



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held via audio visual link on

**TUESDAY 28 SEPTEMBER 2021**

## Minutes of an Ordinary Council Meeting

held on Tuesday 28 September 2021

via audio visual link

Commencing at 6:05pm

### 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
Sarah Dunstan	Executive Manager Governance and Risk
Caroline Foley	Executive Manager Financial Planning & Systems
Yianni Mentis	Executive Manager Environment & Climate Change
Lesley Milbourne	Acting Manager Governance
Katie Kirwan	Senior Advisor Governance
Ximena Von Oven	Governance Officer
Claudia Brodtke	Governance Officer
Brendan Shaw	Information Management Technology Officer
Chris Netting	Information Management Technology Officer

### Notes

*The meeting commenced at 6.06pm, adjourned at 8.12pm, resumed at 8.24pm, moved into closed session at 10.12pm, resumed in open session at 10.28pm and concluded at 11.32pm.*

## Table of Contents

<b>1.0</b>	<b>Acknowledgement of Country .....</b>	<b>5</b>
<b>2.0</b>	<b>Apologies and Applications for Leave Of Absence.....</b>	<b>5</b>
<b>3.0</b>	<b>Confirmation of Minutes.....</b>	<b>5</b>
<b>4.0.</b>	<b>Disclosures of Interest .....</b>	<b>5</b>
<b>5.0</b>	<b>Public Forum and Public Address.....</b>	<b>5</b>
<b>6.0</b>	<b>Items Resolved by Exception .....</b>	<b>6</b>
9.2	Monthly Investment Report - August 2021 .....	7
9.5	Confirmed Minutes and Meeting Notes of the Strategic Reference Group Meetings - February and May 2021 .....	7
12.2	PEX2020/0007 LEP and DCP Amendment at 4 Bellara Avenue, North Narrabeen .....	7
12.3	LEP Clause for Special Flood Considerations .....	8
13.1	Public Exhibition of Proposal to Rename Geographical Features Referred to or Named by Naturalist George Caley in 1805 .....	8
13.2	Public Exhibition of Proposal to Rename Walworth Court, Newport .....	9
13.5	Outcomes of Public Exhibition of Draft Amendments to the Little Manly Coastline Management Plan 2004 .....	9
13.6	Update on Notice of Motion 22/2021 - 24 Hour Alcohol Prohibited Area (APA), Wingara Reserve, Belrose and General Signage Audit .....	10
19.2	RFT 2021/117 - Licence For The Operation Of Manly Arts and Crafts Markets .....	10
19.3	Request for Financial Assistance - 1172 Pittwater Road, Collaroy .....	11
<b>7.0</b>	<b>Mayoral Minutes .....</b>	<b>11</b>
7.1	Mayoral Minute No 17/2021 - Recognition of Achievement by Children's Services - Manly Community Pre-school .....	11
7.2	Mayoral Minute No 18/2021 - The Pathway of Olympians and Paralympians .....	12
<b>8.0</b>	<b>Chief Executive Officer's Division Reports .....</b>	<b>12</b>
8.1	Election of Mayor .....	12
8.2	Outcome of the Public Exhibition of the draft Northern Beaches Destination Management Plan .....	13
8.3	Update on the Back to Business Initiative .....	13
<b>9.0</b>	<b>Corporate and Legal Division Reports.....</b>	<b>13</b>
9.1	Draft 2020/21 Financial Statements .....	13
9.3	Change to December 2021 Council Meeting Date and Setting of Ordinary Council Meeting Schedule for 2022 .....	14
9.4	Voting Delegates for Local Government NSW Annual Conference 2021 and Board Election .....	15
<b>10.0</b>	<b>Community and Belonging Division Reports.....</b>	<b>17</b>
10.1	Outcome of the Public Exhibition of draft Community Safety Plan 2021-2026 .....	17
10.2	Confirmed Minutes of Public Art Working Group Meeting on 24 June 2021 .....	18
10.3	Confirmed Minutes of the Community Safety Committee Meeting on 17 June 2021 .....	18
<b>12.0</b>	<b>Planning and Place Division Reports.....</b>	<b>19</b>
12.1	Post Exhibition Report - Planning Proposal (PEX2018/0007) to Rezone Land within the Manly Warringah War Memorial State Park .....	19

