



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 23 JUNE 2020

Minutes of an Ordinary Meeting of Council

held on Tuesday 23 June 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 (*joined at 6:11pm*)
Sue Heins
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
Melanie Gurney	Acting Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Eskil Julliard	General Counsel
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance
Brendan Shaw	Service Delivery Associate
Sylwia Stafford	Service Delivery Officer
Jessica Currie	Coordinator Recreation Planning
Caroline Foley	Executive Manager Financial Planning and Systems
David Walsh	Chief Financial Officer
Kylie Walshe	Executive Manager Community, Arts and Culture
Campbell Pfeiffer	Executive Manager Property
Steven Lawler	Executive Manager Parks and Recreation
Phillip Devon	Manager, Transport Network
Mark Jones	Executive Manager Strategy and Performance

Notes

The meeting commenced at 6:00pm, adjourned at 8:28pm, resumed at 8:38pm, moved into closed session at 10:12pm, resumed in open session at 10:14pm and concluded at 11:41pm.

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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 26 MAY 2020

136/20 **RESOLVED**

Cr Ferguson / Cr Bingham

That the Minutes of the Ordinary Council Meeting held 26 May 2020, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

AGAINST: Cr Daley, Cr Amon and Cr De Luca

ABSENT: Cr Harrison

CARRIED

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 2 JUNE 2020

137/20 **RESOLVED**

Cr White / Cr Grattan

That the Minutes of the Extraordinary Council Meeting held 2 June 2020, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

AGAINST: Cr Daley, Cr Amon and Cr De Luca

ABSENT: Cr Harrison

CARRIED

3.3 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 16 JUNE 2020

138/20 **RESOLVED**

Cr White / Cr Bingham

That the Minutes of the Extraordinary Council Meeting held 16 June 2020, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

AGAINST: Cr Daley, Cr Amon and Cr De Luca

ABSENT: Cr Harrison

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 13.1 – Manly Life Saving Club and Community Facilities Redevelopment. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

“I am an associate member of the club.”

4.2 Councillor Sprott declared a significant non-pecuniary interest in relation to Item 15.4 – Notice of Motion No 27/2020 – Outdoor Dining Fees. Councillor Sprott chose to leave the meeting and take no part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

“My partner has a café with outdoor dining.”

Due to the content of Item 15.4 being brought forward and incorporated into Item 9.2, Councillor Sprott left the Chamber for this item.

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Mayor advised that by staff reading the public addresses comments on behalf of those who have submitted them, Council accepts no responsibility for any comments made that could lead to a claim of defamation by any person viewing the meeting through any media.

NOTE 2: The Director Workforce and Technology, Northern Beaches Council read the public address on behalf of all speakers who elected to provide written submissions rather than join the online meeting.

NOTE 3: Councillor Daley left the chamber at 6:07pm and returned at 6:08pm.

NOTE 4: Councillor Harrison joined the meeting at 6:11pm.

5.1 PUBLIC ADDRESS

- **Item 9.2 - Outcome of Exhibition and Adoption of Delivery Program 2020-2024 and Operational Plan 2020/21** – Collin Haskell and John Cunningham addressed Council speaking against this item. Paul Oates and Priscilla Chang addressed Council speaking in support of this item.
- **Item 13.4 - Crown Land Reform - Land Categories** – Ann Collins and Ann Sharp addressed Council speaking against his item.
- **Item 13.6 - Outcome of Public Exhibition and Adoption of the Road Safety Plan** – Milton Da Rocha addressed Council speaking in support of this item.
- **Item 15.1 - Notice of Motion No 18/2020 - Woodturners at Forestville Guide Hall** – Owen Holden and Barry Brown addressed Council speaking in support of this item.
- **Item 15.6 - Notice of Motion No 29/2020 - Station Beach** – Mitch Geddes (on behalf of Pittwater Unleashed) addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

139/20 RESOLVED

Cr Grattan / Cr White

That items 8.3 and 9.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

8.3 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

140/20 **RESOLVED**

Cr Grattan / Cr White

That Council note payments totalling \$2048.14 have been allocated by the Northern Beaches Council Discretionary Fund for the period 25 March 2020 to 23 June 2020.

