



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 25 MAY 2021

**Minutes of an ordinary Council meeting
held on Tuesday 25 May 2021
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison (*arrived at 6:21pm*)
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:40pm*)
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
Eskil Julliard	General Counsel
Melissa Messina	Executive Manager Children's Services
Yianni Mentis	Executive Manager Environment and Climate Change
Caroline Foley	Executive Manager Financial Planning and Systems
Campbell Pfeiffer	Executive Manager Property
Andrew Pigott	Executive Manager Strategic and Place Planning
Phil Devon	Manager Transport Network
Sarah Dunstan	Acting Executive Manager Governance and Risk
Lesley Milbourne	Acting Manager Governance
Anna Moore	Senior Advisor Governance
Ximena Von Oven	Governance Officer
Brendan Shaw	Information Management Technology Officer
Chris Netting	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:08pm, resumed at 8:18pm, moved into closed session at 9:54pm, resumed in open session at 10:05pm and concluded at 10:21pm

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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

113/21 **RESOLVED**

Cr Ferguson / Cr Sprott

That an apology for non-attendance be received from Councillor Pat Daley.

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 and Cr Regan

ABSENT: Cr Harrison and Cr Warren

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 APRIL 2021

114/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That the Minutes of the Ordinary Council Meeting held 27 April 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 White, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott and Cr Regan

ABSENT: Cr Harrison and Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

Nil

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 Amon left the chamber at 6:19pm and returned to the chamber at 6:21pm

NOTE 3: Councillor Harrison joined the meeting at 6:21pm

NOTE 4: Councillor Amon left the chamber at 6:34pm

NOTE 5: Councillor Amon returned to the chamber at 6:40pm

NOTE 6: Councillor Warren joined the meeting at 6:40pm

5.1 PUBLIC FORUM

- Brian Halstead addressed Council about the LSI Consulting Performance Index
- Robert Bruce addressed Council about efficiency of rates usage
- Manish Patel addressed Council about rent arrears at Balgowlah Bowling Club

5.2 PUBLIC ADDRESS

Item 10.1 – Outcome of Public Exhibition of the Children's Services Strategy

- Geri Moorman addressed Council against this item

Item 13.2 – Outcome of Public Exhibition of Streets as Shared Spaces: The Strand, Dee Why

- Anne Grunseit and Remon Jabour (read by staff) addressed Council supporting this item
- David Borgnis and Wolfgang Kraft addressed Council against this item

Item 15. 3 – Notice of Motion No 24/2021 - Review of Boating Usage in Cabbage Tree Bay

- Gregory Hogan (read by staff) addressed Council supporting this item

Item 15.6 - Notice of Motion No 27/2021 - Saving Killarney Point for Public Open Space

- Daniel Haigh and Stuart Don addressed Council supporting this item

PROCEDURAL MOTION - MOTION OF URGENCY – LEGISLATIVE COUNCIL'S INQUIRY INTO THE IMPACT OF THE WESTERN HARBOUR TUNNEL AND BEACHES LINK

NOTE: The Chair ruled that the item would be dealt with as the last item on the agenda

115/21 RESOLVED

Cr Grattan / Cr Bingham

That as a matter of urgency Council considers a motion in relation to the Legislative Council's Inquiry into the impact of the Western Harbour Tunnel and Beaches Link.

VOTING

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

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

CARRIED

PROCEDURAL MOTION - NOTATION IN MINUTES - VALE MARY FRANCES LOZITO

116/21 **RESOLVED**

Cr De Luca / Cr Regan

That a notation be added to the minutes detailing:

That on 19 May 2021, Brookvale legendary business woman and community member, Mary Frances Lozito passed away.

Following World War II, the Italian community grew strongly in Brookvale in the 1950s and 60s, with Brookvale becoming the main centre for Italian settlement in Warringah. Mary and her family bought land on Pittwater Road, Brookvale and would open a fruit shop, Italian deli and later the iconic Mimmo's Pizza and above it a function centre where many were married.

Mary has been a central part of the community since the 1950s and contributed significantly to St Augustines school, Brookvale Soccer Club, St John the Baptist Association, the Italian Festival at Brookvale, English language classes, migration and family support services and an array of other charities and sporting associations.

From the humble beginnings of Mary's family's "Varacalli Deli" to a property and business empire, Mary's outstanding contribution to the creation, culture and community life of Brookvale is to be commended.

