



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 OCTOBER 2020

Minutes of an Ordinary Council Meeting
held on Tuesday 27 October 2020
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

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
Caroline Foley	Acting Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Kath McKenzie	Executive Manager Community Engagement and Communications
Sarah Dunstan	Acting Executive Manager Governance and Risk
Phil Devon	Acting Executive Manager Transport and Civil Infrastructure
Lesley Milbourne	Acting Manager Governance
Jasmine Evans	Governance Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:12pm, resumed at 8:24pm, moved into closed session at 10:52pm, resumed in open session at 11:26pm and concluded at 11:28pm.

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1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Deputy 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

PROCEDURAL MOTION - APOLOGY

NOTE: The meeting was Chaired by Deputy Mayor Bingham.

256/20 **RESOLVED**

Cr Harrison / Cr Ferguson

That the apology from Councillor Regan be accepted.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 29 SEPTEMBER 2020

257/20 **RESOLVED**

Cr Ferguson / Cr Philpott

That the Minutes of the Ordinary Council Meeting held 29 September 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 Bingham declared a not significant non-pecuniary interest in relation to Item 10.5 Funding Continuation Northern Beaches Women's Shelter and Community Northern Beaches. Councillor Bingham chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Bingham was:

"I have been a long-time supporter of both community organisations."

- Councillor Grattan declared a pecuniary interest in relation to Item 11.4 Draft Development Construction Security Deposit Policy. Councillor Grattan left the meeting for voting on this item. The reason provided by Councillor Grattan was:

“I have a DA approved and this policy may impact what I need to pay as a security deposit.”

- Councillor Daley declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 51/2020 – Feasibility Study of a Small Modular Non—incineration Waste-to-Energy Facility. Councillor Daley chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Daley was:

“I am aware that a senior member of the Liberal Party is behind this project.”

- Councillor Daley declared a not significant non-pecuniary interest in relation to Item 13.1 Warringah Golf Club – 20 Year Lease Renewal – Ministerial Consent. Councillor Daley chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Daley was:

“I am a member of Warringah Golf Club.”

- Councillor McTaggart declared a not significant non-pecuniary interest in relation to Item 13.2 Warriewood Community Centre – Outcome of Community Engagement. Councillor McTaggart chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor McTaggart was:

“I am a member of Peninsula Bridge Club, a tenant/user at this redevelopment.”

- Councillor Amon declared a not significant non-pecuniary interest in relation to Item 18.5 Notice of Motion No 50/2020 – Potential Property Acquisition. Councillor Amon chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Amon was:

“The number 2 candidate on my 2017 Council ticket is a leader of the campaign in relation to this matter.”

- Councillor Amon declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 51/2020 – Feasibility Study of a Small Modular Non—incineration Waste-to-Energy Facility. Councillor Amon chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Amon was:

“I am aware that the progress of this matter is being advocated for by a member of the Liberal Party.”

- Councillor De Luca OAM declared a not significant non-pecuniary interest in relation to Item 13.3 Proposed Naming of Forestville Netball Courts after Margaret Cliff OAM for Recognition for Netball and Community Contribution – Results of Public Exhibition. Councillor De Luca chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor De Luca was:

“I have volunteered with Margaret Cliff OAM in the community over many years but do not socialise with her. I am also a voluntary Director of Netball NSW which has no interest in this matter.”

- Councillor Walton declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 51/2020 – Feasibility Study of a Small Modular Non—incineration Waste-to-Energy Facility. Councillor Walton chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Walton was:

“I was approached by Sasha Grebe on behalf of Elephant Energy. Mr Grebe is a member of the NSW Liberal Party, however in a different Conference to me .”

- Councillor Walton declared a not significant non-pecuniary interest in relation to Item 18.5 Notice of Motion No 50/2020 – Potential Property Acquisition. Councillor Walton chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Walton was:

“Dr McGahey is a member of the NSW Liberal Party in my Conference.”

- Councillor Ferguson declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 51/2020 – Feasibility Study of a Small Modular Non—incineration Waste-to-Energy Facility. Councillor Ferguson chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Ferguson was:

“I am aware that the progress of this matter is being advocated by a member of the Liberal Party.”

- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 8.2 Northern Beaches Council Discretionary Fund – Quarterly Report. Councillor Sprott chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Sprott was:

“The Mayor gave \$250 to a family that lost their home in a fire, that family is a long standing friend.”

- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 51/2020 – Feasibility Study of a Small Modular Non—incineration Waste-to-Energy Facility. Councillor Sprott chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Sprott was:

“I am aware that the progress of this matter is being advocated for by a member of the Liberal Party.”

- Councillor White declared a not significant non-pecuniary interest in relation to Item 18.4 Response to Notice of Motion No 37/2020 – Trial Shuttle Bus Palm Beach and Whale Beach. Councillor White chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor White was:

“I am a volunteer driver for Easylink.”

- Councillor Warren declared a pecuniary interest in relation to Item 11.4 Draft Development Construction Security Deposit Policy. Councillor Warren chose to leave the meeting for the discussion and voting on this item. The reason provided by Councillor Warren was:

“I declare a non-significant pecuniary interest in Item 11.4. I have a current DA approval for which I must shortly pay Council a development construction security deposit. I will leave the meeting for this item and not participate in discussion or voting on the matter, should it get called.”

- Councillor Amon declared a not significant non-pecuniary interest in relation to Item 15.2 Notice of Motion No 45/2020 – Reinstate Buses 188X and 189X. Councillor Amon chose to remain in the meeting for the discussion and voting on this item. The reason provided by Councillor Amon was:

“I catch the bus to the city most days from Narrabeen and occasionally catch the 188X, if convenient (approximately once per fortnight).”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: The Deputy 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

- Paul Garrett addressed Council in relation to the cessation of Freshwater Class ferries.
- David Parsons addressed Council in relation to governance around the Little Manly Masterplan.
- Catherine Griffin addressed Council in relation to general reports.
- Andrew Varasdi addressed Council in relation to the lighting project at Frank Gray and Mike Pawley Ovals.

5.2 PUBLIC ADDRESS

- **Item 10.5 – Funding Continuation Northern Beaches Women’s Shelter and Community Northern Beaches**

Adele Heasman addressed Council speaking in support of this item.

- **Item 11.2 – Revised Constitution – Pittwater Environmental Foundation**

Angus Gordon addressed Council in speaking support of this item.

- **Item 13.5 – Baringa Avenue and Koobilya Street Reserves, Seaforth – Unauthorised Bike Trails**

Matthew Ward, Louise Williams and Terry Le Roux addressed Council speaking in support of this item and Samuel Stockwell and Dave Musgrove addressed Council speaking against this item.

PROCEDURAL MOTION

Cr Amon / Cr Sprott

That an additional speaker be allowed to address Council.

VOTING

FOR: Cr Grattan, Cr Amon, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Sprott and Cr Warren

AGAINST: Cr White, Cr Daley, Cr Philpott, Cr Heins, Cr Walton, Cr Harrison and Cr Bingham

There being an equal number of votes the Deputy Mayor used her casting vote against the motion which was declared LOST.

- **Item 15.1 – Notice of Motion 44/2020 – Save the Large Manly Ferries**

Richard Michell and Klaudia Brown (representing Manly Business Chamber) addressed Council speaking in support of this item.

- **Item 15.2 – Notice of Motion 45/2020 – Reinstate Buses 188X and 189X**

Gary Grocott and John Brondum addressed Council speaking in support of this item.

- **Item 15.7 – Notice of Motion 51/2020 – Feasibility Study of a Small Modular Non-Incineration Waste-to-Energy Facility**

James Newman addressed Council speaking in support of this item and Gregory Hogan addressed Council speaking against this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Grattan and Councillor Warren left the chamber at 7:22pm due to a declared pecuniary interest in item 11.4 Draft Development Construction Security Deposit Policy.

258/20 RESOLVED

Cr Heins / Cr Harrison

That items 8.1, 8.2, 9.1, 9.2, 9.4, 10.1, 10.2, 10.3, 10.5, 10.7, 11.1, 11.4, 13.3, 13.4, 14.1, 18.2, 18.3 and 18.4 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 De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison and Cr Bingham

ABSENT: Cr Grattan and Cr Warren

CARRIED

8.1 EVENT GRANTS AND SPONSORSHIP PROGRAM 2020/21 - ROUND 1 FUNDING RECOMMENDATIONS

259/20 RESOLVED

Cr Heins / Cr Ferguson

That Council:

1. Approves funding of \$59,455.63 including cash and fee waivers under the 2020/21 Events Grants and Sponsorship Program, as recommended by the assessment panel.
2. Staff continue to work with applicants to purposefully build community capacity for the development and delivery of community run events.

