



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 15 DECEMBER 2020

Minutes of an Ordinary Council Meeting
held on Tuesday 15 December 2020
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon (*joined at 6:29pm*)
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

| | |
|------------------|--|
| Ray Brownlee PSM | Chief Executive Officer |
| Jeff Smith | Director Corporate and Legal |
| David Kerr | Director Community and Belonging |
| Todd Dickinson | Director Environment and Sustainability |
| Louise Kerr | Director Planning and Place |
| Jorde Frangoples | Director Transport and Assets |
| Karen Twitchett | Director Workforce and Technology |
| Eskil Julliard | General Counsel |
| Steve Lawler | Executive Manager Parks and Recreation |
| Sarah Dunstan | Acting Executive Manager Governance and Risk |
| Lesley Milbourne | Acting Manager Governance |
| Katie Kirwan | Governance Officer |
| Jasmine Evans | Governance Officer |
| Don Morales | Information Management Technology Officer |

Notes

The meeting commenced at 6:01pm, adjourned at 8pm, resumed at 8:14pm, moved into closed session at 9:36pm resumed in open session at 10:27pm and concluded at 10:29pm.

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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 24 NOVEMBER 2020

349/20 **RESOLVED**

Cr Heins / Cr White

That the Minutes of the Ordinary Council Meeting held 24 November 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 Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr Amon

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Ferguson declared a not significant non-pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will remain for the item. The reason provided was:

“I live in Newport – within the 1km area of influence.”

- The Mayor disclosed a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“The property I own is within a zone of influence as defined in the report.”

- Councillor Harrison declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“My house is in the area of influence.”

- Councillor Walton declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“Property ownership Queenscliff & Brookvale.”

- Councillor Sprott declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“I live in the area of influence.”
- Councillor Warren declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“I declare a pecuniary interest in Item 12.3 due to ownership of a property within the ‘sphere of influence’ and the Dee Why town centre.”
- Councillor Amon declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“I own and live in property in the Narrabeen Strategic Centre.”
- Councillor Daley declared a pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will leave the meeting for the item and not vote. The reason provided was:

“I own property in the zones mentioned.”
- Councillor Daley declared a not significant non-pecuniary interest in Item 13.2 Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) and will remain for the item. The reason provided was:

“I am a part owner of [a] unit in Dee Why Parade which overlooks Dee Why Beach and Dee Why Surf Club.”
- Councillor De Luca declared a not significant non-pecuniary interest in Item 12.3 Northern Beaches Housing Strategy and will remain for the item. The reason provided was:

“I live in North Curl Curl but the matter is on exhibition and there is not a reasonable likelihood of significant gain or loss.”
- Councillor De Luca declared a not significant non-pecuniary interest in Item 13.2 Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) and will remain for the item. The reason provided was:

“I have been an honorary member of DYSLSC but not held office.”
- Councillor De Luca declared a not significant non-pecuniary interest in Item 18.1 Update on Support for Private Coastal Protection Works at Collaroy Narrabeen Beach and will remain for the item. The reason provided was:

“I have made representations on these matters since 2018 on behalf of residents.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Mayor requested that each speaker acknowledge that they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.

NOTE 2: Councillor De Luca left the chamber at 6:11pm and returned at 6:27pm.

NOTE 3: Councillor Amon joined the meeting at 6:29pm.

NOTE 4: Councillor Harrison left the chamber at 6:34pm and returned at 6:37pm.

NOTE 5: Councillor Bingham left the chamber at 7:00pm and returned at 7:02pm.

5.1 PUBLIC FORUM

- Ben Wotton addressed Council about the Fairy Bower ocean pool stormwater works at Halfway Beach in Manly.
- Stephen Tilston addressed Council about the North Balgowlah bus changes.
- David Murray addressed Council about the history of Mona Vale Place Planning.
- Cath Dixon addressed Council about recycling at Kimbriki.

5.2 PUBLIC ADDRESS

- **Item 12.2 – Public Exhibition of the Draft Avalon Beach Place Plan**

Roslyn Marsh addressed Council against this item and Peter Mayman and Frank Bush addressed Council supporting this item.