VOTING

FOR: Unanimous

CARRIED

6.0 ITEMS RESOLVED BY EXCEPTION

117/21 **RESOLVED**

Cr Regan / Cr Ferguson

That items 9.2, 9.4, 10.2, 10.3, 10.4, 10.5, 11.1, 11.2, 12.1, 13.1 and 14.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.2 MONTHLY INVESTMENT REPORT - APRIL 2021

118/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the Investment Report as at 30 April 2021, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.4 CONFIRMED MINUTES OF THE STRATEGIC REFERENCE GROUP MEETINGS - NOVEMBER 2020

119/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the confirmed minutes of the:

1. Partnership and Participation Strategic Reference Group meeting held 4 November 2020
2. Places for People Strategic Reference Group meeting held 5 November 2020
3. Community and Belonging Strategic Reference Group meeting held 11 November 2020
4. Transport and Travel Strategic Reference Group meetings held on 12 November 2020 and 28 January 2021
5. Economic and Smart Communities Strategic Reference Group meeting held on 18 November 2020
6. Environment Strategic Reference Group meeting held on 19 November 2020.

RESOLVED BY EXCEPTION

10.2 PUBLIC EXHIBITION OF THE DRAFT BETTER TOGETHER - SOCIAL SUSTAINABILITY STRATEGY 2040

NOTE: Cr Ferguson commended staff on their outstanding work on this item

120/21 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. Council place on exhibition the draft Better Together Social Sustainability Strategy 2040 and draft Social Sustainability Policy for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Better Together Social Sustainability Strategy 2040 and draft Social Sustainability Policy be reported to Council.

RESOLVED BY EXCEPTION

10.3 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY SAFETY PLAN 2021-2026

121/21 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. Council place on public exhibition the draft Community Safety Plan 2021-2026 for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Community Safety Plan 2021-2026 be reported to Council.

RESOLVED BY EXCEPTION

10.4 RESPONSE TO NOTICE OF MOTION 09/2021 EAST ESPLANADE - 24 HOUR ALCOHOL FREE ZONE - EAST ESPLANADE WORKING GROUP

122/21 **RESOLVED**

Cr Regan / Cr Ferguson

That the East Esplanade Reserve Community Safety Management Plan 2018 be updated to reflect recent capital works and mitigation strategies that have been employed in the 2019/20 and 2020/21 summer period.

RESOLVED BY EXCEPTION

10.5 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING OF 18 FEBRUARY 2021

123/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the minutes of the Community Safety Committee meeting held on 18 February 2021.

RESOLVED BY EXCEPTION

11.1 RESPONSE TO NORTH HEAD DRAFT CONCEPT PLAN

124/21 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. Council express its support for an Environmental Education Centre at North Head as part of any response from the Chief Executive Officer to the North Head Sanctuary Draft Concept.
2. Council continues to engage with the Sydney Harbour Federation Trust on the potential development of an Environmental Education Centre in the North Fort precinct of North Head Sanctuary.
3. Staff prepare a further report to Council on the benefits and costs associated with operating one or more sites on North Head, once an appropriate level of information is available from Sydney Harbour Federation Trust.

RESOLVED BY EXCEPTION

11.2 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 1 DECEMBER 2020

125/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 1 December 2020.

RESOLVED BY EXCEPTION

12.1 DEVELOPMENT CONTROL PLAN AMENDMENT FOR PUBLIC EXHIBITION - 4 BELLARA AVENUE, NORTH NARRABEEN PEX2020/0007

126/21 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. The Pittwater 21 Development Control Plan Amendment be placed on public exhibition for a minimum period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* in conjunction with the statutory public exhibition of the Planning Proposal for the property.
2. The outcomes of the public exhibition of the Pittwater 21 Development Control Plan amendment be reported back to Council.

RESOLVED BY EXCEPTION

13.1 PUBLIC EXHIBITION OF THE DRAFT IVANHOE PARK MASTERPLAN AND PLAN OF MANAGEMENT

NOTE: Cr Bingham commended staff, and acknowledged stakeholders, on their work on this item

127/21 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. Council notify the Minister for Planning and Public Spaces (the Minister) that Council has prepared a draft Plan of Management over Crown Land, being Ivanhoe Park, Manly (the Park) and seek permission to put it on public exhibition.
2. Council seek permission from the Minister to alter the categorisation of the land on which the scout hall is located to General Community Use.
3. Subject to receipt of the Minister's written consent to publicly exhibit the draft Plan of Management and inclusion of any provisions required by the Minister in the draft Plan of Management, Council give public notice of the draft Plan of Management by placing it on public exhibition for a period of 42 days with the draft Plan of Management (Lot 7379 DP 1164856 and Lot 2502 DP1143032), Conservation Management Plan and Masterplan for Ivanhoe Park, Manly, and hold a public hearing on the proposed re-categorisation of scout

hall land as General Community Use.