RESOLVED BY EXCEPTION

8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

260/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note payments totalling \$3,620.89 have been allocated by the Northern Beaches Council Discretionary Fund for the period 24 June 2020 to 27 October 2020.

RESOLVED BY EXCEPTION

9.1 FINANCIAL STATEMENTS AND AUDIT REPORTS FOR THE YEAR ENDED 30 JUNE 2020

NOTE: Councillor Grattan congratulated staff on the outcome of the audit and their efforts in relation to this item.

261/20 **RESOLVED**

Cr Heins / Cr Ferguson

That in accordance with section 419(1) of the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2019/2020 are hereby received.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - SEPTEMBER 2020 AND INVESTMENT POLICY REVIEW

262/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

1. Receives and notes the Investment Report as at 30 September 2020, including the certification by the Responsible Accounting Officer.
2. Notes the Audit, Risk and Improvement Committee's review of the Investment Policy and that no change to the Policy was required following that review.

RESOLVED BY EXCEPTION

9.4 NORTHERN BEACHES COUNCIL - ORDINARY COUNCIL MEETING SCHEDULE 2021

263/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council adopt the 2021 ordinary Council meeting schedule:

Date	Day	Time	Location
23 February	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
23 March	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
27 April	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
25 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
22 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
27 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
24 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
28 September	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
26 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
23 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
14 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

RESOLVED BY EXCEPTION

10.1 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CHILD SAFEGUARDING POLICY

NOTE: Councillor Grattan expressed her thanks to staff for their work on this policy:

“Thank you to the Executive Manager of Children’s Services and the staff for this policy that implements a child safeguarding framework and policy position for NBC. It’s an outstanding piece of work, leading the sector and embedding children and young people’s rights and participation in decisions that impact them. Very well done.”

264/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

1. Note the outcomes of the public exhibition process and Council’s proposed response to the feedback received as detailed in the Community Engagement Report.
2. Adopt the Child Safeguarding Policy and additional change to alter the word “recommends” to “requires” in the section titled “Scope”.

RESOLVED BY EXCEPTION

10.2 CONFIRMED MINUTES OF THE PUBLIC ART WORKING GROUP MEETING 4 JUNE 2020**265/20 RESOLVED*****Cr Heins / Cr Ferguson***

That Council note the minutes of the Public Art Working Group meeting held on 4 June 2020.

RESOLVED BY EXCEPTION**10.3 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING 6 AUGUST 2020****266/20 RESOLVED*****Cr Heins / Cr Ferguson***

That Council note the minutes of the Community Safety Committee meeting held on 6 August 2020.

RESOLVED BY EXCEPTION**10.5 FUNDING CONTINUATION NORTHERN BEACHES WOMEN'S SHELTER AND COMMUNITY NORTHERN BEACHES****267/20 RESOLVED*****Cr Heins / Cr Ferguson***

That:

1. Council provide financial assistance to Community Northern Beaches Inc for the amount of \$95,315 per annum (ex GST, indexed to CPI) for a period of 18 months, commencing on 1 January 2021.
2. The financial assistance to Community Northern Beaches Inc be reviewed during the funding period, in light of the capacity of the new Community Services Hub to generate additional income for the service.
3. Council provide financial assistance to Northern Beaches Women's Shelter Inc for the amount of \$64,460 per annum (ex GST, indexed to CPI) for a period of 18 months, commencing on 1 January 2021.
4. The financial assistance to Northern Beaches Women's Shelter Inc be reviewed prior to the end of the funding period.
5. The Chief Executive Officer be delegated authority to negotiate service contracts with Community Northern Beaches and Northern Beaches Women's Shelter, including annual reporting on agreed KPIs, service outcome reporting and financial acquittals.
6. Community Northern Beaches and Northern Beaches Women's Shelter be thanked for their ongoing dedication and hard work in meeting the needs of the community on the Northern Beaches.

RESOLVED BY EXCEPTION

10.7 COMMUNITY LIBRARY FUNDING

268/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

1. Provide financial assistance to the value of \$65,000 (ex GST, indexed to CPI) per annum to Avalon Community Library for the 2020/21 financial year.
2. Provide financial assistance to the value of \$24,000 (ex GST, indexed to CPI) per annum to Balgowlah Seaforth Community Library for the 2020/21 financial year.
3. Provide financial assistance to the value of \$2,000 (ex GST, indexed to CPI) per annum to Booklovers Club Northern Beaches Incorporated for the 2020/21 financial year.
4. Provide financial assistance to the value of \$26,000 (ex GST, indexed to CPI) per annum to Terrey Hills Community Library for the 2020/21 financial year.
5. Provide the funding as detailed above to Community Libraries once the previous year's grant acquittals are received and reviewed in line with their funding request.