RESOLVED BY EXCEPTION

9.1 MONTHLY INVESTMENT REPORT - MAY 2020

141/20 **RESOLVED**

Cr Grattan / Cr White

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

RESOLVED BY EXCEPTION

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 COVID-19 SUPPORTING OUR COMMUNITY

142/20 **RESOLVED**

Cr Daley / Cr Regan

That Council:

1. Note the response to the COVID-19 pandemic.
2. Thank the community for working together during these difficult times to keep each other safe and for their positive support and acceptance of the restrictions in place.

VOTING

FOR: Unanimous

CARRIED

8.2 RESPONSE TO NOTICE OF MOTION 04/2020 – MOVIES AT LIONEL WATTS RESERVE

143/20 **RESOLVED**

Cr Philpott / Cr Regan

That this item be deferred to the next ordinary Council meeting.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 OUTCOME OF EXHIBITION AND ADOPTION OF DELIVERY PROGRAM 2020-2024 AND OPERATIONAL PLAN 2020/21

NOTE 1: Councillor Heins left the chamber at 6:50pm and returned at 6:52pm.

NOTE 2: Councillor Sprott left the chamber at 6:51pm.

NOTE 3: Councillor Heins left the chamber at 7:51pm and returned at 7:52pm.

Cr Grattan / Cr Warren

That Council:

1. Adopt the revised Delivery Program 2020-2024, including the Operational Plan 2020/21 at Attachment 2 with an amendment to the capital works program to:
 - A. Increase the 2020/21 Warriewood Valley Community Centre budget by \$4,200,000 (funded by Warriewood Valley development contributions), to a total budget of \$4,500,000; and
 - B. A corresponding \$4,200,000 decrease to the 2021/22 Warriewood Community Centre forecast (reducing Warriewood Valley development contributions funding), to a total budget of \$3,100,000.
2. Adopt the revised Fees and Charges 2020/21 as follows:
 - A. Attachment 4 to apply from 1 July 2020 to 30 September 2020.
 - B. Attachment 5 to apply from 1 October 2020 to 30 June 2021.
3. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Local Government Act 1993 (the Act), Ordinary and Special Rates are made as shown in Tables 1, 2 and 3 in the report.
 - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 4 in this report.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 5 in the report.

- D. Works on private land carried out by Council to be charged at the appropriate commercial rate (cost of the works and standard on-costs to provide full cost recovery plus a return to Council).
 - E. In accordance with Section 611 of the Act a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
- 4. Provide a subsidy to ratepayers under Section 356 of the Local Government Act 1993 of the equivalent of 50% of the 2020/21 increase in rates related to the rate peg of 2.6% and 50% of the 2020/21 increase in domestic waste charges.
 - 5. Delay the due date of the 1st instalment of the 2020/21 rates notice by one month to 30 September 2020.
 - 6. Adopt an interest rate of 0.0% on overdue rates and charges for the period 1 July 2020 to 31 December 2020 (inclusive) and 7.0% for the period 1 January 2021 to 30 June 2021 (inclusive).
 - 7. May carry out work on private land, either on request or by agreement with the owner of the land, or under relevant legislation.
 - 8. In accordance with section 610E of the Act the proposed fees at Attachment 7 for events (stalls, Sun Run, ticketed events, entertainment, merchandising and food and beverage) and additional fee for Manly Cemetery be publicly exhibited and a report on the outcome of the exhibition be report to Council.

AMENDMENT

Cr Amon / Cr Walton

That Council:

- 1. Adopt the revised Delivery Program 2020-2024, including the Operational Plan 2020/21 at Attachment 2 with an amendment to the capital works program to:
 - A. Increase the 2020/21 Warriewood Valley Community Centre budget by \$4,200,000 (funded by Warriewood Valley development contributions), to a total budget of \$4,500,000.
 - B. A corresponding \$4,200,000 decrease to the 2021/22 Warriewood Community Centre forecast (reducing Warriewood Valley development contributions funding), to a total budget of \$3,100,000.
- 2. Adopt the revised Fees and Charges 2020/21 as follows:
 - A. Attachment 4 to apply from 1 July 2020 to 30 September 2020.
 - B. Attachment 5 to apply from 1 October 2020 to 30 June 2021.
- 3. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Local Government Act 1993 (the Act), Ordinary and Special Rates are made as shown in Tables 1, 2 and 3 in the report.
 - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 4 in this report.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 5 in the report.