- **Item 12.4 – Adoption and Public Exhibition of Planning Proposal (PEX2020/0006) 114-120 Old Pittwater Road, Brookvale**

Jeffrey Evans addressed Council supporting this item.

- **Item 12.5 – Adoption and Public Exhibition of Planning Proposal (PEX2020/0008) Rear of 88 Bower Street, Manly**

Kyeema Doyle addressed Council supporting this item.

- **Item 13.1 – Streets as Shared Spaces**

Stephen Coulter, Harold Scruby and Norman Nolan addressed Council against this item.

- **Item 13.2 – Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) to Make Permissible Proposed Storage for the Dee Why Surf Life Saving Club Building**

Allen Lakeman addressed Council supporting this item.

- **Item 18.1 – Update on Support for Private Coastal Protection Works at Collaroy Narrabeen Beach**

Jo Hoatson and Robert Orth addressed Council supporting this item.

- **Item 18.3 – RFT 2020/174 - Construction Services for the Redevelopment of Long Reef Surf Life Saving Club and Associated Community Facilities**

Peter Kinsey addressed Council supporting this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE 1: Councillors Daley, Amon, Walton, Sprott, Harrison, Warren and Regan left the chamber at 7:07pm due to a declared pecuniary interest in item 12.3 Northern Beaches Housing Strategy.

NOTE 2: Councillor Bingham assumed the Chair.

350/20 RESOLVED

Cr Heins / Cr Bingham

That items 8.1, 9.4, 9.5, 9.6, 10.1, 11.1, 11.2, 12.1, 12.3, 12.4, 12.5, 13.4, 18.4 and 18.5 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca and Cr Ferguson

ABSENT: Cr Daley, Cr Amon, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

CARRIED

8.1 OUTCOME OF EXHIBITION OF COUNCIL EVENT FEE

351/20 RESOLVED

Cr Heins / Cr Bingham

That Council adopt the 2020/21 fee for stalls at large scale events at \$500 - \$6,000 (plus GST) per day.

RESOLVED BY EXCEPTION

9.4 REVOCATION OF VARIOUS POLICIES

352/20 RESOLVED

Cr Heins / Cr Bingham

That Council revoke the following policies:

1. Manly After Midnight Policy (former Manly Council)
2. Builders' Rubbish Containers Policy (former Manly Council)
3. Footpath Levels Policy (former Warringah Council)
4. Placement of Building Waste Containers on Public Roads Policy (former Warringah Council)
5. Vehicle Access to all Roadside Development Policy (former Warringah Council)
6. Acquisition of Corner Splays Policy (former Manly Council)
7. Road Signs Policy (former Manly Council)
8. Special Events (Road Closures) Traffic and Transport Management Plan (former Manly Council)

9. Speed Restrictions - Signs on Public Reserves and Carparks (former Pittwater Council)
10. Events Management Policy (former Manly Council)
11. Council Event Management – Sustainability Policy (former Pittwater Council)
12. Sustainable Events Policy (former Warringah Council)
13. Sport and Recreation Facilities in Manly – Guiding Principles (former Manly Council)
14. Unstructured Recreation Policy (former Manly Council)
15. Development Assessment Management Policy (Northern Beaches Council)

RESOLVED BY EXCEPTION

9.5 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2020 2021

353/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. Council note the opportunity for councillors to attend the Australian Local Government Association National General Assembly 2021 at their discretion.
2. Councillors seeking to submit motions for consideration at the Australian Local Government Association National General Assembly bring them forward as Notices of Motion to the March 2021 Council meeting.

RESOLVED BY EXCEPTION

9.6 CONFIRMED MINUTES OF THE STRATEGIC REFERENCE GROUP MEETINGS - AUGUST, SEPTEMBER AND OCTOBER 2020

354/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council note the confirmed minutes of the:

1. Partnership and Participation Strategic Reference Group meeting held on 5 August 2020.
2. Places for People Strategic Reference Group meeting held on 6 August 2020.
3. Community and Belonging Strategic Reference Group meeting held on 12 August 2020.
4. Transport and Travel Strategic Reference Group meeting held on 13 August 2020.
5. Environment Strategic Reference Group ordinary meeting held on 20 August 2020 and extraordinary meeting held on 10 September 2020.
6. Economic and Smart Communities Strategic Reference Group ordinary meeting held on 19 August 2020 and the extraordinary meeting held on 14 October 2020.