RESOLVED BY EXCEPTION

11.1 PUBLIC EXHIBITION OF THE DRAFT BUSH FIRE MANAGEMENT POLICY

269/20 **RESOLVED**

Cr Heins / Cr Ferguson

That:

1. Council place the draft Bush Fire Management Policy on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

11.4 DRAFT DEVELOPMENT CONSTRUCTION SECURITY DEPOSIT POLICY

270/20 **RESOLVED**

Cr Heins / Cr Ferguson

That:

1. Council place the draft Development/Construction Security Deposit Policy on public exhibition for two months.
2. The outcomes of the public exhibition of the draft Development/Construction Security Deposit Policy be reported to Council.

RESOLVED BY EXCEPTION

13.3 PROPOSED NAMING OF FORESTVILLE NETBALL COURTS AFTER MARGARET CLIFF OAM FOR RECOGNITION FOR NETBALL AND COMMUNITY CONTRIBUTION - RESULTS OF PUBLIC EXHIBITION

271/20 RESOLVED

Cr Heins / Cr Ferguson

That Council resolves to name the netball courts at the Forestville War Memorial Playing Fields “The Margaret Cliff Netball Courts” in recognition of her community contribution to netball.

RESOLVED BY EXCEPTION

13.4 PROPOSED NAMING OF THE LANDING AT OBSERVATION POINT ON THE PALM BEACH WALKWAY TO HERMINIES LANDING - RESULTS OF PUBLIC EXHIBITION

272/20 RESOLVED

Cr Heins / Cr Ferguson

That Council resolves to name the landing on the Palm Beach Walkway “Herminies Landing” in recognition of Herminie Swainston’s community contributions.

RESOLVED BY EXCEPTION

14.1 APPROVAL OF NEW FEES 2020/21

273/20 RESOLVED

Cr Heins / Cr Ferguson

That Council:

1. Adopt the 2020/21 Events Fees and Manly Cemetery Weekend Burial Fee at Attachment 1.
2. Place on exhibition for a period 28 days the following fee and a report on the outcome of the exhibition be reported to Council:

Fee	Unit	\$	GST Applicable
Fee for holding a stall at a large-scale event	Per day	500-6,000	Yes

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillor Grattan and Councillor Warren returned to the chamber at 7:24pm.

NOTE 2: The Deputy Mayor ruled that the matter was one of urgency and that the item would be dealt with at the end of item 15.0.

NOTE 3: Councillor Amon left the chamber at 7:31pm.

274/20 RESOLVED

Cr Warren / Cr McTaggart

That as a matter of urgency Council considers a motion in relation to PEP11 Offshore Drilling.

VOTING

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

AGAINST: Cr Daley

ABSENT: Cr Amon

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.3 TABLING OF PECUNIARY INTEREST ANNUAL RETURNS 2019/20

NOTE: Councillor Amon returned to the chamber at 7:33pm.

275/20 RESOLVED

Cr Amon / Cr Grattan

That Council:

1. Note the pecuniary interest returns for designated persons for the period 1 July 2019 to 30 June 2020, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
2. Adopt the list of positions for designated persons for the period 1 July 2020 to 30 June 2021 in accordance with clause 4.8 of the Code of Conduct.

VOTING

FOR: Unanimous

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.4 SUICIDE PREVENTION AND RESPONSE ON THE NORTHERN BEACHES

NOTE: Councillor Harrison left the chamber at 7:44pm and returned to the chamber at 7:45pm.

276/20 **RESOLVED**

Cr De Luca / Cr Ferguson

That Council note the information in the report.

VOTING

FOR: Unanimous

CARRIED

10.6 AVALON YOUTH HUB - FUNDING

277/20 **RESOLVED**

Cr Ferguson / Cr De Luca

That:

1. Council provide financial assistance to The Burdekin Association as the auspice body for the Avalon Youth Hub to the amount of \$90,000 per annum (ex GST, indexed to CPI) for a period of eighteen months, commencing in January 2021.
2. The Chief Executive Officer be delegated authority to negotiate a service contract with The Burdekin Association, including annual reporting on agreed KPIs, service outcome reporting and financial acquittals.
3. The Burdekin Association and Avalon Youth Hub be asked to identify other funding sources so as to become self sufficient, and Council bring a report back by February 2022 about possible continued funding.
4. The Burdekin Association and the Avalon Youth Hub be thanked for their dedication and hard work in meeting the needs of the community in the northern part of the local government area over the past two years.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The meeting adjourned at 8:12pm and resumed at 8:24pm.