4. A report be provided to Council on the outcomes of the public exhibition of the draft Plan of Management and associated documents and the public hearing.

RESOLVED BY EXCEPTION

14.1 STRONGER COMMUNITIES AND NEW COUNCIL IMPLEMENTATION FUND - QUARTERLY REPORT MARCH 2021

128/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending 31 March 2021.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 05/2021 - INTERNATIONAL RECOGNITION OF STAFF AT COMMUNICATORS AWARDS

129/21 **RESOLVED**

Cr Regan

That Council acknowledge the efforts of our Graphic Design and Communications team who were recognised for numerous awards at the 2021 Communicator Awards.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 06/2021 - CONGRATULATIONS TO OUR LOCAL SWIMMING CLUBS - SUCCESS AT THE NATIONAL CHAMPIONSHIPS

130/21 **RESOLVED**

Cr Regan

That Council write to the Presidents of the Warringah Aquatic Centre Swim Club and the Manly Swim Club to congratulate them on their recent success at the National Age Swimming Championships and wish them the best for the upcoming Olympic Trials.

VOTING

FOR: Unanimous

CARRIED

7.3 MAYORAL MINUTE NO 07/2021 - STAFF RECOGNITION AT THE INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA - EXCELLENCE AWARDS

131/21 **RESOLVED**

Cr Regan

That Council acknowledge the achievement by staff in receiving a Highly Commended award in the 'Design and Construction of a Local Government/Public Works Project' category at the recent Institute of Public Works Engineering Australia (IPWEA) – NSW Division Awards.

VOTING

FOR: Unanimous

CARRIED

7.4 MAYORAL MINUTE NO 08/2021 - VALE BOB FULTON, AO

132/21 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the enormous contribution made to Rugby League, the Northern Beaches community and various charities by the late Bob Fulton, AO.
2. Send our condolences to the Fulton Family.

VOTING

FOR: Unanimous

CARRIED

7.5 MAYORAL MINUTE NO 09/2021 - VALE COL CRAWFORD, OAM

133/21 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the enormous contribution made to the Northern Beaches community and charities by the late Col Crawford, OAM as both a business man and generous supporter.
2. Send our condolences to the Crawford Family.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 QUARTERLY REVIEW - MARCH 2021

NOTE: Councillor Ferguson left the chamber at 7:11pm and returned at 7:15pm

134/21 **RESOLVED**

Cr Grattan / Cr Philpott

That Council:

1. Notes the Budget Review Statement for the nine months ended 31 March 2021.
2. Approves the following changes to the Current Forecast in the March 2021 Budget Review Statement:
 - A. A decrease in the forecast surplus from Continuing Operations which includes Capital Grants and Contributions of \$7.373 million to \$10.837 million
 - B. A decrease in capital expenditure by \$17.981 million to \$87.531 million.
3. Notes the Quarterly Report on Service Performance for the period ended 31 March 2021.

VOTING

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

AGAINST: Cr Amon, Cr Walton and Cr Sprott

CARRIED

9.3 AMENDMENT TO NORTHERN BEACHES COUNCIL ORDINARY MEETING SCHEDULE 2021

135/21 **RESOLVED**

Cr Regan / Cr Ferguson

That Council change the date of the June ordinary Council meeting to 15 June 2021.