12.4	Submission on the draft Frenchs Forest Place Strategy Planning Package .....	19
12.5	Northern Beaches Council Affordable Housing Contribution Scheme .....	20
<b>13.0</b>	<b>Transport and Assets Division Reports.....</b>	<b>21</b>
13.3	Public Exhibition of Proposal to Rename the Clubhouse at Lionel Watts Oval the Eric Galloway Clubhouse .....	21
13.4	Public Exhibition of Proposal to Name the Lookout on Carrington Parade After Brian Green .....	21
	<i>Change to order of business .....</i>	<i>22</i>
<b>16.0</b>	<b>Notices of Rescission.....</b>	<b>23</b>
16.1	Notice of Rescission No 2/2021 - Item 11.1 Update on Proposed Urban Night Sky Place..	23
<b>15.0</b>	<b>Notices of Motion .....</b>	<b>25</b>
15.1	Notice of Motion No 37/2021 - Support of Manly's Little Penguins .....	25
15.2	Notice of Motion No 38/2021 - Masterplan for Manly to Shelly Beach Walk .....	26
15.3	Notice of Motion No 39/2021 - Recycle Takeaway Coffee Cups .....	26
<b>20.0</b>	<b>Report of Confidential Resolutions.....</b>	<b>27</b>
19.1	Mayoral Minute No 19/2021 - Major Event.....	27
19.2	RFT 2021/117 - Licence For The Operation Of Manly Arts and Crafts Markets .....	27
19.3	Request for Financial Assistance - 1172 Pittwater Road, Collaroy .....	28
19.4	RFT 2020/106 Community and Child Care Centre Landscape Maintenance .....	28
19.5	Proposed Easement for Pipeline to Sewer to Kimbriki Environmental Enterprises Over Lot 300 DP 1254796 and Lot 15 DP 237301, Terrey Hills .....	29

## 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 24 AUGUST 2021

240/21 RESOLVED

***Cr Ferguson / Cr Bingham***

That the Minutes of the Ordinary Council Meeting held 24 August 2021, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### VOTING

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

**ABSENT:** Cr White

**CARRIED**

## 4.0 DISCLOSURES OF INTEREST

Nil

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

*NOTE: Due to social distancing measures, public speakers have submitted written addresses for tonight's proceedings. Addresses were read by the Director of Workforce and Technology, Karen Twitchett.*

### 5.1 Public Forum

Nil

## 5.2 Public Address

### Item 9.3 Change to December 2021 Council Meeting Date and Setting of Ordinary Council Meeting Schedule for 2022

- Miranda Korzy addressed Council against this item.

### Item 12.5 Northern Beaches Council Affordable Housing Contributions Scheme

- Miranda Korzy addressed Council in support of this item.

### Item 15.5 Notice of Motion 41/2021 – Transport New South Wales Road Maintenance Contract

- Anton Van Der Vegt on behalf of RideEarly addressed Council in support of this item.
- Caren Young addressed Council against this item.

### Item 15.6 Notice of Motion 42/2021 – Church Point Parking Demand Management Strategy

- Jed Fisher addressed Council in support of this item.

### Item 16.1 Notice of Recission No 2/2021 – Item 11.1 Update on Proposed Urban Night Sky

- Richard West on behalf of the Palm Beach Whale Beach Association and Frank Bush addressed Council in support of this item.
- Edna Blanchard on behalf of Pittwater Natural Heritage Association, and David Stevenson on behalf of Northern Sydney Astronomical Society addressed Council against this item.

## 6.0 ITEMS RESOLVED BY EXCEPTION

### 241/21 RESOLVED

#### *Cr Harrison / Cr Regan*

That

1. Items 9.2, 9.5, 12.2, 12.3, 13.1, 13.2, 13.5, 13.6, 19.2 and 19.3 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 19.2 and 19.3 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

### VOTING

FOR: Unanimous

**CARRIED**

## 9.2 MONTHLY INVESTMENT REPORT - AUGUST 2021

242/21 **RESOLVED**

**Cr Harrison / Cr Regan**

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

**RESOLVED BY EXCEPTION**

## 9.5 CONFIRMED MINUTES AND MEETING NOTES OF THE STRATEGIC REFERENCE GROUP MEETINGS - FEBRUARY AND MAY 2021

243/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That Council note the confirmed minutes/notes of the:

1. Places for People Strategic Reference Group meetings held 4 February and 6 May 2021.
2. Partnership and Participation Strategic Reference Group meetings held 10 February and 5 May 2021.
3. Community and Belonging Strategic Reference Group meetings held 10 February and 12 May 2021.
4. Extraordinary joint meeting Community and Belonging Strategic Reference Group and Partnership and Participation Strategic Reference Group meetings held 10 February 2021.
5. Transport and Travel Strategic Reference Group meetings held 11 February and 13 May 2021.
6. Economic and Smart Communities Strategic Reference Group meetings held 17 February and 19 May 2021.
7. Environment Strategic Reference Group meetings held 18 February and 19 May 2021.

**RESOLVED BY EXCEPTION**

## 12.2 PEX2020/0007 LEP AND DCP AMENDMENT AT 4 BELLARA AVENUE, NORTH NARRABEEN

244/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend Pittwater Local Environmental Plan 2014 to rezone Lot 26 DP 236548 being land 4 Bellara Avenue, North Narrabeen from SP2 Infrastructure to R2 Low Density Residential and apply a 550sqm minimum lot size.

2. Adopt the amendment to Pittwater Development Control Plan to include Lot 26 DP 236548, 4 Bellara Avenue, North Narrabeen on the Landscaped Area Map as Area 3 introducing a requirement for a minimum landscape area of 50%.
3. Publish the amendments to Pittwater 21 Development Control Plan in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Pittwater Local Environmental 2014.