RESOLVED BY EXCEPTION

10.1 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING 8 OCTOBER 2020

355/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council note the minutes of the Community Safety Committee meeting held on 8 October 2020.

RESOLVED BY EXCEPTION

11.1 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 1 SEPTEMBER 2020

356/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council notes the Minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 1 September 2020.

RESOLVED BY EXCEPTION

11.2 ADOPTION OF MINOR AMENDMENTS TO FLOOD PRONE LAND PLANNING REQUIREMENTS

357/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council:

1. Adopt the amendments and replace clause B3.11 in the Pittwater 21 Development Control Plan 2014, clause E11 in the Warringah Development Control Plan 2011, and clause 5.4.3 in the Manly Development Control Plan 2013, with the amended Flood Prone Land Clause.
2. Delete Clause B3.13 from the Pittwater 21 Development Control Plan 2014.
3. Rescind the Flood Emergency Response Planning for Development in Pittwater Policy.
4. Notify the above amendments to Development Control Plans in accordance with the requirements of the Environmental Planning and Assessment Act (1979) and associated regulations.

RESOLVED BY EXCEPTION

12.1 RESPONSE TO NOTICE OF MOTION 43/2020 - REVIEW OF DEVELOPMENT APPLICATION PROCESS FOR EVENTS

358/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. As a component part of the project to prepare the Northern Beaches Local Environmental Plan, a review is undertaken of Schedule 2 - Exempt Development provisions.

The review is to include consideration of both the use of public land and private land for the undertaking of events as exempt development. It is also to include development of appropriate criteria for inclusion in Schedule 2 – Exempt Development.
2. The Parks and Recreation business unit continue to review and update Plans of Management and ensure that such reviews give consideration to the undertaking of events on the relevant land. Where appropriate, Plans of Management should include appropriate criteria for the undertaking of events on the relevant land that would be consistent with stated management principles and objectives of the Plan.
3. The Events team, in consultation with Strategic and Place Planning and Parks and Recreation, develop a guideline that provides information to all users about how events will be planned, managed and delivered in the Northern Beaches Local Government Area.

RESOLVED BY EXCEPTION

12.3 PUBLIC EXHIBITION OF THE NORTHERN BEACHES LOCAL HOUSING STRATEGY

359/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. Council place the draft Northern Beaches Local Housing Strategy on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the Local Housing Strategy be reported to Council.

RESOLVED BY EXCEPTION

12.4 ADOPTION AND PUBLIC EXHIBITION OF PLANNING PROPOSAL (PEX2020/0006) 114-120 OLD PITTWATER ROAD, BROOKVALE

360/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. Council adopt the Planning Proposal for 114-112 Old Pittwater Road, Brookvale and forward it to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination.
2. If the Gateway Determination is to proceed, Council undertake public exhibition of the Planning Proposal in accordance with the requirements of the Gateway Determination.

RESOLVED BY EXCEPTION

12.5 ADOPTION AND PUBLIC EXHIBITION OF PLANNING PROPOSAL (PEX2020/0008) - REAR OF 88 BOWER STREET, MANLY

361/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council:

1. Adopt the Planning Proposal for the rear of 88 Bower St, Manly and forward it to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination.
2. Undertake public exhibition of the Planning Proposal in accordance with the requirements of any Gateway Determination.
3. That prior to any post-Gateway Planning Proposal being formally exhibited, Council require evidence that the site has been consolidated with 88 Bower St, Manly (Lot 3 DP 8075).