278/20 RESOLVED

Cr Bingham / Cr Harrison

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

VOTING

FOR: Unanimous

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.2 REVISED CONSTITUTION - PITTWATER ENVIRONMENTAL FOUNDATION

279/20 RESOLVED

Cr Amon / Cr Ferguson

That the item be deferred to a Councillor briefing regarding the objects of the foundation relating to the area in which funds may be spent, with the item to be brought back to the November Council meeting.

VOTING

FOR: Unanimous

CARRIED

AMENDMENT

Cr Grattan / Cr Harrison

That the revised Constitution of the Pittwater Environmental Foundation be adopted.

VOTING

FOR: Cr White, Cr Grattan, Cr Heins and Cr Harrison

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

LOST

11.3 NARRABEEN LAGOON ENTRANCE MANAGEMENT STRATEGY UPDATE

280/20 **RESOLVED**

Cr De Luca / Cr Amon

That the Council notes the information.

VOTING

FOR: Unanimous

CARRIED

11.5 ANNUAL ELECTRICITY CHARGES

281/20 **RESOLVED**

Cr Amon / Cr Walton

That Council note the information contained in this report.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 ASSESSMENT OF DRAFT VOLUNTARY PLANNING AGREEMENT - 723, 725 AND 727 WARRINGAH ROAD, FORESTVILLE

NOTE: Councillor Amon left the chamber at 9:00pm.

282/20 **RESOLVED**

Cr Sprott / Cr Harrison

That Council:

1. Notes the assessment of the draft Planning Agreement.
2. Places the draft 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 Planning Agreement.

VOTING

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

ABSENT: Cr Amon

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 WARRINGAH GOLF CLUB - 20 YEAR LEASE RENEWAL - MINISTERIAL CONSENT

NOTE: Councillor Amon returned to the chamber at 9:04pm.

283/20 **RESOLVED**

Cr Walton / Cr Sprott

That:

1. Council note the Council resolution of 15 April 2019 to enter into a 20 year lease with Warringah Golf Club Limited ACN 000 085 601 (the Club) for Warringah Golf Course being Lots 1 and 7 DP829465 (part Lots 2742 and 2743 in DP752038) subject to notification in accordance with the Local Government Act 1993.
2. Council note the objections received in respect of the proposed lease and endorse the position in response to those objections set out in this report.
3. Council apply to the Minister for Local Government in accordance with Sections 47(5) – (9) of the Local Government Act 1993 for consent to grant the proposed lease referred to in item 4 of this recommendation, noting the objections received to the lease.
4. Subject to the consent of the Minister for Local Government, Council enter into a lease for Lots 1 and 7 DP829465 (part Lots 2742 and 2743 in DP752038) for a term of up to 20 years and authority be delegated to Council's Chief Executive Officer to negotiate the terms of the lease.
5. 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: Unanimous

CARRIED

13.2 WARRIEWOOD COMMUNITY CENTRE - OUTCOME OF COMMUNITY ENGAGEMENT

NOTE: Councillor Warren left the chamber at 9:10pm and returned to the chamber at 9:12pm.

284/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note the outcome of the Community Engagement process and endorse the preparation and lodgement of a Development Application.

VOTING

FOR: Unanimous

CARRIED

13.5 BARINGA AVENUE AND KOOBILYA STREET RESERVES, SEAFORTH - UNAUTHORISED BIKE TRAILS

NOTE: Councillor De Luca left the chamber at 9:28pm and returned to the chamber at 9:30pm.

285/20 **RESOLVED**

Cr Grattan / Cr Daley

That Council:

1. Remove the unauthorised bike trails in the Baringa Avenue (subject to concurrence with DPIE) and Koobilya Street Reserves, Seaforth and the area be mulched and fenced.
2. Implement restoration works on the site as outlined in this report and that supporting funding be sought as part of the December Quarterly Budget Review.
3. Upgrade the Grove Bike Park in 2020/2021 in consultation with riders and residents.
4. Seek suitable sites for a new bike park in the local area in consultation with riders and a report be provided to Council to be included in the 2021/22 budget.