**RESOLVED BY EXCEPTION**

**12.3 LEP CLAUSE FOR SPECIAL FLOOD CONSIDERATIONS**

245/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That Council:

1. Agree to insert the proposed Special Flood Consideration Local Environmental Plan clause prepared by the Department of Planning, Industry & Environment into Manly Local Environmental Plan 2013, Pittwater Local Environmental Plan 2014, Warringah Local Environmental Plan 2011.
2. Advise the Department of Planning, Industry & Environment of its agreement to amend three Northern Beaches Local Environmental Plans in the above terms.

**RESOLVED BY EXCEPTION**

**13.1 PUBLIC EXHIBITION OF PROPOSAL TO RENAME GEOGRAPHICAL FEATURES REFERRED TO OR NAMED BY NATURALIST GEORGE CALEY IN 1805**

246/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That:

1. Council place on public exhibition for a period of 42 days the proposal to:
  - A. Rename Belrose Reservoir as Sea Sight Reserve.
  - B. Officially name Oxford Falls Cascades as Caley Falls.
  - C. Name the reserve along Wakehurst Parkway, Narrabeen, unofficially known as Middle Creek 2 as Thick Brush Reserve.
2. The outcome of the public exhibition of the proposal of the renaming be reported to Council.
3. Council note the intention of the Geographical Names Board to consider the naming of the 5 geographical features for which Council does not have care, control, or management, and to provide a further update to Council upon receiving further advice from the Geographical Naming Board.

**RESOLVED BY EXCEPTION**



### 13.2 PUBLIC EXHIBITION OF PROPOSAL TO RENAME WALWORTH COURT, NEWPORT

247/21 RESOLVED

**Cr Harrison / Cr Regan**

That:

1. Council place on public exhibition the proposed renaming of Walworth Court for a minimum of 28 days.
2. The outcome of the public exhibition of the proposed renaming of Walworth Court be reported to Council.

**RESOLVED BY EXCEPTION**

### 13.5 OUTCOMES OF PUBLIC EXHIBITION OF DRAFT AMENDMENTS TO THE LITTLE MANLY COASTLINE MANAGEMENT PLAN 2004

248/21 RESOLVED

**Cr Harrison / Cr Regan**

That Council:

1. Note its consideration of the submissions received in respect of the draft plan of management to amend the Little Manly Coastline Management Plan 2004 (Draft POM).
2. Note its consideration of the report on the public hearing into the categorisation of 40 Stuart Street Manly (Lot 3 DP 252420) as park for the purpose of section 36 of the *Local Government Act 1993*.
3. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
  - A. Note its consideration of the environmental assessment at Attachment 3 of the report for this item in relation to the activity contemplated in the Draft POM, being demolition and landscaping works for recreational purposes at 40 Stuart Street Manly, which are set out in, and incorporate the mitigation measures and conditions in, Attachment 3 (Activity).
  - B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity.
  - C. Determine that the activity will not significantly affect the environment.
4. Amend the Draft POM which was the subject of public notice as per Attachment 1 of the report for this item.
5. Note its opinion that the amendments to the Draft POM as per Attachment 1 are not substantial.
6. Adopt the Draft POM at Attachment 1 as the plan of management for the land to which it applies including 40 Stuart Street Manly (Lot 3 DP 252420).
7. Categorise 40 Stuart Street Manly (Lot 3 DP 252420) as park in accordance with section 36G of the *Local Government Act 1993*.

**RESOLVED BY EXCEPTION**

**13.6 UPDATE ON NOTICE OF MOTION 22/2021 - 24 HOUR ALCOHOL PROHIBITED AREA (APA), WINGARA RESERVE, BELROSE AND GENERAL SIGNAGE AUDIT**

249/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That Council note:

1. An awareness campaign will be launched next quarter promoting the reporting of damaged and outdated signs.
2. Wingara Reserve, Belrose will be considered as part of the broader review of Alcohol Prohibited Areas across the LGA, which will include broad community engagement.
3. Reserve signage is being audited and replaced in a timely manner.

**RESOLVED BY EXCEPTION**

**19.2 RFT 2021/117 - LICENCE FOR THE OPERATION OF MANLY ARTS AND CRAFTS MARKETS**

250/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That Council:

1. Accept the tender of Mark Eymes Manly Markets Pty Ltd T/A Manly Markets 2095 for RFT 2021/117 – Licence for the Operation of Manly Arts and Crafts Markets for the initial annual amount of \$72,720 (ex GST) subject to cost adjustment by CPI for each year thereafter, for the period 23 October 2021 to 23 October 2022, with two (2) options of two (2) years each to extend subject to satisfactory performance.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer to exercise Council's options to extend the contract term for up to two (2) additional two (2) year periods.

**RESOLVED BY EXCEPTION**

### 19.3 REQUEST FOR FINANCIAL ASSISTANCE - 1172 PITTWATER ROAD, COLLAROY

251/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That, in accordance with Section 356 of the Local Government Act (1993), Council provides additional financial assistance of \$33,612.88 (inc GST) to the owners of 1172 Pittwater Road, Collaroy on the basis that Council's design change to its coastal protection works at Wetherill Street have increased the cost of private coastal protection works for this property.

