



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 APRIL 2021

Minutes of an Ordinary Council Meeting
held on Tuesday 27 April 2021
at the Civic Centre, Dee Why
Commencing at 6:01pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Ian White

Officers

Ray Brownlee	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	Acting Executive Manager Governance and Risk
Lesley Milbourne	Acting Manager Governance
Katie Kirwan	Acting Senior Advisor Governance
Ximena Von Oven	Governance Officer
Shaun Cleland	Information Management Technology Officer
Don Morales	Information Management Technology Officer
David Walsh	Chief Financial Officer
Caroline Foley	Executive Manager Financial Planning and Systems
Andrew Pigott	Executive Manager Strategic and Place Planning
Kath Mckenzie	Executive Manager Community Engagement and Communications
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Steve Lawler	Executive Manager Parks and Recreation
Campbell Pfeiffer	Executive Manager Property

Notes

The meeting commenced at 6:01pm, adjourned at 8:01pm, resumed at 8:13pm, moved into closed session at 10:33pm, resumed in open session at 11:24pm and concluded at 11:30pm.

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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

NOTE: Councillor Warren was granted a leave of absence for the March and April Council meetings at the ordinary meeting of Council on 23 March 2021.

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 MARCH 2021

082/21 **RESOLVED**

Cr Ferguson / Cr Heins

That the Minutes of the Ordinary Council Meeting held 23 March 2021, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

- That the mover and seconder of Item 12.2 – Outcome of the Public Exhibition of the Draft Planning Agreement for 723, 725 and 727 Warringah Road, Forestville, be corrected to *Councillor Heins (mover) and Councillor Harrison (seconder)*.

VOTING

FOR: Unanimous

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Regan declared a pecuniary interest in Item 12.3 Outcomes of the Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

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

- Councillor Ferguson declared a not significant non pecuniary interest in Item 12.2 Revised Planning Proposal and Supporting Documents for 1294-13000 Pittwater Road and 2-4 Albert Street Narrabeen, and will leave the meeting. The reason provided was:

“I have a friend that lives directly across the road from the revised planning and 2-4 Albert Street Narrabeen.”

- Councillor Ferguson declared a significant non-pecuniary interest in Item 12.3 Outcomes of the Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

“Family owns a property within the Mona Vale catchment.”

- Councillor Amon declared a not significant non pecuniary interest in Item 12.2 Revised Planning Proposal and Supporting Documents for 1294-13000 Pittwater Road and 2-4 Albert Street Narrabeen, and will leave the meeting. The reason provided was:

“I have previously lived one block from this proposed development and had an interest in land one block from this proposed development. I have previously declared a pecuniary interest in relation to this matter on 29 May 2019. I now live and own property two blocks from this proposed development. I do not consider that these matters create a conflict of interest in this case. However, consistent with my prior disclosure, I now make that same disclosure for the avoidance of doubt.”

- Councillor Amon declared a pecuniary interest in Item 12.3 Outcomes of the Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

“I own property in the Narrabeen Centre Investigation Area, as do my parents.”

- Councillor McTaggart declared a pecuniary interest in Item 12.3 Outcomes of the Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

“I own a property within the sphere of interest.”

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 13.3 - Balgowlah Bowling Club – Historic Rent Arrears Write Off and will leave the meeting. The reason provided was:

“I have been a family member of the Balgowlah Bowling Club since 2020. I am not on the committee, nor involved in advising the committee. I have no influence on the club.”

- Councillor Harrison declared a pecuniary interest in Item 12.3 Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

“I own property that is in the zone of interest/investigation area.”

- Councillor De Luca declared a not significant non-pecuniary interest in Item 12.3 Outcomes of the Public Exhibition of the Local Housing Strategy and will remain in the meeting. The reason provided was:

“I have known Edwina Pedersen (one of the speakers for Public Address) through her many years of selfless work at Narrabeen and Dee Why Swimming Clubs.”

- Councillor Sprott declared a significant non-pecuniary interest in Item 13.3 Balgowlah Bowling Club – Historic Rent Arrears Write Off and will leave the meeting. The reason provided was:

“I have a close friend that has the sub-lease at the Balgowlah Bowling Club, and a friend who is also the secretary of the club.”

- Councillor Daley declared a pecuniary interest in Item 12.3 Public Exhibition of the Local Housing Strategy and will leave the meeting. The reason provided was:

"I am a joint owner of property which falls very close to the areas mentioned in this report."

- 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 property in Dee Why Parade."