VOTING

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

AGAINST: Cr Amon

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 44/2020 - SAVE THE LARGE MANLY FERRIES

NOTE 1: Councillor Ferguson left the chamber at 9:32pm and returned to the chamber at 9:34pm.

NOTE 2: Councillor Heins left the chamber at 9:33pm and returned to the chamber at 9:34pm.

286/20 **RESOLVED**

Cr Bingham / Cr Sprott

That:

1. Council make representations to the relevant authorities to delay the State Government's decision to retire the 1100 passenger capacity Freshwater-class ferries and to replace them with 400 passenger capacity Emerald-class ferries, commencing next year.
 - A. Council arrange urgent meetings with the Minister for Transport, the Hon Andrew Constance MP, and the Chief Operations Officer of Transport for NSW, Howard Collins; the Minister for Tourism, the Hon Stuart Ayres MP and Member for Manly, James Griffin MP.
 - B. Council seek assurances that required ferry passenger demand will continue to be met.
 - C. Council seek information from the State Government regarding the environmental impacts of the proposed changes.

2. While it is acknowledged that the existing old ferries are in need of maintenance and repair, Council is seeking assurances that the necessary repairs will be carried out, allowing time for a Fleet Replacement Plan to be developed which includes double-ended vessels with a 1000+ passenger capacity.
3. An impact assessment be prepared in consultation with the Manly Business Chamber, outlining the financial, brand and heritage impacts to Manly and Sydney's visitor/tourist economy should the large ferries no longer be part of this route.
4. The resolution is to be sent by the CEO to:
 - A. The Legislative Assembly Committee on Transport and Infrastructure, Chaired by Robyn Preston MP, Member for Hawkesbury.
 - B. The Legislative Council Portfolio Committee No. 6 – Transport and Customer Service, Chaired by the Hon Abigail Boyd MLC.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 45/2020 - REINSTATE BUSES 188X AND 189X

287/20 **RESOLVED**

Cr Ferguson / Cr Amon

That:

1. Council make representations to Transport for NSW, the Minister for Transport and Roads, the Hon Andrew Constance MP, and the Minister for Planning and Public Spaces and Member for Pittwater, the Hon Rob Stokes MP, to reverse the decision to withdraw bus route 189X from the bus timetable and the change of the 188X due to start from Avalon and not North Avalon.
2. The resolution is to be sent by the CEO to:
 - A. The Legislative Assembly Committee on Transport and Infrastructure, Chaired by Robyn Preston MP, Member for Hawkesbury.
 - B. The Legislative Council Portfolio Committee No. 6 – Transport and Customer Service, Chaired by the Hon Abigail Boyd MLC.

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 46/2020 - DIRECT BUS ROUTE CHANGES FROM BALGOWLAH HEIGHTS AND CLONTARF

NOTE: Councillor Amon left the chamber at 10:09pm.

288/20 **RESOLVED**

Cr Grattan / Cr Warren

That Council:

1. Write to the Premier of NSW, the Hon Gladys Berejiklian MP and the Minister for Transport and Roads, the Hon Andrew Constance MP, thanking them for the delivery of the new high frequency bus service from Dee Why to Chatswood.
2. Write to our current serving local State Members for Pittwater, Wakehurst, Davidson and Manly thanking them for their contribution and continued commitment to deliver better public transport on the Northern Beaches.
3. Include in the letters to the Minister for Transport and Roads, the Hon Andrew Constance MP and Member for Manly, James Griffin MP a request for:
 - A. The reinstatement of the 171X direct bus route to and from the City for the residents of Balgowlah Heights and Clontarf in the AM and PM peak.
 - B. The reinstatement of the 168 and 173 direct bus route to and from Milsons Point for the residents, especially school children, of North Balgowlah.
 - C. The detailed rationale, travel time impacts and expected modal shifts for the local bus route changes (in particular 132, 168, 169, 170, 171, 171X,173) on residents of Balgowlah Heights, Clontarf, North Balgowlah, Balgowlah and Seaforth be provided to Council.
 - D. Immediate provision of the proposed detailed plans and funding source for the bus interchange at Seaforth Village and associated facilities for inclusivity such as seating, queuing areas, inclusive accessibility and car parking.
 - E. The opportunity to consult with NSW Government on the impact of the announced route changes and resultant traffic congestion on the local roads, local traffic, local schools and Seaforth village prior to the commencement of bus route changes.
 - F. An explanation as to how our more vulnerable residents including our elders, school children, parents with prams and other less mobile persons will be able to travel safely and accessibly to their destinations (eg hospital (RNS), mall, sports fields, schools, Manly village and beach) if required to transfer at a Seaforth bus or other interchange (Spit Junction).
 - G. An update as to any plans for alternative direct public transport access for Balgowlah Heights, Clontarf and North Balgowlah residents (eg pay per use services or a local ferry).
4. Write to acknowledge former elected representatives of Mosman Council, and the former Councils of Warringah, Pittwater and Manly who were involved in developing the key recommendations that have contributed to the announcement of the new transport services for the community on the Northern Beaches.