RESOLVED BY EXCEPTION

13.4 PUBLIC EXHIBITION OF THE PROPOSED AMENDMENT TO THE GENERIC PARKS PLAN OF MANAGEMENT (FORMER WARRINGAH) TO INCLUDE 4-6 WYATT AVENUE, BELROSE

362/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. Council place on public exhibition for a period of 56 days a proposed amendment to the Generic Parks Plan of Management – former Warringah to incorporate Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4 – 6 Wyatt Avenue, Belrose.
2. Council hold a public hearing in respect of the proposed amendment to the Generic Parks Plan of Management – former Warringah.
3. The outcomes of the public exhibition of the proposed amendments to the Generic Parks Plan of Management to incorporate Lot 2 DP536909, Lot 102 DP1244381 and Lot 2620 DP752038, known as 4 – 6 Wyatt Avenue, Belrose, be reported to Council.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE 1: Councillors Daley, Amon, Walton, Sprott, Harrison, Warren and Regan returned to the chamber at 7:09pm.

NOTE 2: Councillor Regan resumed the Chair.

363/20 **RESOLVED**

Cr Warren / Cr Grattan

That as a matter of urgency Council considers a motion in relation to Rural Boundary Clearing Codes.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY

364/20 **RESOLVED**

Cr Sprott / Cr Bingham

That as a matter of urgency Council considers a motion in relation to 2020 Staff and Volunteer Acknowledgement.

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

365/20 **RESOLVED**

Cr De Luca / Cr Amon

That the order of business be changed so items 13.2 be brought forward and dealt with immediately.

VOTING

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

AGAINST: Cr Grattan, Cr Harrison and Cr Warren

CARRIED

13.2 PUBLIC EXHIBITION OF THE AMENDMENT TO ACTION 63 OF THE DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT (2002) TO MAKE PERMISSIBLE PROPOSED STORAGE FOR THE DEE WHY SURF LIFE SAVING CLUB BUILDING

366/20 **RESOLVED**

Cr Sprott / Cr Walton

That

1. Council place on public exhibition the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) for a period of 56 days from 22 January 2021 until 19 March 2021.
2. The outcomes of the public exhibition of the draft amendment to Dee Why Lagoon Wildlife Refuge Plan of Management (2002) be reported back to Council.

VOTING

FOR: Unanimous

CARRIED

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 22/2020 - ACHIEVEMENTS AT THE 2020 LOCAL GOVERNMENT NATIONAL AWARDS CEREMONY

367/20 **RESOLVED**

Cr Regan

That Council formally acknowledge the outstanding achievements of our Local Government Management Challenge team, our Community Development staff and our Waste and Communications staff on their recent and very well deserved achievements at the 2020 Local Government National Awards Ceremony.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 23/2020 - RECOGNITION AT THE PLANNING INSTITUTE OF AUSTRALIA AWARDS AND THE IAP2A 2020 AUSTRALIA AWARDS

368/20 **RESOLVED**

Cr Regan

That Council formally acknowledge the outstanding achievements of our Strategic and Place Planning and Communications teams and our Environment and Sustainability staff on their respective recognition at the recent Planning Institute of Australia Awards and the IAP2A Core Values Awards.

VOTING

FOR: Unanimous

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.2 ALCOHOL PROHIBITED AREAS ON AUSTRALIA DAY 2021

369/20 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

1. Declare temporary Alcohol Prohibited Areas on the sand areas of all beaches and reserves, within the Northern Beaches Local Government Area on Australia Day, 26 January 2021 from 6:00am for a period of 24 hours.
2. Install temporary signage across the sand areas of all beaches and high usage reserves within the Northern Beaches Local Government Area.

VOTING

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

AGAINST: Cr Amon

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 RATES HARMONISATION

NOTE: Councillor Ferguson left the chamber at 7:24pm and returned at 7:26pm.

370/20 RESOLVED

Cr Grattan / Cr White

That Council:

1. Approves community consultation for the harmonisation of rates utilising Scenario 4 modelling (weighted average minimum rate) utilising existing rating categories, sub-categories and Special Rates as outlined in this report.
2. Approves community consultation for the implementation of a Northern Beaches Stormwater Management Services Charge as outlined in this report.
3. Continues to advocate for legislative change to facilitate the gradual harmonisation of rates.
4. Approves community consultation of the draft Pensioner Rates & Charges Concession Policy and the revised Rates and Annual Charges Hardship Policy through public exhibition.