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: 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.

5.1 PUBLIC FORUM

- Gregory Hogan addressed Council on item 17.6 – Response to Question on Notice 07/2021.
- Penelope Auburn addressed Council regarding Trafalgar Park Shared Cycle/Footpath.
- Joeline Hackman addressed Council regarding Bulky Goods Waste and General Waste at Kimbriki.

5.2 PUBLIC ADDRESS

- **Item 11.1 – Stakeholder Consultation on NSW DPI Fisheries' Shark Management Strategy**

Malin Frick on behalf of Northern Beaches Clean Up Crew and Sea Shepherd Australia addressed Council on the item.

Lawrence Chlebeck and Layne Beachley addressed Council on the item.

NOTE 1: Councillor De Luca declared a not significant non pecuniary interest and will remain in the meeting. The reason provided was:

"During my time in the Office of the Parliamentary Secretary to the Premier I made representations to the Federal Government on behalf of Captain Paul Watson to allow him to enter Australia as well as Mr Aaron Barnes in order for a Sea Shepherd vessel to dock at Darling Harbour. This was in an official capacity and has not compromised my impartiality and I will stay in the Chamber and vote on the matter."

NOTE 2: Councillors Ferguson and Amon left the chamber at 6:34pm due to a declared disclosure of interest in Item 12.2.

- **Item 12.2 – Revised Planning Proposal and Supporting Documents for 1294-1300 Pittwater Road and 2-4 Albert St, Narrabeen**

Anthony Bernard and Gabrielle Morrish addressed Council supporting this item.

Lincoln Mountseer addressed Council against this item.

NOTE 3: Councillors Regan, McTaggart, Harrison and Daley left the chamber at 6:44pm due to a declared disclosure of interest in Item 12.3.

NOTE 4: In the absence of Councillor Regan, Councillor Bingham assumed the Chair.

- **Item 12.3 – Outcomes of the Public Exhibition of the Local Housing Strategy**

Phil Jones and James Ricketson addressed Council supporting this item.

Edwina Pedersen and Steve Jacobs addressed Council against this item.

PROCEDURAL MOTION - MOTION OF URGENCY – ITEM 12.3 – LOCAL HOUSING STRATEGY EXEMPTIONS

083/21 **RESOLVED**

Cr De Luca / Cr Sprott

That as a matter of urgency Council considers a motion in relation to exemptions for Item 12.3 – Local Housing Strategy:

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr De Luca, Cr Walton and Cr Sprott

ABSENT: Cr Daley, Cr Amon, Cr McTaggart, Cr Ferguson, Cr Harrison and Cr Regan

CARRIED

MATTER OF URGENCY – LOCAL HOUSING STRATEGY EXEMPTIONS

084/21 **RESOLVED**

Cr De Luca / Cr Sprott

That Council:

1. Note with concern the Office of Local Government's failure to grant exemptions to pecuniary interest provisions in the Local Government Act in relation to item 12.3 but they may be able to vote in the future.
2. Note this decision results in seven democratically elected councillors unable to vote.
3. That only:
 - a. One representative will vote in the Pittwater Ward
 - b. Two representatives in Narrabeen Ward
 - c. Two representatives in Forest Ward
 - d. One representative in Curl Curl Ward
 - e. Two representatives in Manly Ward.
4. That in order to ensure full democratic representation, Council's Chief Executive Officer be requested to write to the Minister for Local Government, the Honourable Shelley Hancock MP, formally requesting the decision of the Office of Local Government be reviewed.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr De Luca, Cr Walton and Cr Sprott

ABSENT: Cr Daley, Cr Amon, Cr McTaggart, Cr Ferguson, Cr Harrison and Cr Regan

CARRIED

NOTE 5: Councillors Amon, Daley, McTaggart, Regan, Ferguson and Harrison returned to the chamber at 7:06pm.

NOTE 6: Councillor Regan resumed the Chair.

- **Item 13.1 - Feasibility of Establishing Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)**

Kim Hoggard addressed Council supporting this item, and Michele Robertson addressed Council against this item.

- **Item 13.2 – Outcomes of the Public Exhibition of the Draft Amendment to the Dee Why Lagoon Wildlife Refuge Plan of Management (2002)**

Allen Lakeman addressed Council supporting this item.

- **Item 13.5 – Consideration of Licence Request for Council Community Land Lot 2 DP 827733 (within Refuge Cove Reserve) and adjoining 316 Hudson Parade, Clareville**

Michael Fountain addressed Council against this item.