**RESOLVED BY EXCEPTION**

### PROCEDURAL MOTION - MOTION OF URGENCY

252/21 **RESOLVED**

**Cr De Luca / Cr Regan**

That as a matter of urgency Council considers a motion in relation to sporting achievements.

#### VOTING

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

**AGAINST:** Cr Harrison and Cr Warren

**CARRIED**

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 17/2021 - RECOGNITION OF ACHIEVEMENT BY CHILDREN'S SERVICES - MANLY COMMUNITY PRE-SCHOOL

253/21 **RESOLVED**

**Cr Regan**

That Council:

1. Formally acknowledge the outstanding achievement in receiving an 'Exceeding' rating from the National Quality Framework as set by Australian Children's Education and Care Quality Authority (ACECQA) for services provided at Manly Community Pre-school.
2. Acknowledge the efforts of the staff at the Manly Community Pre-school and all staff in our Children's Services and thank them for their part in this achievement.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## 7.2 MAYORAL MINUTE NO 18/2021 - THE PATHWAY OF OLYMPIANS AND PARALYMPIANS

254/21 **RESOLVED**

**Cr Regan**

That Council:

1. Provide a briefing to the new elected Council in the New Year of the proposed new Policy to acknowledge our Olympians, Paralympians and other sports people who have represented Australia.
2. Consider as part of the review how we can recognise those representatives yet to be acknowledged within the Manly ward area along with representatives from 1900 until now who were or are still residing on the Northern Beaches.
3. A report to be brought to Council within seven months and to include opportunities to record and acknowledge sporting history in digital and other platforms.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 8.1 ELECTION OF MAYOR

*NOTE 1: The Returning Officer advised valid nominations for the office of Mayor were received and accepted by Councillor Regan and Councillor Amon*

*NOTE 2: The Returning Officer declared Councillor Regan as Mayor for the term of office resolved by Council*

*NOTE 3: Councillor Regan assumed the Chair*

255/21 **RESOLVED**

**Cr Harrison / Cr Bingham**

That Council:

1. Elect the Mayor by open voting (show of hands) in accordance with Schedule 7, Part 1 Clause 3 of the Local Government (General) Regulation, should there be more than one candidate nominated for election as Mayor.
2. Elect the Mayor for the term of office for the remainder of the current election term (currently 4 December 2021) or a period no longer than two years should the local government elections be postponed in accordance with clause 394 of the Local Government (General) Regulation, 2005.

### VOTING

**FOR:** Unanimous

**CARRIED**

**8.2 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES DESTINATION MANAGEMENT PLAN**

*NOTE: Councillor Warren left the meeting at 7:06pm*

256/21 **RESOLVED**

**Cr Heins / Cr Bingham**

That Council adopt the draft Destination Management Plan - "Destination Northern Beaches: Creating a Sustainable Visitor Economy".

**VOTING**

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

**ABSENT:** Cr Warren

**CARRIED**

**8.3 UPDATE ON THE BACK TO BUSINESS INITIATIVE**

257/21 **RESOLVED**

**Cr Heins / Cr Ferguson**

That Council note the update on the Back to Business initiative.

**VOTING**

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

**ABSENT:** Cr Warren

**CARRIED**

**9.0 CORPORATE AND LEGAL DIVISION REPORTS**

**9.1 DRAFT 2020/21 FINANCIAL STATEMENTS**

*NOTE: Councillor Warren returned to the meeting at 7:43pm*

258/21 **RESOLVED**

**Cr Grattan / Cr Walton**

That:

1. Council resolve in its opinion that the General Purpose Financial Statements for the year

ended 30 June 2021:

- A. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the regulations made thereunder, 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; and
  - C. the Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
2. The Mayor, Councillor Grattan, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for the General Purpose Financial Statements.
  3. The Financial Statements for the year ended 30 June 2021 be referred to the Council's Auditor for audit.
  4. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's Reports, to:
    - A. forward a copy of the Financial Statements and Auditor's Reports to the Office of Local Government;
    - B. arrange for public notice to be given, in the required format on Council's website, of the Council Meeting for presentation of the audited 2020/21 Financial Statements;
    - C. arrange for the Council's audited Financial Statements and Auditor's Reports to be made available for public inspection on Council's website and in printed format (subject to public health orders) at Council's Customer Service Centres and Libraries; and
    - 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:** Unanimous

**CARRIED**

### **9.3 CHANGE TO DECEMBER 2021 COUNCIL MEETING DATE AND SETTING OF ORDINARY COUNCIL MEETING SCHEDULE FOR 2022**

259/21 **RESOLVED**

***Cr Regan / Cr Grattan***

That Council:

1. Amend the 2021 ordinary Council meeting schedule to remove the 15 December 2021 ordinary Council meeting.
2. Set the first ordinary meeting for the new term of the Northern Beaches Council be held on Wednesday 29 December 2021 at 10 am at Dee Why.