VOTING

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

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

CARRIED

9.2 CODE OF CONDUCT COMPLAINT STATISTICS

371/20 RESOLVED

Cr Bingham / Cr Heins

That the Code of Conduct complaint statistics for the period 1 September 2019 to 31 August 2020 be reported to the Office of Local Government in accordance with part 11.2 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

VOTING

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

AGAINST: Cr Daley, Cr Amon and Cr De Luca

CARRIED

9.3 CONSTITUTIONAL REFERENDUMS AND COUNCIL POLLS

NOTE 1: Councillor Harrison left the chamber at 7:54pm and returned at 8:00pm.

NOTE 2: Councillor Sprott left the chamber at 8:01pm and returned at 8:02pm.

372/20 RESOLVED

Cr Heins / Cr Bingham

That the item be deferred until the February Council meeting.

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 and Cr Regan

AGAINST: Cr Philpott, Cr Harrison and Cr Warren

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

373/20 RESOLVED

Cr Harrison / Cr Ferguson

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

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.2 PUBLIC EXHIBITION OF THE DRAFT AVALON BEACH PLACE PLAN

374/20 **RESOLVED**

Cr McTaggart / Cr Ferguson

That:

1. Minor amendments to the draft Avalon Beach Place Plan be made to facilitate the inclusion of the Avalon Beach Pedestrian Bike Path Alternative into the draft Avalon Beach Place Plan.
2. Council place the draft Avalon Beach Place Plan on public exhibition for a period of three months.
3. The outcomes of the public exhibition be reported back to Council.

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

ABSENT: Cr Daley

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 STREETS AS SHARED SPACES

375/20 RESOLVED

Cr McTaggart / Cr Regan

That Council:

1. Acknowledges the NSW Government for providing the funding for the program.
2. Receives the detailed community engagement report on the Activate Manly project and the community engagement summary report on the Activate Bilgola project.
3. Writes to the Department of Planning, Industry and Environment requesting approval of the project scope variation for Activate Manly.
4. Endorses the Activate Manly project revised project scope to be installed in February 2021.
5. Receives a report on the Activate Manly Project to evaluate the performance of the trial and any improvements that may be required or requested, three months after implementation.
6. Defers any action on the shared path three stages, Newport to Bilgola, Bilgola, and Bilgola to Avalon until councillors have received a full briefing.
7. Receives a briefing in 2021 on options for other projects that could be delivered at short notice in line with the program funding guidelines, subject to approval of the project funding scope changes by Department of Planning, Industry and Environment and appropriate public consultation.

VOTING

FOR: Unanimous

CARRIED

13.3 PUBLIC EXHIBITION OF THE PROPOSED NAMING OF THE RESERVES AT FERN CREEK TO LYNNE CZINNER PARK

376/20 RESOLVED

Cr White / Cr McTaggart

That:

1. Council place the proposal to name the reserves at Fern Creek, Warriewood, 'Lynne Czinner Park' on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the proposal to name the reserves at Fern Creek, Warriewood be reported to Council.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 56/2020 - CABBAGE TREE BAY AQUATIC RESERVE

377/20 RESOLVED

Cr Daley / Cr Regan

That Northern Beaches Council reaffirms its commitment to Cabbage Tree Bay Aquatic Reserve and that staff bring back a short report within four months regarding the impact the following is having on the reserve:

1. The impact motorised surf (Flite) boards are having on marine life in Cabbage Tree Bay.
2. The impact of increased boating activity within the reserve and in particular the impact of boat anchors.
3. The impact Scuba diving schools are having on the reserve.
4. The impact on the reserve caused by large groups consuming large quantities of alcohol at Shelly Beach. This activity generates large amounts of rubbish (including plastic) which often finds its way into Cabbage Tree Bay.
5. The impact on the reserve caused by increased housing development in nearby streets. This issue has also been raised by local community groups.