VOTING

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

ABSENT: Cr Amon

CARRIED

15.4 NOTICE OF MOTION NO 47/2020 - ROOFTOP CINEMA

NOTE: Councillor Amon returned to the chamber at 10:13pm.

289/20 **RESOLVED**

Cr Bingham / Cr Grattan

That:

1. Council investigate the feasibility of the top floor of the Whistler Street car park being converted into a COVID-safe commercially-operated outdoor cinema during the coming summer months. If feasible, then for this activity to be operational this summer.
2. Council investigate alternative family-friendly twilight activity options which will support existing food outlets in the CBD, to replace the World Food Markets in Manly and a report be brought back to the November Council meeting.

VOTING

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

AGAINST: Cr Harrison

CARRIED

15.5 NOTICE OF MOTION NO 48/2020 - REMOTE ATTENDANCE AT COUNCIL MEETINGS

290/20 **RESOLVED**

Cr Warren / Cr Harrison

That Council:

1. Write to the Minister for Local Government in NSW, the Hon Shelley Hancock MP, and request that the NSW Government amend the NSW Local Government Act 1993 to permanently allow Councillors to speak and vote at Council meetings by audio-visual conferencing facilities with the aim of increasing participation in local government.
2. Permanently extend the right of residents to be represented by Council staff at Council meetings, rather than have to attend in person.
3. Staff investigate the appropriate audio-visual technology and costs to support its installation, and report back to the next Council meeting.

VOTING

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

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

CARRIED

15.6 NOTICE OF MOTION NO 49/2020 - ENVIRONMENTAL ZONES REVIEW LAND USE SURVEY

NOTE: With the agreement of Council, this item was withdrawn by Councillors Amon and De Luca.

15.7 NOTICE OF MOTION NO 51/2020 - FEASIBILITY STUDY OF A SMALL MODULAR NON-INCINERATION WASTE-TO-ENERGY FACILITY

NOTE 1: Councillor Amon left the chamber at 10:29pm.

NOTE 2: Councillor De Luca left the chamber at 10:34pm.

NOTE 3: Councillor Ferguson left the chamber at 10:37pm.

Cr Walton / Cr Sprott

That:

1. Council notes that opportunities for economic and environmental improvements to the operation of Kimbriki Resources Recovery Centre have been raised with individual Councillors and the Council as a whole for consideration.
2. Council management further investigate and provide advice to Council on the recent approach from Elephant Energy relating to an opportunity to secure funding from the Australian Renewable Energy Agency for a feasibility study of a small modular non-incineration waste-to-energy facility at a local resource recovery centre, that could reduce landfill, lower emissions and convert non-recyclable materials into revenue for the local community benefit.

VOTING

FOR: Cr Walton

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

ABSENT: Cr Amon, Cr De Luca and Cr Ferguson

LOST

MATTER OF URGENCY - PEP11 OFFSHORE DRILLING

NOTE 1: Councillor Ferguson returned to the chamber at 10:39pm.

NOTE 2: Councillor De Luca returned to the chamber at 10:40pm.

291/20 RESOLVED

Cr Warren / Cr Harrison

That Council:

1. Acknowledge and write to our local federal Members of Parliament, Mr Jason Falinski MP, Member for Mackellar, and Ms Zali Steggall OAM MP, Member for Warringah, to thank them for their efforts in joining with Council in formally opposing the renewal of the Petroleum Exploration Permit 11 licence.
2. Urgently write to Mr Jason Falinski MP to request that he move to debate and vote on his motion opposing oil or gas drilling off the coast of Sydney, in the House of Representatives.
3. Urgently request that the recommendations from the National Offshore Petroleum Titles Administrator (NOPTA) which have been provided to the Joint Authority of the Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia, and the Hon John Barilaro MP, NSW Deputy Premier and Minister for Regional New South Wales, Industry and Trade, as the decision makers, be immediately publicly released.
4. Write again to the Joint Authority to reiterate Northern Beaches Council's strong opposition to the further extension of the PEP11 gas exploration licence, and to offshore oil and gas mining off the coast of Sydney.