- D. Works on private land carried out by Council to be charged at the appropriate commercial rate (cost of the works and standard on-costs to provide full cost recovery plus a return to Council).
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 7. May carry out work on private land, either on request or by agreement with the owner of the land, or under relevant legislation.
 8. In accordance with section 610E of the Act the proposed fees at Attachment 7 for events (stalls, Sun Run, ticketed events, entertainment, merchandising and food and beverage) and additional fee for Manly Cemetery be publicly exhibited and a report on the outcome of the exhibition be report to Council.
 9. Notwithstanding any matters set out above, the current waiver of outdoor dining fees until 30 September 2020, continues until 31 December 2020.
 10. The waiver of outdoor dining fees beyond 31 December 2020 be brought back to the November or December meetings of Council, by way of staff report.

VOTING

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

AGAINST: Cr Warren

ABSENT: Cr Sprott

CARRIED

The amendment was **CARRIED** and became the motion

AMENDMENT

Cr Amon / Cr De Luca

That Council:

1. Adopt the revised Delivery Program 2020-2024, including the Operational Plan 2020/21 at Attachment 2 with an amendment to the capital works program to:
 - A. Increase the 2020/21 Warriewood Valley Community Centre budget by \$4,200,000 (funded by Warriewood Valley development contributions), to a total budget of \$4,500,000.

- B. A corresponding \$4,200,000 decrease to the 2021/22 Warriewood Community Centre forecast (reducing Warriewood Valley development contributions funding), to a total budget of \$3,100,000.
2. Adopt the revised Fees and Charges 2020/21 as follows:
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 - D. Works on private land carried out by Council to be charged at the appropriate commercial rate (cost of the works and standard on-costs to provide full cost recovery plus a return to Council).
 - E. In accordance with Section 611 of the Act a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
4. Provide a subsidy to ratepayers under Section 356 of the Local Government Act 1993 of the equivalent of 50% of the 2020/21 increase in rates related to the rate peg of 2.6% and 50% of the 2020/21 increase in domestic waste charges.
5. Delay the due date of the 1st instalment of the 2020/21 rates notice by one month to 30 September 2020.
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7. May carry out work on private land, either on request or by agreement with the owner of the land, or under relevant legislation.
8. In accordance with section 610E of the Act the proposed fees at Attachment 7 for events (stalls, Sun Run, ticketed events, entertainment, merchandising and food and beverage) and additional fee for Manly Cemetery be publicly exhibited and a report on the outcome of the exhibition be report to Council.
9. Notwithstanding any matters set out above, the current waiver of outdoor dining fees until 30 September 2020, continues until 31 December 2020.
10. The waiver of outdoor dining fees beyond 31 December 2020 be brought back to the November or December meetings of Council, by way of staff report.
11. That the Delivery Plan be amended to take into account the following:
 - A. Councillor and Mayoral fees for the 2020/21 financial year be reduced 20% from the 2019/20 level, being reduced to \$24,328 and \$70,880 respectively, saving nearly \$500,000 per term of Council.

- B. There be no increase in rates, all user fees and charges, including waste charges, for the 2020/21 financial year, saving ratepayers over \$6,000,000 per year.
- C. Councillors support a wage cut of 10% from 2019/20 levels for Council Executive at Director and Chief Executive Officer level for the duration of the COVID-19 pandemic, saving about \$250,000 per year.
- D. There be a 50% reduction in the small fleet vehicle budget for the 2020/21 financial year and a ban on the purchase of luxury vehicles such as Jaguars and Teslas, saving about \$1,500,000 per year.
- E. The Chief Executive Officer direct each Executive Manager to prepare a report for consideration by Councillors at the July 2020 Council meeting outlining (in order) their top five measures to reduce their operational expenditure (not previously forecast Capital Expenditure of about \$111,000,000 for 2020/21) budget by 2%, saving about \$4,000,000 per year.