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, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Heins

CARRIED

15.2 NOTICE OF MOTION NO 57/2020 - BUSKING PERMIT FEES

378/20 RESOLVED

Cr Amon / Cr Ferguson

That Council reduce the below mentioned busking fees by half for the remainder of the financial year ending 30 June 2021, with the fees to be reviewed in the lead up to the endorsement of the 2021/22 delivery plan:

1. Annual permit – over 16 years (other than Manly CBD)
2. Daily permit Manly CBD (Adult)
3. Daily permit Manly CBD (Junior – 18 years and under)
4. Monthly permit Manly CBD (7 days per week for 1 month)
5. Quarterly Permit Manly CBD (7 days per week for 3 months).

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 58/2020 - THE SUMMER FUND GRANTS PROGRAM

NOTE: This item was withdrawn by Councillor Amon.

15.4 NOTICE OF MOTION NO 59/2020 - OUTDOOR DINING

379/20 **RESOLVED**

Cr Walton / Cr Amon

That:

1. Council note:
 - A. The NSW Government's 'statewide NSW outdoor dining trial'.
 - B. The relevant amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that facilitates streamlined approvals for outdoor dining in appropriate locations.
2. Staff provide a councillor briefing on:
 - A. Research and gap analysis on Council's current outdoor dining policies.
 - B. Opportunities and risks in adopting appropriate aspects of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to extending the existing exempt development pathway for outdoor dining, currently already available to restaurants and cafes, to small bars.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 60/2020 - BIODIVERSITY OFFSETS

380/20 **RESOLVED**

Cr Warren / Cr Heins

That:

1. Council notes the aspiration under the Environment and Climate Change Strategy 2040 to have no net loss of bushland, and commitment to maximising the retention of bushland.
2. Council write to the NSW State Government and Transport for NSW to request that:
 - A. Native vegetation bushland cleared in the Northern Beaches Local Government Area for construction of the Beaches Link Tunnel and subsequent widening of arterial roads be offset by land acquired within the Northern Beaches Local Government Area, that is or can be restored to good quality native bushland.
 - B. The process for land acquisition be commenced at the outset of the project rather than at the end of the construction term.
 - C. The NSW Government process for offsetting native vegetation clearance using biobanking for infrastructure projects be modified to increase the opportunities and priority for biobanking land within the Local Government Area that the project is located in.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

381/20 **RESOLVED**

Cr Regan / Cr Ferguson

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

1. Matter of Urgency – Rural Boundary Clearing Codes
2. Matter of Urgency – 2020 Staff and Volunteer Acknowledgement.

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

MATTER OF URGENCY - RURAL BOUNDARY CLEARING CODES

NOTE 1: Councillor Ferguson left the chamber at 9:18pm and returned at 9:21pm.

NOTE 2: Councillor Heins left the chamber at 9:18pm and returned at 9:20pm.

NOTE 3: Councillor Amon left the chamber at 9:21pm.

382/20 RESOLVED**Cr Warren / Cr Grattan**

That:

1. Council reiterate its support for appropriate measures to enable residents to protect their homes and properties from bush fire risk including actions contained within the (draft) Northern Beaches Bush Fire Management Policy.
2. Council note the 'Greening our City Premiers Priority' to increase the tree canopy and green cover across Greater Sydney by planting one million trees by 2022 as part of a broader commitment to plant five million trees by 2030, more than doubling the tree canopy in Greater Sydney from 16.8 per cent to 40 per cent.
3. Council notes:
 - A. That there is a need to strike a suitable balance between bush fire hazard reduction and vegetation preservation.
 - B. That the potential impact of the Legislation and Rural Boundary Clearing Code on vegetation on smaller metropolitan rural holdings is likely to be greater than on large rural holdings outside of metropolitan rural areas, which may serve to shift the balance too far and have an outsized impact on vegetation.
 - C. That there are existing pathways to facilitate hazard reduction activities on private land including Hazard Reduction Certificates, Fire Permits and the 10/50 vegetation clearing scheme.
4. The Mayor write to the Minister for Police and Emergency Services, the Minister for Energy and Environment, the Minister for Planning and Public Spaces, and the Minister for Agriculture and Western New South Wales calling for the Northern Beaches Local Government Area to be either exempted from the Rural Boundary Clearing Code or have specific conditions identified in the Code which reflect the particular characteristics of the Northern Beaches.
5. The Mayor seek a meeting with the Minister for Police and Emergency Services, the Minister for Energy and Environment, the Minister for Planning and Public Spaces, and the Minister for Agriculture and Western New South Wales to raise Council's concern about the potential impacts on vegetation on rural zoned land in the Northern Beaches Local Government Area from the Rural Boundary Clearing Code, and request that the NSW Government commit to a consultation process with local Councils prior to the implementation of the draft Rural Boundary Clearing Code.
6. Council call upon the NSW Government to expand collaborative community engagement programs as a way to increase local knowledge about bush fire risk and preparedness.