3. Council adopt the 2022 ordinary Northern Beaches Council meeting schedule:

Meeting Type	Meeting Day	Meeting Date	Meeting Time	Location
Ordinary	Tuesday	22 February	6:00pm	Dee Why
Ordinary	Tuesday	22 March	6:00pm	Dee Why
Ordinary	Tuesday	26 April	6:00pm	Dee Why
Ordinary	Tuesday	24 May	6:00pm	Dee Why
Ordinary	Tuesday	28 June	6:00pm	Dee Why
Ordinary	Tuesday	26 July	6:00pm	Dee Why
Ordinary	Tuesday	23 August	6:00pm	Dee Why
Ordinary	Tuesday	27 September	6:00pm	Dee Why
Ordinary	Tuesday	25 October	6.00pm	Dee Why
Ordinary	Tuesday	22 November	6:00pm	Dee Why
Ordinary	Tuesday	13 December	6:00pm	Dee Why

**VOTING**

**FOR:** Unanimous

**CARRIED**

**9.4 VOTING DELEGATES FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2021 AND BOARD ELECTION**

***Cr White / Cr Regan***

That Council nominate the following councillors (up to ten) as voting delegates to attend the online one-hour Local Government NSW (LGNSW) Annual Conference from 9:30am on Monday 29 November 2021:

1. Councillor White
2. Councillor Heins
3. Councillor Amon
4. Councillor Regan
5. Councillor Philpott
6. Councillor De Luca
7. Councillor Grattan
8. Councillor Bingham
9. Councillor Walton
10. Councillor Ferguson

**AMENDMENT**

***Cr Amon / Cr De Luca***

That Council nominate the following councillors (up to ten) as voting delegates to attend the online one-hour Local Government NSW (LGNSW) Annual Conference from 9:30am on Monday 29 November 2021:

1. Councillor Walton
2. Councillor Ferguson
3. Councillor Amon
4. Councillor Sprott
5. Councillor Daley
6. Councillor White
7. Councillor Heins
8. Councillor Regan
9. Councillor Philpott
10. Councillor Harrison

**VOTING**

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

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

**LOST**

***The amendment was LOST and Council returned to the original motion***

**260/21 RESOLVED**

***Cr White / Cr Regan***

That Council nominate the following councillors (up to ten) as voting delegates to attend the online one-hour Local Government NSW (LGNSW) Annual Conference from 9:30am on Monday 29 November 2021:

1. Councillor White
2. Councillor Heins
3. Councillor Amon
4. Councillor Regan
5. Councillor Philpott
6. Councillor De Luca
7. Councillor Grattan
8. Councillor Bingham
9. Councillor Walton
10. Councillor Ferguson

**VOTING**

**FOR:** Unanimous

**CARRIED**



## PROCEDURAL MOTION - ADJOURN THE MEETING

261/21 **RESOLVED**

**Cr Regan / 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**

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

### 10.1 OUTCOME OF THE PUBLIC EXHIBITION OF DRAFT COMMUNITY SAFETY PLAN 2021-2026

*NOTE: Councillor Philpott left the meeting at 9:00pm and returned at 9:04*

**Cr Bingham / Cr Harrison**

That Council:

1. Note the outcome of the public exhibition of the draft Community Safety Plan.
2. Adopt the Community Safety Plan.

### AMENDMENT

**Cr Daley / Cr Harrison**

That Council:

1. Note the outcome of the public exhibition of the draft Community Safety Plan.
2. Adopt the Community Safety Plan.
3. Make East Esplanade a 24 hour alcohol free zone and alcohol prohibited area for two years following the appropriate notification period.

### VOTING

**FOR:** Cr Daley, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Sprott and Cr Harrison

**AGAINST:** Cr White, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr Bingham, Cr Walton, Cr Warren and Cr Regan

### LOST

***The amendment was LOST and Council returned to the original motion***

262/21 **RESOLVED**

**Cr Bingham / Cr Harrison**

That Council:

1. Note the outcome of the public exhibition of the draft Community Safety Plan.
2. Adopt the Community Safety Plan.

**VOTING**

**FOR:** Cr White, Cr Philpott, 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 Daley

**CARRIED**

**10.2 CONFIRMED MINUTES OF PUBLIC ART WORKING GROUP MEETING ON 24 JUNE 2021**

263/21 **RESOLVED**

**Cr Amon / Cr Regan**

That Council note the Public Art Working Group meeting minutes of 24 June 2021.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**10.3 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING ON 17 JUNE 2021**

264/21 **RESOLVED**

**Cr McTaggart / Cr Ferguson**

That Council note the minutes of the Community Safety Committee meeting held on 17 June 2021.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 12.0 PLANNING AND PLACE DIVISION REPORTS

### 12.1 POST EXHIBITION REPORT - PLANNING PROPOSAL (PEX2018/0007) TO REZONE LAND WITHIN THE MANLY WARRINGAH WAR MEMORIAL STATE PARK

265/21 RESOLVED

*Cr Bingham / Cr Harrison*

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend the 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.
2. Adopt the amendment to Warringah Development Control Plan 2011 to:
  - A. Remove residential development controls, including setback and minimum landscaped area controls; from Lots 76 & 77 of DP 504237 and Lot 2 of DP 710023.
  - B. Amend the Warringah DCP 2011 Map Land Adjoining Public Open space to include Lot 1 DP 710023.
3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Warringah Local Environmental Plan 2011.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 12.4 SUBMISSION ON THE DRAFT FRENCHS FOREST PLACE STRATEGY PLANNING PACKAGE

266/21 RESOLVED

*Cr Regan / Cr Harrison*

That Council:

1. Support the Submission to the NSW Department of Planning, Industry and Environment in relation to the draft Frenchs Forest Place Strategy Planning Package.
2. Acknowledge that the key issues raised in the Submission requiring resolution include:
  - A. Transport infrastructure provision.