VOTING

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

ABSENT: Cr Amon

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING

292/20 RESOLVED

Cr Bingham / Cr Ferguson

That in accordance with clause 19.3 of the Code of Meeting Practice the meeting be extended until 11:30pm.

VOTING

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

AGAINST: Cr Harrison

ABSENT: Cr Amon

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

PROCEDURAL MOTION – MOVE INTO CLOSED SESSION

NOTE: Council moved into closed session at 10:52pm.

293/20 **RESOLVED**

Cr Heins / 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 Glen Street Theatre - Use of Former Restaurant Space on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses/provides advice concerning options for the use of the former restaurant space at Glen Street Theatre. 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 convey commercial advantage to organisations that may tender with Council in the future.
 - B. Item 18.5 Notice of Motion No 50/2020 - Potential Property Acquisition on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses a potential land dealing between Council and a private landholder. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would provide a commercial advantage to the owner of the land and potentially disadvantage Council's position in negotiations.
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: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Bingham

ABSENT: Cr Amon

CARRIED

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

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

18.2 NORTHERN BEACHES LIBRARY SERVICE COLLECTION MANAGEMENT

294/20 RESOLVED

Cr Heins / Cr Ferguson

That Council note the outcome of RFQ2020/139 for Library Service Collection Management and the proposed engagement of local company James Bennett Pty Ltd.

RESOLVED BY EXCEPTION

18.3 EXEMPTION FROM TENDERING - SERVICES FOR THE RECYCLING OF STREET SWEEPINGS AND RESIDUAL WASTE

295/20 RESOLVED

Cr Heins / Cr Ferguson

That Council:

1. Engages Downer EDI Works Pty Ltd to provide services related to the recycling of street sweeping and other residual waste for an interim period of up to one year from the date of this resolution.
2. Resolves pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the contracts referred to in (1) because of the unavailability of competitive or reliable tenderers by reason of the following:
 - A. Council utilises proprietary services that are only supplied by Downer EDI Works Pty Ltd
 - B. Council has an immediate need for such services for its ongoing operations
 - C. Council is reviewing the long term supply of the services which will be completed within 12 months
 - D. the absence of other entities in the market place who may provide the services and the proposed contract period would limit the utility and competitiveness of a tender process
 - E. the proposed supplier has the experience, expertise and equipment to satisfy Council's requirements.
3. Authorises the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of any required documentation.

RESOLVED BY EXCEPTION

18.4 RESPONSE TO NOTICE OF MOTION NO 37/2020 - TRIAL SHUTTLE BUS PALM BEACH AND WHALE BEACH

296/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council write to Transport for NSW requesting:

1. They investigate provision of the service using their contract service providers, or
2. They provide funding for the trial service to Council to implement on their behalf.

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 GLEN STREET THEATRE - USE OF FORMER RESTAURANT SPACE

297/20 **RESOLVED**

Cr Philpott / Cr Heins

That:

1. Council endorse the implementation of Option 3: Hospitality Venue – A new hospitality venue with the major focus around the sale of food and beverage, with performance a supporting part of the offer.
2. Staff bring back a report post tender, on the requirements of staff accommodation, theatre multi-purpose space/room, cost and concepts to be considered in the 2021/22 budget.

VOTING

FOR: Unanimous

CARRIED

18.5 NOTICE OF MOTION NO 50/2020 - POTENTIAL PROPERTY ACQUISITION

298/20 **RESOLVED**

Cr Amon / Cr De Luca

That:

1. Within 14 days Council staff provide a briefing to councillors regarding the environmental value and development potential of the land.
2. Council staff provide a report to the November Council meeting regarding options in relation to the land.

VOTING

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

AGAINST: Cr Philpott, Cr Grattan and Cr Bingham

CARRIED

PROCEDURAL MOTION – RESUME INTO OPEN SESSION

NOTE: Council resumed in open session at 11:26pm.

299/20 **RESOLVED**

Cr Bingham / Cr Heins

That the meeting resume in open session.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 11:28pm

This is the final page of the minutes comprising 29 pages
numbered 1 to 29 of the Ordinary Council Meeting
held on Tuesday 27 October 2020 and confirmed on Tuesday 24 November 2020

Mayor

Chief Executive Officer