VOTING

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

AGAINST: Cr Daley, Cr De Luca and Cr Walton

ABSENT: Cr Amon

CARRIED

MATTER OF URGENCY - 2020 STAFF AND VOLUNTEER ACKNOWLEDGEMENT

NOTE: Councillor Amon returned to the chamber at 9:28pm.

383/20 RESOLVED

Cr Sprott / Cr Bingham

That Northern Beaches Council CEO, Mr Ray Brownlee writes to all staff and Council volunteers on behalf of this Council, acknowledging a very difficult year in 2020 and thanking them for all their work and effort through fires, floods and COVID, wishing them a very special festive season with their families and loved ones.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

384/20 RESOLVED

Cr Regan / Cr Ferguson

That:

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

- A. Item 18.1 Update on Support for Private Coastal Protection Works at Collaroy Narrabeen Beach on the basis that it involves the receipt and discussion of the personal hardship of a resident or ratepayer [10A(2)(b) Local Government Act 1993]; and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) Local Government Act 1993].

This report discusses/provides advice concerning the financial circumstances of particular individuals. 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 may prejudice the personal position of a ratepayer and includes the discussion of advice that is subject to legal professional privilege.

- B. Item 18.2 RFT 2020/124 - Gross Pollutant Trap Installation North Steyne, Manly on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning pricing and company information from a tenderer. 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 disclose commercial in confidence information.

- C. Item 18.3 RFT 2020/174 - Construction Services for the Redevelopment of Long Reef Surf Life Saving Club and Associated Community Facilities 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.

- D. Item 18.6 RFT 2020/134 - Lionel Watts Eastern Amenities and Clubhouse Upgrades 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 results of a public tender. 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.

- E. Item 18.7 Station Beach Off Leash Dog Trial on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) Local Government Act 1993].

This report provides advice concerning litigation, namely, Land and Environment Court Proceedings No 2019 / 313791, in which Council is a respondent, and which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Further, the advice concerns legal matters that meet the requirements of Section 10B(2) of the Act. The public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would prejudice Council's position and would prevent Council from achieving the best outcome for the community. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

2. The resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

VOTING

FOR: Unanimous

CARRIED

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

Confidential items 18.4 and 18.5 were dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

18.4 RFT 2020/159 - CLONTARF RESERVE PLAYGROUND UPGRADE

385/20 **RESOLVED**

Cr Heins / Cr Bingham

That:

1. Council accepts the tender of Enter Building Group Pty Ltd for RFT 2020/159 – Clontarf Reserve Playground Upgrade for the lump sum price of \$528,977.29 excluding GST.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential Evaluation Report.

RESOLVED BY EXCEPTION

18.5 RFT 2020/163 - STAGE 1 AIR CONDITIONING SYSTEM UPGRADE AT GLEN STREET THEATRE

386/20 **RESOLVED**

Cr Heins / Cr Bingham

That Council:

1. Accept the tender of Inter-Chillers Pty Ltd for RFT2020/163 – Stage 1 Air Conditioning System Upgrade at Glen Street Theatre for the sum of \$348,500.00 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation, to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 UPDATE ON SUPPORT FOR PRIVATE COASTAL PROTECTION WORKS AT COLLAROY NARRABEEN BEACH

387/20 **RESOLVED**

Cr Heins / Cr Regan

That:

1. Council adopts Option 1, Option 3 and Option 4 for property owners whose land is covered by Council's resolution of 26 March 2019 (075/19).
2. Council adopts Option 5 in relation to ongoing coastal management issues in NSW.
3. In accordance with Section 610E of the Local Government Act 1993, and Council's Fees and Charges for 20/21, Council adopts Option 7 with respect to the waiving of fees.
4. Council note action 1.2 of Option 1 will be undertaken by external consultants at the land owner's cost.

