' outcome for the community.

2. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

VOTING

FOR: Unanimous

CARRIED

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

NOTE: Confidential items 18.2, 18.3, 18.4 and 18.5 were dealt with by exception at item 6.0 with the recommendations of the Chief Executive Officer / Directors being adopted.

18.2 FURTHER CONSIDERATION OF POTENTIAL LAND PURCHASE

247/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note the information in the report.

RESOLVED BY EXCEPTION

18.3 RFT 2020/006 - BELL AND CAROLS WHARF UPGRADES

248/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

1. Council accepts the tender of GPM Marine Constructions Pty Ltd for RFT2020/006 – Bell and Carols Wharf Upgrades for the sum of \$2,220,608.90 excluding GST.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the Confidential Evaluation Report.

RESOLVED BY EXCEPTION

18.4 RFT 2020/046 - SERVICES FOR BUS SHELTER CLEANING

249/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

1. Council decline to accept any of the tenders for RFT 2020/046 – Services for Bus Shelter Cleaning in accordance with Clause 178 (3) of the Local Government (General) Regulation 2005.
2. Council in accordance with Clause 178 (3) (e) of the Regulation, enter into negotiations with the highest ranked tenderer, Urban Maintenance Systems Pty Ltd with a view to entering into a contract for up to 3 years in relation to the subject matter of the tender as:
 - A. Inviting tenders or applications is unlikely to result in a significantly different outcome given the broad industry advertising of the request for tender and the number of downloaded documents by industry contractors.
 - B. The tenderer was deemed by the Tender Evaluation Committee to be the closest to fulfilling Council's service expectations and has the resources to provide the required bus shelter cleaning services.
3. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

18.5 APPROVAL TO TENDER - KIMBRIKI CLEAN WATER DIVERSION SYSTEM

250/20 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council, in accordance with Section 7.4(d) of the Kimbriki Shareholder Agreement (2009) provide Shareholder approval for Kimbriki Environmental Enterprises Pty Ltd to proceed to tender for the construction of the "Clean Water Diversion Project" subject to the following pre-conditions:

That:

1. MOD2020/0349 is approved.
2. Kimbriki Environmental Enterprises Pty Ltd undertakes an open tender process consistent with the requirements of the Local Government Act 1993.
3. Kimbriki Environmental Enterprises Pty Ltd brief Councillors on the outcome of the tender process prior to executing any contract relating to the construction of the "Clean Water Diversion Project".

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 UPDATE ON WHISTLER STREET LEGAL MATTER

NOTE 1: Councillor Heins left the chamber at 9:22pm and returned at 9:25pm.

NOTE 2: Councillor Ferguson left the chamber at 9:23pm and returned at 9:25pm.

251/20 **RESOLVED**

Cr Regan / Cr Grattan

That Council:

1. Resolves to proceed with Option 1 in the Confidential report for this Item.
2. Authorises the Chief Executive Officer to give effect to the above.

VOTING

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

AGAINST: Cr Amon

CARRIED

18.6 EXEMPTION FROM TENDERING FOR THE ONGOING ENGAGEMENT OF INFORMATION & COMMUNICATION TECHNOLOGY SUPPLIERS

NOTE: Councillor Daley left the chamber at 10:11pm and returned at 10:11pm.

252/20 **RESOLVED**

Cr Amon / Cr Sprott

That the matter be deferred until the October Council meeting.

VOTING

FOR: Unanimous

CARRIED

18.7 MAYORAL MINUTE NO 13/2020 - PRESERVATION OF BUSHLAND WITHIN THE NORTHERN BEACHES

253/20 RESOLVED

Cr Regan

That Council writes to the NSW State Ministers for:

1. Transport and Roads
2. Energy and the Environment
3. Planning and Public Spaces

to seek their urgent consideration of the acquisition of the land parcels identified within this Mayoral Minute.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION – RESUME INTO OPEN SESSION

NOTE: Council resumed in open session at 10:18pm and Councillor Regan reported the confidential resolutions passed in closed session and resolved by exception.

254/20 RESOLVED

Cr Ferguson / Cr Bingham

That meeting resume in open session.

VOTING

FOR: Unanimous

CARRIED

MATTER OF URGENCY - SUICIDE PREVENTION ON THE NORTHERN BEACHES

255/20 RESOLVED

Cr De Luca / Cr Ferguson

1. That the Council:
 - A. Extends its sympathy to local families who have lost loved ones through suicide and acknowledges concern in the community about the continued tragic attempted suicides and loss of life.
 - B. Reaffirms its commitment to be a leader in suicide prevention and that Council will continue to work with the community to prevent suicides, noting that Council was awarded \$340,000 to train 'community gate keepers', has assessed all high risk areas on the Northern Beaches and placed LifeLine details at key sites, strategically placed specially designed barriers at a high-risk location and undertaken prevention work in schools.
2. Requests the CEO to furnish a short report to the next meeting of Council:
 - A. The status and outcomes of Resolution 24/2019 "United Action to Stop Suicides" submitted by Councillors De Luca and Sprott and subsequent resolution
 - B. An update on all of Council's current initiatives in relation to suicide prevention and outline of any actions and required resources to effect further initiatives regarding suicide prevention on the Northern Beaches, particularly in relation to any outstanding infrastructure required at high risk locations and resources to conduct education and awareness programmes.
 - C. Include efforts to work with other relevant agencies to improve the quality of suicide data and reporting.

VOTING

FOR: Unanimous

CARRIED

NOTE: Councillor Sprott acknowledged the resignation of Council Executive Managers, Natasha Schultz and Sonya Gallery, noting their contribution to Council.

The meeting concluded at 10:38pm.

This is the final page of the minutes comprising 28 pages
numbered 1 to 28 of the Ordinary Council Meeting
held on Tuesday 29 September 2020 and confirmed on Tuesday 27 October 2020

Mayor

Chief Executive Officer