- B. Cost and funding of infrastructure.
  - C. Town centre open space and Police Station site dedication.
  - D. Delivery of the community hub.
  - E. Elevating the role of sustainability as a key feature to create a flagship precinct.
  - F. Statutory planning framework.
  - G. State Government coordination.
  - H. Support for affordable rental housing contribution.
  - I. Development feasibility.
3. Does not proceed with the Aquatic Reserve Masterplan for a state-of-the-art education and recreation precinct as this does not align with the NSW Government's draft Frenchs Forest 2041 Place Strategy.
4. Dissolve the Northern Beaches Hospital Precinct Consultation Committee, as the role and objectives of the Northern Beaches Hospital Precinct Consultation Committee have been realised with the Department's Frenchs Forest 2041 Place Strategy. Council thanks members of the Committee for their time and input to support the Northern Beaches Hospital Precinct Structure Plan process.
5. Acknowledge that a design excellence process is preferred over a design competition process for the Frenchs Forest Precinct as floor space or height bonuses are unavailable due to the traffic capacity of the precinct and carefully considered urban design principles.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**12.5 NORTHERN BEACHES COUNCIL AFFORDABLE HOUSING CONTRIBUTION SCHEME**

267/21 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council adopt:

- 1. The draft Northern Beaches Affordable Housing Contributions Scheme.
- 2. The amended draft Northern Beaches Affordable Housing Tenancy Guidelines.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

### 13.3 PUBLIC EXHIBITION OF PROPOSAL TO RENAME THE CLUBHOUSE AT LIONEL WATTS OVAL THE ERIC GALLOWAY CLUBHOUSE

268/21 RESOLVED

*Cr Sprott / Cr Regan*

That:

1. Council place the proposal to name the clubhouse building at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest, 'The Eric Galloway Clubhouse' after community member Eric Galloway in acknowledgement of his long term contributions to the community, on public exhibition for 42 days inviting comment.
2. A report on the outcome of the public exhibition of the proposal to name the clubhouse building at the eastern end of Lionel Watts Oval on Blackbutts Road, Frenchs Forest, 'The Eric Galloway Clubhouse' be provided to Council.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 13.4 PUBLIC EXHIBITION OF PROPOSAL TO NAME THE LOOKOUT ON CARRINGTON PARADE AFTER BRIAN GREEN

269/21 RESOLVED

*Cr Daley / Cr Regan*

That:

1. Council place the proposal to name the lookout on Carrington Parade, Curl Curl, 'Brian Green Lookout' in recognition of the contributions made by former Emeritus Mayor/President of Warringah Council to the community and local government through his tenure on public exhibition for 42 days inviting comment.
2. A report on the outcome of the public exhibition of the proposal to name the lookout on Carrington Parade, Curl Curl, 'Brian Green Lookout' be provided to Council.

#### 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**

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

### 270/21 RESOLVED

#### *Cr Regan / Cr Heins*

That the order of business be changed so items 19.1, 19.4, 19.5, 16.1 and the Motion of Urgency be brought forward and dealt with immediately.

#### VOTING

**FOR:** Unanimous

#### **CARRIED**

### 271/21 RESOLVED

#### *Cr Ferguson / Cr Regan*

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 19.1 Mayoral Minute No 19/2021 - Major Event 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 a third party. 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 is of a commercial nature.

- B. Item 19.4 RFT 2020/106 Community and Child Care Centre Landscape Maintenance 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 commercial tenders. 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 result in the release of commercial in confidence information.

- C. Item 19.5 Proposed Easement for Pipeline to Sewer to Kimbriki Environmental Enterprises Over Lot 300 DP 1254796 and Lot 15 DP 237301, Terrey Hills on the basis that it involves the receipt and discussion of information that would, if disclosed, prejudice the maintenance of law [10A(2)(e) Local Government Act 1993].

This report provides a confidentiality agreement with Kimbriki Environmental Enterprises Pty Ltd. 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 contravene the confidentiality requirements of the attached Deed of Agreement.