VOTING

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

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

ABSENT: Cr Sprott

LOST

MOTION

144/20 RESOLVED

Cr Grattan / Cr Warren

That Council:

1. Adopt the revised Delivery Program 2020-2024, including the Operational Plan 2020/21 at Attachment 2 with an amendment to the capital works program to:
 - A. Increase the 2020/21 Warriewood Valley Community Centre budget by \$4,200,000 (funded by Warriewood Valley development contributions), to a total budget of \$4,500,000.
 - B. A corresponding \$4,200,000 decrease to the 2021/22 Warriewood Community Centre forecast (reducing Warriewood Valley development contributions funding), to a total budget of \$3,100,000.
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 - D. Works on private land carried out by Council to be charged at the appropriate commercial rate (cost of the works and standard on-costs to provide full cost recovery plus a return to Council).
 - E. In accordance with Section 611 of the Act a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
4. Provide a subsidy to ratepayers under Section 356 of the Local Government Act 1993 of the equivalent of 50% of the 2020/21 increase in rates related to the rate peg of 2.6% and 50% of the 2020/21 increase in domestic waste charges.
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 9. Notwithstanding any matters set out above, the current waiver of outdoor dining fees until 30 September 2020, continues until 31 December 2020.
 10. The waiver of outdoor dining fees beyond 31 December 2020 be brought back to the November or December meetings of Council, by way of staff report.

VOTING

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

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

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 8:28pm and resumed at 8:38pm with all councillors present.

145/20 **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: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr Sprott

CARRIED

9.3 COUNCILLOR EXPENSES 1 JULY 2019 - 31 DECEMBER 2019

146/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July 2019 to 31 December 2019.

VOTING

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

AGAINST: Cr Daley, Cr Amon, Cr De Luca, Cr Walton and Cr Harrison

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 PUBLIC ART WORKING GROUP MEETING NOTES - 2 AND 9 APRIL 2020

147/20 **RESOLVED**

Cr Ferguson / Cr Bingham

That Council note the Meeting Notes of the Public Art Working Group meeting held on 2-9 April 2020.

VOTING

FOR: Unanimous

CARRIED

10.2 PUBLIC EXHIBITION OF THE DRAFT CHILD SAFEGUARDING POLICY

148/20 **RESOLVED**

Cr Grattan / Cr Daley

That:

1. Council endorse the draft Child Safeguarding Policy to be placed on public exhibition for a minimum of 42 days.
2. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 LOW RISE MEDIUM DENSITY CODE

149/20 **RESOLVED**

Cr Regan / Cr Bingham

That Council note the submission to the Department of Planning, Infrastructure and Environment requesting amendments to the Manly LEP and State Environmental Planning Policy (Exempt and Complying Development Codes 2008) to reduce the impact of the Low Rise Medium Density Housing Code to:

1. Introduce a minimum site area per dwelling for the erection of multi dwelling housing (terraces) and manor houses in the R2 Low Density Residential zone under the Manly LEP 2011 consistent with the "residential density areas map" within Manly DCP 2013.
2. Introduce minimum allotment sizes for the subdivision of multi-dwelling housing (terraces) and manor houses in the R2 Low Density Residential zone under the Manly LEP 2011 to ensure that the application of the Codes SEPP will result in subdivision standards consistent with the "residential density areas map" within Manly DCP 2013.

VOTING

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

AGAINST: Cr De Luca

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 MANLY LIFE SAVING CLUB AND COMMUNITY FACILITIES REDEVELOPMENT

150/20 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

1. Having considered the information and evidence contained in the project proposal, continue to support the project to provide a new life saving club building at Manly.
2. Reserve a sum of \$5m from future budgets for the delivery of this project from within the existing 'Surf Life Saving Major Renewals Fund'.
3. Approve to proceed to the design stage of the project as proposed.

VOTING

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

AGAINST: Cr Harrison

CARRIED

13.2 RESPONSE TO NOTICE OF MOTION NO 03/2020 - PITTWATER RUGBY PARK FACILITIES (ORDINARY COUNCIL - 25 FEBRUARY 2020)

151/20 **RESOLVED**

Cr Daley / Cr Regan

That Council:

1. Carry out a minor renewal of the Pittwater Rugby Park changing room to bring them to an appropriate standard for use by women's teams in the 2020/21 financial year.
2. In consultation with the key stakeholders, develop an upgrade plan for the Pittwater Rugby Park facilities with the intent to create additional change facilities that will allow both men's and women's participants to utilize the ground and facilities at the same time, while also improving equitable access for participants with a disability.
3. Includes the works in the 2022/23 and 2023/24 capital works program.
4. Request staff provide a briefing within six months on how we progress the master plan for the Pittwater Rugby site.