VOTING

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

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

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 OUTCOME OF PUBLIC EXHIBITION OF THE DRAFT CHILDREN'S SERVICES STRATEGY

NOTE: Councillor Sprott left the chamber at 7:34pm

136/21 **RESOLVED**

Cr Grattan / Cr Walton

That Council:

1. Note the outcomes of the public exhibition of the Children's Services Strategy.
2. Adopt the strategy subject to the inclusion of the following measures of success against each of the four strategic pillars in the final published version:
 - A. Integrated Services – A multi modal service operates at North Harbour offering pre-school and vacation care services aligned to community need in 2022
 - B. Accessible Services - Children's Services operating as a cost neutral service by 2022/2023 and ongoing
 - C. Workforce Planning – Reduce the recruitment timeframe for successfully onboarding staff to under 12 weeks
 - D. Valued Learning Approach - Maintain high customer satisfaction levels, the current measure is >90% parent satisfaction

VOTING

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

ABSENT: Cr Sprott

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.2 SECONDARY DWELLINGS IN RURAL ZONES

NOTE 1: Councillor Sprott returned to the chamber at 7:36pm

NOTE 2: Councillor Grattan left the chamber at 7:36pm and returned at 7:39pm

NOTE 3: Councillor Heins left the chamber at 7:38 and returned at 7:39pm

137/21 **RESOLVED**

Cr Amon / Cr Harrison

That Council advise the Department of Planning, Industry and Environment of its agreement to insert optional clause 5.5 under the Standard Instrument (Local Environmental Plan) Order 2016 into the Pittwater Local Environmental Plan 2014 as follows:

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land

in a rural zone:

- (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:
 - (i) 60 square metres
 - (ii) 25% of the total floor area of the principal dwelling.

VOTING

FOR: Unanimous

CARRIED

12.3 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PUBLIC SPACE VISION AND DESIGN GUIDELINES

138/21 **RESOLVED**

Cr Walton / Cr Harrison

That Council:

1. Adopt the Northern Beaches Public Space Vision & Design Guidelines.
2. In a prudent manner, strongly consider the supply and/or installation of bike racks, trees, seats and bin enclosures, by Northern Beaches and Australian companies, in compliance with NSW Government and Council Procurement Policy.

VOTING

FOR: Unanimous

CARRIED

12.4 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS

139/21 **RESOLVED**

Cr Grattan / Cr Heins

That Council note the Development Applications approved with variations to development standards during the period 1 January 2021 to 31 March 2021.

VOTING

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

AGAINST: Cr Amon and Cr Harrison

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 OUTCOME OF PUBLIC EXHIBITION OF STREETS AS SHARED SPACES: THE STRAND, DEE WHY

Cr Grattan / Cr Regan

That:

1. Council adopt the trial for the Streets as Shared Spaces: The Strand, Dee Why.
2. Staff brief councillors with an evaluation of the trial for the Streets as Shared Spaces: The Strand, Dee Why by March 2022.
3. Council note the preference for the existing footpath to be allocated as outdoor dining and the existing parking spaces to be used as new boardwalk, and this to be reviewed during the summer peak season.
4. Priority be given to additional pedestrian traffic measures such as new pedestrian crossings in the surrounding streets as requested during the consultation.
5. Council formally write to the NSW Minister for Transport requesting a trial of small electric shuttle buses for shuttling residents and visitors from the B-line to the Beach.
6. Council request that the NSW Minister for Transport trial electric buses on the various routes through Dee Why ahead of the State Government's planned sustainable transport rollout and replacement of the fleet.
7. Staff investigate options for improved parking opportunities and on-road cycling connections in the Dee Why area to complement the proposed Strand project.

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: In accordance with Section 16.14 of the Code of Meeting Practice, the Chair expelled a member of the public to maintain order of the meeting

140/21 **RESOLVED**

Cr Regan / Cr Spratt

That in accordance with clause 16.13 of the Code of Meeting Practice the meeting be adjourned for 10 minutes.

VOTING

FOR: Unanimous

CARRIED

NOTE 1: The meeting adjourned at 8:08pm, resumed at 8:18pm with all councillors except Councillor Philpott present and proceeded with the debate on item 13.2

NOTE 2: Councillor Philpott returned to the chamber at 8:21pm

141/21 **RESOLVED**

Cr Grattan / Cr Regan

That:

1. Council adopt the trial for the Streets as Shared Spaces: The Strand, Dee Why.

2. Staff brief councillors with an evaluation of the trial for the Streets as Shared Spaces: The Strand, Dee Why by March 2022.
3. Council note the preference for the existing footpath to be allocated as outdoor dining and the existing parking spaces to be used as new boardwalk, and this to be reviewed during the summer peak season.
4. Priority be given to additional pedestrian traffic measures such as new pedestrian crossings in the surrounding streets as requested during the consultation.
5. Council request that the NSW Minister for Transport trial electric buses on the various routes through Dee Why ahead of the State Government's planned sustainable transport rollout and replacement of the fleet.
6. Staff investigate options for improved parking opportunities and on-road cycling connections in the Dee Why area to complement the proposed Strand project.