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**

*NOTE: The meeting moved into closed session at 10:12pm*

**16.0 NOTICES OF RESCISSION****16.1 NOTICE OF RESCISSION NO 2/2021 - ITEM 11.1 UPDATE ON PROPOSED URBAN NIGHT SKY PLACE*****Cr Amon / Cr De Luca***

That Council rescind resolution 236/21 – Item 11.1 Update on Proposed Urban Night Sky Place, being:

*That Council:*

- 1. Implement the remaining lighting upgrades set out in the attachment “Governor Phillip Park and Barrenjoey Headland - Current lighting and proposed lighting upgrades”.*
- 2. Makes a combined total of up to \$5,000 in grant funding available from the Urban Night Sky budget to the operators of businesses on Crown Assets on Governor Phillip Park being Dunes Palm Beach, The Boathouse Palm Beach and Palm Beach Golf Club to assist with the implementation of lighting changes should they require it.*
- 3. Formally write to NSW National Parks and Wildlife Service seeking their final decision regarding including Barrenjoey Headland in the Urban Night Sky Place application.*
- 4. Submit an application to the International Dark Sky Association for Governor Phillip Park, Palm Beach to be designated as an Urban Night Sky Place (and include Barrenjoey Headland if NSW National Parks and Wildlife Service decides to do so).*
- 5. Ensures that night sky event proposals for Governor Phillip Park are subject to the requirements set out in Part 3 of Table 1 of this report.*
- 6. That the Urban Night Sky Working Group continue to meet to discuss any issues arising from the application process or any event.*

**VOTING**

**FOR:** Cr Philpott, Cr Amon, Cr McTaggart, Cr De Luca and Cr Regan

**AGAINST:** Cr White, Cr Daley, Cr Grattan, Cr Heins, Cr Bingham, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison and Cr Warren

**LOST****276/21 RESOLVED*****Cr Ferguson / Cr White***

That Cr Ferguson be granted an extension of 2 minutes to address the meeting.

**VOTING**

**FOR:** Cr White, Cr Daley, Cr Philpott, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Walton and Cr Sprott

**AGAINST:** Cr Grattan, Cr De Luca, Cr Harrison, Cr Warren and Cr Regan

**CARRIED**

**277/21 RESOLVED**

***Cr Amon / Cr Ferguson***

That the motion be now put.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION - EXTENSION OF MEETING**

**278/21 RESOLVED**

***Cr Regan / Cr De Luca***

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

**VOTING**

**FOR:** Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Walton, Cr Sprott, Cr Warren and Cr Regan

**AGAINST:** Cr White, Cr Daley, Cr Philpott, Cr Amon, Cr Ferguson and Cr Harrison

**CARRIED**



## PROCEDURAL MOTION - MATTER OF URGENCY - SPORTING ACHIEVEMENTS

279/21 **RESOLVED**

***Cr De Luca / Cr Regan***

That:

1. Council congratulate Manly Warringah Sea Eagle Tom Trbojevic on winning the 2021 Dally M Medal from the National Rugby League.
2. Council congratulate Manly Warringah Netball Association's Audrey Little and Chelsea Mann on their selection in the Australian U/19 Netball Squad.
3. Council formally acknowledges the success of these outstanding young athletes and excellent Ambassadors.

### 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**

## 15.0 NOTICES OF MOTION

### 15.1 NOTICE OF MOTION NO 37/2021 - SUPPORT OF MANLY'S LITTLE PENGUINS

280/21 **RESOLVED**

***Cr Grattan / Cr Bingham***

That Council:

1. Acknowledge the critically low numbers of Little Penguins in Manly.
2. Investigate measures that Council can take to help support the lead authorities charged with the Little Penguins' protection and report back to a councillor briefing within two months.

### VOTING

**FOR:** Unanimous

**CARRIED**

**15.2 NOTICE OF MOTION NO 38/2021 - MASTERPLAN FOR MANLY TO SHELLY BEACH WALK**

281/21 **RESOLVED**

***Cr Bingham / Cr Grattan***

That Council:

1. Formally write to the Chief Executive Officer of Sydney Water, and James Griffin MP requesting funding for a Masterplan and associated works for the Manly to Shelly Beach Walk (including the Marine Parade seawall).
2. Consult with Sydney Water, Department of Primary Industries (Fisheries) and the Catholic Church regarding key priorities to be included in any Masterplan.
3. Include within the Masterplan, options for the upgrade, improvement and maintenance of the infrastructure and amenity of this famous walk for locals and tourists alike.
4. Arrange a further briefing of Councillors following formal responses to items 1 and 2 above.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**15.3 NOTICE OF MOTION NO 39/2021 - RECYCLE TAKEAWAY COFFEE CUPS**

282/21 **RESOLVED**

***Cr Bingham / Cr Regan***

That Council:

1. Investigate the possibility of introducing a system for the recycling of takeaway coffee cups and lids.
2. Consider a trial of the collection of these items at a number of relevant locations on the Northern Beaches as soon as practicable.
3. Consider further promotion of the "Swap and Go" coffee cup systems to cafes and coffee drinkers.
4. Include further promotion of Council's "Swap This for That" campaign in relation to takeaway coffee cups.
5. Bring back a report to Council at the October 2021 meeting.

**VOTING**

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

**AGAINST:** Cr McTaggart and Cr Sprott

**ABSENT:** Cr Warren

**CARRIED**

## 20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

*In accordance with Council's Code of Meeting Practice clause 15.22 the resolutions of confidential reports resolved by exception earlier in the meeting and resolutions passed in closed session were displayed on the public screens and livestream of the meeting webcast*

### 19.1 MAYORAL MINUTE NO 19/2021 - MAJOR EVENT

272/21 RESOLVED

**Cr Regan**

That Council delegate to the Chief Executive Officer the authority to negotiate further with the relevant parties in relation to future major events and report back to Council.