VOTING

FOR: Unanimous

CARRIED

13.3 LOCAL CONTRACTOR SUPPORT PROGRAM

152/20 **RESOLVED**

Cr Sprott / Cr Ferguson

That:

1. Council note the strategy outlined in this report for supporting local businesses in their recovery from the economic effects of the COVID-19 pandemic.
2. In accordance with Section 55(3)(i) of the Local Government Act, Council approve an exemption from tendering to engage local contractors for a program of minor concrete works due to the extenuating circumstances arising from the effects of the COVID-19 pandemic and the need to support and re-build the local economy.
3. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

13.4 CROWN LAND REFORM - LAND CATEGORIES

NOTE: Councillor Amon left the chamber at 9:44pm and returned at 9:48pm.

Cr Bingham / Cr Regan

That Council:

1. Endorse the proposed land categories for 35 Crown land reserves for which Council has become Crown Land Manager.
2. Resolve to notify the Minister for Lands of Council's preferred land categories.
3. Authorise the Chief Executive Officer to approve the provision of any documentation required to support Council's proposed land categories.

AMENDMENT

Cr De Luca / Cr Sprott

That the matter be deferred for two months during which time community consultation will be undertaken.

VOTING

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

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

CARRIED

The amendment was CARRIED and became the motion.

153/20 RESOLVED

Cr De Luca / Cr Sprott

That the matter be deferred for two months during which time community consultation will be undertaken.

VOTING

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

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

CARRIED

PROCEDURAL MOTION – CHANGE TO ORDER OF BUSINESS

NOTE 1: Councillor Ferguson left the chamber at 10:08pm.

NOTE 2: Councillor Heins left the chamber at 10:08pm.

154/20 RESOLVED

Cr Regan / Cr Harrison

That the order of business be changed so item 18.1 be brought forward and dealt with immediately.

VOTING

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

ABSENT: Cr Heins and Cr Ferguson

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: Councillor Ferguson returned to the chamber at 10:09pm.

NOTE 2: Councillor Heins returned to the chamber at 10:09pm.

NOTE 3: Councillor Grattan left the chamber at 10:10pm.

NOTE 4: Councillor Harrison left the chamber at 10:10pm.

NOTE 5: Councillor McTaggart left the chamber at 10:11pm.

NOTE 6: Council resolved into closed session at 10:12pm and resumed in open session at 10:14pm.

155/20 RESOLVED

Cr Regan / Cr Heins

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 18.1 RFT 2020/001 Natural Environment Services Panel 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 business information of companies tendering for this Natural Environment Services Panel. 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 advantage their competitors and may give away trade information and disadvantage the companies.

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

ABSENT: Cr Grattan, Cr McTaggart and Cr Harrison

CARRIED

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 RFT 2020/001 NATURAL ENVIRONMENT SERVICES PANEL

NOTE: The Chair reported the following resolution passed in closed session.

156/20 **RESOLVED**

Cr Daley / Cr Regan

That:

1. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2005 Council accepts the tenders as detailed below for RFT 2020/001 - Natural Environment Services Panel for an initial period of three years, with the option to extend for a further two consecutive terms of up to two years each, subject to satisfactory performance.

A. Sub Panel 1 A Bushland Management and Weed Control

Australian Bushland Restoration Pty Limited
A Martin & S Meier trading as BARRC - Bushland & Rainforest Restoration & Consulting
Bush-it Pty Ltd
Dragonfly Environmental Pty Ltd
Koltai, Jan Christine trading as Jan Koltai
National Trust of Australia (NSW) trading as National Trust of Australia NSW
Northside Enterprise Incorporated trading as Northside Enterprise
Sydney Bush Regeneration Company Pty Limited trading as Sydney Bush Regeneration Company
Symbiota Ecology Pty Ltd trading as Apunga Ecological Management
Terra Australis Regeneration Pty Ltd
Toolijooa Pty Ltd