VOTING

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

AGAINST: Cr Amon, Cr McTaggart and Cr De Luca

CARRIED

15.0 NOTICES OF MOTION**15.1 NOTICE OF MOTION NO 22/2021 – SIGNAGE AUDIT AND ALCOHOL PROHIBITED AREAS**

142/21 **RESOLVED**

Cr Sprott / Cr Harrison

That:

1. Council staff provide a report on the establishment of a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.
2. Consultation with the local community occur in relation to the proposal to establish a 24 hour Alcohol Prohibited Area at Wingara Reserve, Belrose.
3. Council conduct a general signage audit, inviting members of the public to identify any out of date or damaged signs within the Northern Beaches area.

VOTING

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

AGAINST: Cr Philpott, Cr Grattan and Cr Warren

CARRIED

15.2 NOTICE OF MOTION NO 23/2021 – SUITABILITY OF EMERALD CLASS FERRIES FOR MANLY F1 ROUTE

NOTE: Councillor Amon left the chamber at 9:23pm

143/21 **RESOLVED**

Cr Bingham / Cr Grattan

That Council write to the Chair and members of the NSW Government's Portfolio Committee No 6 – Transport and Customer Service, requesting that:

- 1 An immediate inquiry be taken into the decision of the NSW Government to effectively decommission the historical, social and economically significant Freshwater Class ferries, and the long-term suitability of the Emerald Class ferries for the Circular Quay to Manly F1 Route.
2. The Committee consider the referral of the issue of corrosion in five of the six current Emerald Class ferries and evidence of seawater entering three of the vessels' hulls to the Office of Transport Safety Investigations.

VOTING

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

AGAINST: Cr Ferguson and Cr Walton

ABSENT: Cr Amon

CARRIED

15.3 NOTICE OF MOTION NO 24/2021 - REVIEW OF BOATING USAGE IN CABBAGE TREE BAY

NOTE 1: Councillor Ferguson left the chamber at 9:23pm and returned at 9:25pm

NOTE 2: Councillor Heins left the chamber at 9:24pm and returned at 9:24pm

NOTE 3: Councillor Amon returned to the chamber at 9:24pm

144/21 **RESOLVED**

Cr Bingham / Cr Walton

That Council:

1. Note that Council does not support the option of courtesy mooring or a designated anchoring area within the Cabbage Tree Bay area.
2. Write to the relevant NSW Government Ministers and the Department of Primary Industries seeking a review of the boating usage within the Cabbage Tree Bay Aquatic Reserve boundaries, with a view to:
 - A. restricting the entry and anchoring of boats in Cabbage Tree Bay other than as a safe haven (with the term "safe haven" to be clearly defined); this to be promoted via relevant mechanisms such as the Transport for NSW website, and the relevant map 9D

for Middle Harbour

- B. requesting that protective measures be implemented for the waters of Cabbage Tree Bay Aquatic Reserve (for example, anchoring guidelines/rules) in order to eliminate the impact of boat anchors on seagrass beds in the Reserve
 - C. requesting consideration that Cabbage Tree Bay become a designated swimming area. The need for change is due to the increased use of the area by swimmers, divers and snorkelers and the serious safety issues recreational boating is now causing.
3. Write to the Member for Manly, James Griffin MP, acknowledging his shared concerns about boats anchoring in Cabbage Tree Bay and seeking his assistance to implement change.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 25/2021 - UPDATE ON FINALISING SURF LIVE SAVING CLUB LEASES WITH THE NORTHERN BEACHES COUNCIL

145/21 **RESOLVED**

Cr Walton / Cr Regan

That an update be provided on the status of the 20 year lease with Northern Beaches Surf Life Savings Clubs and Council at the June Council meeting, with the intent to provide fairness and certainty to our Surf Life Saving Clubs.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 26/2021 - NEWPORT SURF LIFE SAVING CLUB

146/21 **RESOLVED**

Cr Ferguson / Cr White

That Council:

- 1 Acknowledge the wonderful achievement of the Newport Surf Life Saving Club on coming second at the 2021 Australian Open Championships and write to the President of Newport Surf Life Saving Club to commend its efforts.
- 2 Acknowledge all other Northern Beaches Surf Life Saving Clubs and competitors who achieved medals or accolades at the 2021 Australian Open Championships.