**VOTING**

**FOR:** Unanimous

**CARRIED**

### 19.2 RFT 2021/117 - LICENCE FOR THE OPERATION OF MANLY ARTS AND CRAFTS MARKETS

*NOTE: This is a copy of the resolution that was resolved by exception in open session in section 6.0- Items Resolved by Exception on page 10.*

250/21 RESOLVED

**Cr Harrison / Cr Regan**

That Council:

1. Accept the tender of Mark Eymes Manly Markets Pty Ltd T/A Manly Markets 2095 for RFT 2021/117 – Licence for the Operation of Manly Arts and Crafts Markets for the initial annual amount of \$72,720 (ex GST) subject to cost adjustment by CPI for each year thereafter, for the period 23 October 2021 to 23 October 2022, with two (2) options of two (2) years each to extend subject to satisfactory performance.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer to exercise Council's options to extend the contract term for up to two (2) additional two (2) year periods.

**RESOLVED BY EXCEPTION**

### 19.3 REQUEST FOR FINANCIAL ASSISTANCE - 1172 PITTWATER ROAD, COLLAROY

*NOTE: This is a copy of the resolution that was resolved by exception in open session in section 6.0- Items Resolved by Exception on page 11.*

251/21 **RESOLVED**

**Cr Harrison / Cr Regan**

That, in accordance with Section 356 of the Local Government Act (1993), Council provides additional financial assistance of \$33,612.88 (inc GST) to the owners of 1172 Pittwater Road, Collaroy on the basis that Council's design change to its coastal protection works at Wetherill Street have increased the cost of private coastal protection works for this property.

**RESOLVED BY EXCEPTION**

### 19.4 RFT 2020/106 COMMUNITY AND CHILD CARE CENTRE LANDSCAPE MAINTENANCE

273/21 **RESOLVED**

**Cr Harrison / Cr Bingham**

That Council:

1. Accept the tender of Marsupial Landscape Management Pty Limited, trading as Marsupial Landscapes, for RFT 2020/106 - Community and Child Care Centre Landscape Maintenance for the initial annual amount of:
  - A. \$50,646.44 (ex GST) for the South Area;
  - B. \$80,967.70(ex GST) for the North Area; and
  - C. \$39,188.34 (ex GST) for the West area,subject to cost adjustment by CPI for each year thereafter, for the period of three (3) years with two (2) optional extensions of one (1) year each subject to satisfactory performance.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer to exercise Council's options to extend the contract term.

#### **VOTING**

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

**AGAINST:** Cr De Luca and Cr Sprott

**CARRIED**

**19.5 PROPOSED EASEMENT FOR PIPELINE TO SEWER TO KIMBRIKI ENVIRONMENTAL ENTERPRISES OVER LOT 300 DP 1254796 AND LOT 15 DP 237301, TERREY HILLS**

274/21 **RESOLVED**

**Cr Heins / Cr Grattan**

That:

1. Council grant an easement with associated positive covenant for pipeline to sewer, over an existing pipeline located within Lot 300 DP 1254796 and Lot 15 DP237301, Terrey Hills, to Kimbriki Environmental Enterprises Pty Ltd (KEE), to benefit Lot 301 DP 1254796 being Council owned operational land leased to KEE for the Kimbriki Resource Recovery Centre.
2. Council delegate authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
3. Council note that the arrangements for the easement, including as to cost, are set out in the agreement in the Leachate Treatment Plant and Pipeline to Sewer Project Deed.
4. In accordance with the Leachate Treatment Plant and Pipeline to Sewer Project Deed:
  - A. KEE is responsible for the cost of the survey and the registration of the easement and the positive covenant; and
  - B. Council and KEE are required to each pay their own legal costs in relation to the preparation of the easement and positive covenant.
5. In accordance with s 610E of the *Local Government Act 1993 (NSW)* and the fee waiver provisions in Council's fees and charges booklet 2021/22, Council waive the fee for the easement and positive covenant on the basis that the fee is inappropriate in the circumstances.

**VOTING**

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

**AGAINST:** Cr Amon and Cr Sprott

**CARRIED**

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

**275/21 RESOLVED**

***Cr Bingham / Cr Sprott***

That Council resume into open session.

**VOTING**

**FOR:** Unanimous

**CARRIED**

*NOTE 1: The meeting resumed in open session at 10:28pm*

*NOTE 2: In accordance with clause 19.4(a) of the Code of Meeting Practice the following items were deferred to the ordinary Council meeting of 26 October 2021:*

- Item 15.4 Notice of Motion No 40/2021 - Walking Trail for Wakehurst Parkway*
- Item 15.5 Notice of Motion No 41/2021 - Transport New South Wales Road Maintenance Contract*
- Item 15.6 Notice of Motion No 42/2021 - Church Point Parking Demand*

*The meeting concluded at 11:32pm*

This is the final page of the minutes comprising 30 pages numbered 1 to 30 of the Ordinary Council Meeting held on Tuesday 28 September 2021 and confirmed on Tuesday 26 October 2021

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Mayor

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Chief Executive Officer