The Irrawong Trust trading as Total Earth Care Pty Ltd
Wadanguli Ecological and Landscaping Services Pty Ltd
Waratah Eco Works Pty Ltd

B. Sub Panel 1 B Bushcare Supervision

Australian Bushland Restoration Pty Ltd
A Martin & S Meier trading as BARRC - Bushland & Rainforest Restoration & Consulting
Dragonfly Environmental Pty Ltd
Koltai, Jan Christine trading as Jan Koltai
National Trust of Australia (NSW) trading as National Trust of Australia NSW
Northside Enterprise Incorporated trading as Northside Enterprise
Symbiota Ecology Pty Ltd trading as Apunga Ecological Management
Terra Australis Regeneration Pty Ltd
Toolijooa Pty Ltd
Wadanguli Ecological and Landscaping Services Pty Ltd
Waratah Eco Works Pty Ltd

C. Sub Panel 2 Invasive Animal Management

Australian Feral Management Services Pty Ltd
Ecosure Pty Ltd trading as Ecosure
Hatamoto Pty Ltd
Dimunno, Jason trading as Stealth Pest Control

D. Sub Panel 3 Environmental Reconstruction and Track Work

P.G Mithieux & A Mithieux trading as Australian Bushland Construction
A Martin & S Meier trading as BARRC - Bushland & Rainforest Restoration & Consulting
Dragonfly Environmental Pty Ltd
RFE Earthmoving Pty Ltd
Local Land Services (business names: Soil Conservation Service; Local Land Services)
Toolijooa Pty Ltd
The Irrawong Trust trading as Total Earth Care Pty Ltd
Waratah Eco Works Pty Ltd

2. The Chief Executive Officer be delegated authority to execute all necessary documentation with the tenderers as listed.
3. The Chief Executive Officer be delegated authority to exercise Council's option to extend the panel agreements for up to two further consecutive terms of up to two years each.

VOTING

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

ABSENT: Cr De Luca

CARRIED

13.5 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE COMMUNITY GARDENS POLICY AND GUIDELINES

NOTE 1: Councillor White left the chamber at 10:17pm and returned at 10:19pm.

NOTE 2: Councillor Bingham left the chamber at 10:17pm and returned at 10:20pm.

NOTE 3: Councillor Philpott left the chamber at 10:19pm and returned at 10:22pm.

157/20 RESOLVED

Cr De Luca / Cr Harrison

That Council:

1. Adopt the Northern Beaches Community Gardens Policy and Guidelines.
2. Rescind the:
 - A. Former Pittwater Council Policy N° 199. Community Gardens Policy and Guidelines.
 - B. Former Manly Council Policy N° C108 Community Gardens Policy.
 - C. Former Warringah Council Policy N° PL 770 Gardens, Community Gardens and Guidelines for Establishing Community Gardens in Warringah.

VOTING

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

AGAINST: Cr Walton

CARRIED

13.6 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE ROAD SAFETY PLAN

NOTE: Councillor Daley left the chamber at 10:32pm and returned at 10:35pm.

158/20 RESOLVED

Cr De Luca / Cr Grattan

That Council:

1. Note the submissions received during the public exhibition period.
2. Adopt the Road Safety Plan.

VOTING

FOR: Unanimous

CARRIED

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

14.1 SERVICE REVIEW PROGRAM 2020

159/20 **RESOLVED**

Cr Heins / Cr Grattan

That Council endorse the Service Review Framework to establish and guide a systematic review of its services in 2020.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 18/2020 - WOODTURNERS AT FORESTVILLE GUIDE HALL

160/20 **RESOLVED**

Cr Harrison / Cr Philpott

That Council:

1. Authorise the Chief Executive Officer to enter into a lease agreement with the Sydney Northern Beaches Woodturners to use the former Forestville Guide Hall.
2. Allow for the Chief Executive Officer to determine the priority for implementing this resolution given the current external environment with appropriate notice provided to update councillors with any changes.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 25/2020 - COUNCILLOR SOCIAL MEDIA POLICY

NOTE 1: Councillor Heins left the chamber at 10:47pm and returned at 10:49pm.

NOTE 2: Councillor Harrison left the chamber at 10:48pm and returned at 10:49pm.