- **Item 15.2 – Notice of Motion No 21/2021 - Review of Manly Central Business District Special Rate**

James Buda on behalf of Manly Business Chamber addressed Council supporting this item.

- **Item 15.3 – Notice of Motion No 22/2021 - Signage Audit and Alcohol Prohibited Areas**

Elizabeth Paulsen addressed Council supporting this item.

6.0 ITEMS RESOLVED BY EXCEPTION

085/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That items 9.1, 9.4, 13.2 and 18.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.1 MONTHLY INVESTMENT REPORT - MARCH 2021

086/21 **RESOLVED**

Cr Ferguson / Cr Bingham

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

RESOLVED BY EXCEPTION

9.4 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 8 DECEMBER 2020

087/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 8 December 2020.

RESOLVED BY EXCEPTION

13.2 OUTCOMES OF THE PUBLIC EXHIBITION OF THE DRAFT AMENDMENT TO THE DEE WHY LAGOON WILDLIFE REFUGE PLAN OF MANAGEMENT (2002)

088/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That:

1. The amendment to Management Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) outlined in this report is adopted and the amended Plan of Management incorporate the change to Management Action 63.
2. Council notes that before the proposed alteration and additions to the Dee Why Surf Life Saving Club building facilitated by this amendment is undertaken, a development assessment and determination under Part 4 of the *Environmental Planning and Assessment Act 1979* is required.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MOTION OF URGENCY – WORLD SURF LEAGUE

089/21 **RESOLVED**

Cr Sprott / Cr Walton

That as a matter of urgency Council considers a motion in relation to the recent World Surf League Event.

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 and Cr Harrison

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY – COVID-19 CONDOLENCES

Cr Sprott / Cr De Luca

That as a matter of urgency Council considers a motion in relation to the recent COVID-19 situation in India.

VOTING

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

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

LOST

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT DESTINATION MANAGEMENT PLAN

090/21 **RESOLVED**

Cr Grattan / Cr Harrison

That Council defer the item.

VOTING

FOR: Unanimous

CARRIED

8.2 EVENT SPONSORSHIP FOR THE NORTH HEAD CONCERT SERIES, NIGHT AT THE BARRACKS

091/21 **RESOLVED**

Cr Amon / Cr Bingham

That, subject to Second Sunday Pty Ltd obtaining all necessary approvals, Council:

1. Support the North Head Concert Series, Night at the Barracks (Event), by providing marketing, infrastructure and in-kind support up to a total value of \$50,000, calculated on the basis of the event being staged over 20 nights, with support being reduced should the event schedule be varied by Second Sunday Pty Ltd.
2. Authorise the Chief Executive Officer to do all things necessary to give effect to this resolution, including entering into a sponsorship agreement with Second Sunday Pty Ltd, which sets out the benefits and obligations of each party for the provision of marketing, infrastructure and in-kind support up to the total value of \$50,000 in support of the event.
3. Require the Chief Executive Officer to provide an evaluation report to Council which sets out

the economic and social benefits of the event within three months after the event is delivered.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS**9.2 PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2021-2025, OPERATIONAL PLAN AND BUDGET 2021/22**

NOTE: Councillor Bingham left the chamber at 7:45pm and returned at 7:47pm.

092/21 RESOLVED***Cr Amon / Cr Heins***

That:

1. Council place the draft Delivery Program 2021-2025 and Operational Plan 2021/22 (including the Budget and Fees and Charges) on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Delivery Program 2021-2025 and Operational Plan 2021/22 be reported back to Council.
3. Council continue to maintain the bank overdraft facility of \$5 million with the Commonwealth Bank of Australia which was originally approved by Council on 28 April 2020 for a period of 12 months.
4. Council declare Council has no business activities for the purpose of Special Purpose Financial Reporting.
5. Council revoke the policy 'Environmental Levy Component of Rate – Increase in Annual Contribution' (former Manly Council).
6. Council delegate authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution.

VOTING

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

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

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING**093/21 RESOLVED*****Cr Regan / Cr Bingham***

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

VOTING**FOR:** Unanimous**CARRIED****9.3 COUNCILLOR EXPENSES 1 JULY TO 31 DECEMBER 2020**094/21 **RESOLVED****Cr Grattan / Cr Bingham**

That Council note councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July to 31 December 2020.