VOTING

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

AGAINST: Cr Grattan, Cr McTaggart and Cr Walton

ABSENT: Cr De Luca and Cr Harrison

CARRIED

18.2 RFT 2020/124 - GROSS POLLUTANT TRAP INSTALLATION NORTH STEYNE, MANLY

388/20 **RESOLVED**

Cr Sprott / Cr Bingham

That:

1. Council accepts the tender of Optimal Stormwater Pty Ltd for RFT 2020/124 – Gross Pollutant Trap Installation North Steyne, Manly for the sum of \$530,950.00 excluding GST.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the Confidential Evaluation Report.

VOTING

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

ABSENT: Cr De Luca, Cr Ferguson and Cr Harrison

CARRIED

18.3 RFT 2020/174 - CONSTRUCTION SERVICES FOR THE REDEVELOPMENT OF LONG REEF SURF LIFE SAVING CLUB AND ASSOCIATED COMMUNITY FACILITIES.

389/20 **RESOLVED**

Cr Regan / Cr Heins

That Council:

1. Accepts the tender of Grindley Interiors Pty Limited for RFT 2020/174 - Construction Services for the Redevelopment of Long Reef Surf Life Saving Club and Associated Community Facilities for the sum of \$7,494,004.00 excluding GST.
2. Delegates authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the Confidential Evaluation Report.

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

ABSENT: Cr Harrison

CARRIED

18.6 RFT 2020/134 - LIONEL WATTS EASTERN AMENITIES AND CLUBHOUSE UPGRADES

390/20 **RESOLVED**

Cr Sprott / Cr Regan

That:

1. Council accepts the tender of Westbury Constructions Pty Ltd for RFT 2020/134 – Lionel Watts Eastern Amenities and Clubhouse Upgrades for the sum of \$1,042,076 excluding GST.
2. Authority be delegated to the Director to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

VOTING

FOR: Unanimous

CARRIED

18.7 STATION BEACH OFF LEASH DOG TRIAL391/20 **RESOLVED****Cr Regan / Cr Amon**

That:

1. Council notes the judgment of the Land and Environment Court in *Palm Beach Protection Group Incorporated v Northern Beaches Council* [2020] NSWLEC 156 and that:
 - A. Council's resolutions for an off-leash dog trial and on-leash dog area at Station Beach have been declared invalid and have no effect;
 - B. As the Court found that development consent is not required for an off-leash dog trial at Station Beach, a development application for a trial is not required at law; and
 - C. As a result, no further action is being undertaken in respect of Council Resolutions 267/19, 443/19 and 164/20.
2. The Chief Executive Officer continues to prepare a report for the Council on the feasibility of the establishment of unleashed dog areas in a set area of north Palm Beach and southern most end of Mona Vale Beach as required by Council Resolution 187/20.
3. Council authorises the Chief Executive Officer to do all things necessary to give effect to the above.

VOTING**FOR:** Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Walton, Cr Sprott and Cr Regan**AGAINST:** Cr Heins, Cr Ferguson, Cr Harrison and Cr Warren**CARRIED****PROCEDURAL MOTION – RESUME INTO OPEN SESSION**392/20 **RESOLVED****Cr Regan / Cr Daley**

That Council resume in open session.

VOTING**FOR:** Unanimous**CARRIED***The meeting concluded at 10:29pm*

This is the final page of the minutes comprising 29 pages
numbered 1 to 29 of the Ordinary Council Meeting
held on Tuesday 15 December 2020 and confirmed on Tuesday 23 February 2021

Mayor

Chief Executive Officer