VOTING

FOR: Unanimous

CARRIED

15.6 NOTICE OF MOTION NO 27/2021 - SAVING KILLARNEY POINT FOR PUBLIC OPEN SPACE

NOTE: Councillor Grattan left the chamber at 9:40pm and returned at 9:42pm

147/21 RESOLVED

Cr Sprott / Cr Harrison

That Council:

1. Write to the State Government expressing Council's continued support for, and preference that, the State Government buy Killarney Point and return it to public hands, preferably returned to National Parks.
2. Write to the Federal Member for Warringah, Zali Steggall MP expressing Council's continued support in returning Killarney Point back to public hands and ask for assistance and support.
3. Write to the Local Member for Wakehurst, The Hon. Brad Hazzard MP, the Minister for Planning and Public Spaces, The Hon. Rob Stokes MP and the Minister for Energy and Environment, The Hon. Matt Kean MP, informing them of the situation and asking for their written support in returning Killarney Point back into public hands.

VOTING

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

AGAINST: Cr Philpott

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

148/21 RESOLVED

Cr White / 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 18.1 Procurement Strategy - Ocean Street Bridge Remediation and Narrabeen Lagoon Clearance Works 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 the procurement of construction works at Narrabeen Lagoon. 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 confer a commercial advantage and/or prejudice the position of a business that Council is proposing to engage.
 - B. Item 18.2 RFT 2021/053 - Utility Account Management, Monitoring and Reporting Service 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 commercial in-confidence services pricing from utility account management, monitoring and reporting providers. 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 prejudice the commercial position of the organisations that supplied the pricing.

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 9:54pm and resumed in open session at 10:05pm

19.0 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.

18.1 PROCUREMENT STRATEGY - OCEAN STREET BRIDGE REMEDIATION AND NARRABEEN LAGOON CLEARANCE WORKS

149/21 **RESOLVED**

Cr Amon / Cr Regan

That Council:

1. Note the procurement strategy under Section 55(3)(b) of the *Local Government Act 1993* for the construction of the Ocean Street bridge remediation and Narrabeen Lagoon clearance works.
2. Note the NSW Government has refused Council's grant application under the Floodplain Management Program to deliver the Narrabeen Lagoon entrance clearance works.
3. Write to the NSW Government requesting that the head of the relevant department provide a briefing to Councillors on their decision to refuse Council's grant application for the long-standing Narrabeen Lagoon entrance clearance works.
4. Provide a briefing to Councillors on alternate sources of funds from the proposed 2021/22 capital works program that could be reallocated to meet the anticipated shortfall of \$660,000 for the Narrabeen Lagoon entrance clearance works.

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 and Cr Regan

ABSENT: Cr Warren

CARRIED

18.2 RFT 2021/053 - UTILITY ACCOUNT MANAGEMENT, MONITORING AND REPORTING SERVICE

150/21 **RESOLVED**

Cr Amon / Cr Heins

That:

1. Council accepts the tender of Planet Footprint Pty Ltd trading as Azility for RFT 2021/053 – Utility Management, Monitoring and Reporting Services for the amount of \$201,400 (ex GST) for an initial three year period with two twelve month options to extend, subject to satisfactory performance.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

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 and Cr Regan

ABSENT: Cr Warren

CARRIED

PROCEDURAL MOTION – RESUME IN OPEN SESSION

151/21 **RESOLVED**

Cr Regan / Cr Bingham

That Council resume in open session.

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 and Cr Regan

ABSENT: Cr Warren

CARRIED

MATTER OF URGENCY – LEGISLATIVE COUNCIL’S INQUIRY INTO THE IMPACT OF THE WESTERN HARBOUR TUNNEL AND BEACHES LINK

NOTE: Councillor Sprott left the chamber at 10:08pm and returned at 10:10pm

152/21 **RESOLVED**

Cr Grattan / Cr Bingham

That Council:

1. Request the Legislative Council “Inquiry into the Impact of the Western Harbour Tunnel and Beaches Link” note Council’s submission made to the Beaches Link EIS.
2. Request the Chief Executive Officer to provide a witness to the inquiry if required.

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 and Cr Regan

ABSENT: Cr Warren

CARRIED

The meeting concluded at 10:21pm

This is the final page of the minutes comprising 23 pages numbered 1 to 23 of the ordinary Council meeting held on Tuesday 25 May 2021 and confirmed on Tuesday 15 June 2021

Mayor

Chief Executive Officer