161/20 **RESOLVED**

Cr Bingham / Cr Philpott

That:

1. A Social Media Policy be developed for councillors.
2. A draft policy be brought back to a council briefing.

VOTING

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

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

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING

162/20 **RESOLVED**

Cr Regan / Cr Ferguson

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

VOTING

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

AGAINST: Cr White, Cr Grattan, Cr Bingham, Cr Harrison and Cr Warren

CARRIED

15.3 NOTICE OF MOTION NO 26/2020 - DUFFYS FOREST AND TERREY HILLS 30% + RATE RISES

163/20 **RESOLVED**

Cr Amon / Cr Ferguson

That Council:

1. Make representations to the Minister for Local Government to authorise Northern Beaches Council to establish a new rates subcategory for the RU4 zone of Duffys Forest and Terrey Hills to reduce the burden of the 31% - 37% rate rise on the RU4 zone.
2. Assist residents to seek a review from the Valuer General of the valuations for the affected properties in the RU4 zone.

VOTING

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

AGAINST: Cr Grattan and Cr Heins

CARRIED

15.4 NOTICE OF MOTION NO 27/2020 - OUTDOOR DINING FEES

NOTE: With the acknowledgement of the Chair, Councillor Amon withdrew this item following the adoption of item 9.2 – Outcome of Exhibition and Adoption of Delivery Program 2020-2024 and Operational Plan 2020/21.

15.5 NOTICE OF MOTION NO 28/2020 - AUSTRALIAN FLAG IN A STREET IN FRESHWATER

Cr Daley / Cr Walton

That Council prepare a short report to bring back to the July 2020 Council meeting regarding the removal of a painted Australian flag on a Freshwater street to respond to the following questions and issues:

1. Was there a complaint made against the flag being on the Freshwater street and if yes when was the complaint made and how long did it take the Council to remove the flag from the road?
2. Who made the decision to take the flag off the road and why was there not any consultation or engagement by Council staff with the community regarding this issue before it was done?
3. Given the importance of our national flag and the sensitivities of this issue particularly in these very difficult times were any Councillors or senior staff made aware of this matter when it was happening?
4. Can the flag be repainted onto the road by a ratepayer and remain on the road for a pre-determined timeframe?

VOTING

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

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

LOST

15.6 NOTICE OF MOTION NO 29/2020 - STATION BEACH

164/20 **RESOLVED**

Cr Amon / Cr Regan

That:

1. Council do all things to prepare, lodge and progress a Development Application (to the extent required at law), as quickly as statutorily permissible, to seek to give effect to the Council resolution of 27 August 2019 which sought to authorise the off-leash dog trial at Station Beach, Palm Beach.
2. Part '1' is resolved by Council without prejudice and without admissions in relation to the Land and Environment Court proceedings against Council in relation to any off-leash dog trial at Station Beach.

VOTING

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

AGAINST: Cr Heins, Cr Harrison and Cr Warren

CARRIED

15.7 NOTICE OF MOTION NO 30/2020 - FUTURE FUNDING FOR MANLY TO PALM BEACH ART WALK

NOTE: Councillor Heins left the chamber at 11:30pm and returned at 11:32pm.

165/20 **RESOLVED**

Cr Bingham / Cr Sprott

That:

1. Work commences on the development of a Fund Raising Plan to secure future works for the Manly to Palm Beach Art Walk to ensure the viability of cultural programs and commissions going forward.
2. This will include identifying a diverse range of funding sources to build the public art collection, including government, private, and philanthropic as well as the long-term fiscal management of the project.
3. A report be bought back to Council within three months which includes the following:
 - A. Create a budget outlining the pathway that complements the existing original resolution of Council 27 June 2017 and future artworks that have yet to be funded.
 - B. Look at creating a possible trust fund structure or similar creating security for donors.
4. Allow for the Chief Executive Officer to determine the priority for implementing this resolution given the current external environment with appropriate notice provided to update councillors with any changes.

VOTING

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

AGAINST: Cr Philpott

CARRIED

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The meeting concluded at 11:41pm

This is the final page of the minutes comprising 27 pages
numbered 1 to 27 of the Ordinary Council Meeting
held on Tuesday 23 June 2020 and confirmed on Tuesday 28 July 2020

Mayor

Chief Executive Officer