VOTING**FOR:** Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Sprott, Cr Harrison and Cr Regan**AGAINST:** Cr Amon, De Luca and Cr Walton**CARRIED****11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS****11.1 STAKEHOLDER CONSULTATION ON NSW DPI FISHERIES' SHARK MANAGEMENT STRATEGY**

NOTE 1: Councillor Regan left the chamber at 8:24pm and Councillor Bingham assumed the Chair.

095/21 **RESOLVED****Cr Amon / Cr Walton**

That Council:

1. Amend the Draft Survey at Attachment 1 as follows:
 - A. Question 4.4 Shark mesh nets - be amended from 'supported' to 'not supported'.
 - B. Question 6.5 Shark mesh nets - be amended from '8 – High Preference' to '2 - Low Preference'.
2. Submit the survey to DPI Fisheries by close of business 30 April 2021 following the incorporation of the above amendments.
3. Write to DPI Fisheries expressing:
 - A concern over the harm to wildlife caused by shark meshing
 - B. support for the replacement of shark meshing with a combination of modern and effective alternative shark mitigation strategies that maintain or improve swimmer safety
 - C. note that smart drum lines and drones are Council's preferred options
 - D. request that the alternative shark mitigation strategies be deployed instead of shark meshing this coming season.

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 Harrison

ABSENT: Cr Regan

CARRIED

EXTENSION OF TIME

096/21 **RESOLVED**

Cr Amon / Cr Walton

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

VOTING

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

AGAINST: Cr Grattan, Cr Harrison and Cr Regan

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2021 AND POOLING OF CONTRIBUTION RESERVES

097/21 **RESOLVED**

Cr Bingham / Cr Heins

That:

1. Council endorse public exhibition of the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 for a minimum 28 days.
2. The outcomes of the public exhibition of the Draft Northern Beaches Section 7.12 Development Contributions Plan 2021 be reported back to Council.
3. Council support the pooling of financial reserves to affect a single reserve for each repealed contributions plan relevant to the former Manly and Pittwater areas, to facilitate expenditure toward infrastructure delivery in the same area to which the superseded contribution plan applied.
4. If Part 3 is adopted, it is to commence on 1 July 2021.

VOTING

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

AGAINST: Cr Amon and Cr De Luca

ABSENT: Cr Regan

CARRIED

12.2 REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN

NOTE 1: Councillor Regan returned to the chamber at 8:31pm and resumed the Chair.

NOTE 2: Councillors Amon and Ferguson left the chamber at 8:31pm due to declared disclosures of interest in the item.

098/21 RESOLVED

Cr Regan / Cr Grattan

That the item be deferred to enable staff and the proponent to continue discussions in relation to the proposed 2 metre set-back in the Development Control Plan, the provision of adequate commercial floor space, and the provision of affordable housing.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Bingham, Cr Walton, Cr Sprott, Cr Harrison and Cr Regan

AGAINST: Cr Heins, Cr McTaggart and Cr De Luca

ABSENT: Cr Amon and Cr Ferguson

CARRIED

12.3 OUTCOMES OF THE PUBLIC EXHIBITION OF THE LOCAL HOUSING STRATEGY

NOTE 1: Councillors Regan, Daley, McTaggart and Harrison left the chamber at 8:47pm due declared disclosures of interest.

NOTE 2: In the absence of Councillor Regan, Councillor Bingham assumed the Chair.

099/21 RESOLVED

Cr White / Cr Heins

That Council:

1. Note the outcomes of the public exhibition of the Northern Beaches Local Housing Strategy.
2. Adopt the Northern Beaches Local Housing Strategy (as amended).
3. Submit the Northern Beaches Local Housing Strategy to the Department of Planning, Industry and Environment for approval.
4. Delegate authority to the Chief Executive Officer to adopt the Northern Beaches Local Housing Strategy upon written approval being received from the Department of Planning, Industry and Environment.
5. Prepare a clear infographic and short summary of the Northern Beaches Local Housing Strategy to communicate it simply to the community.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham and Cr Walton

AGAINST: Cr De Luca and Cr Sprott

ABSENT: Cr Daley, Cr Amon, Cr McTaggart, Cr Ferguson, Cr Harrison and Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS AND MOVE ITEM TO CLOSED SESSION

NOTE 1: Councillors Amon, Daley, Ferguson, Harrison, McTaggart, and Regan returned to the chamber at 9:24pm.

NOTE 2: Councillor Regan resumed the Chair.

100/21 **RESOLVED**

Cr Harrison / Cr Ferguson

That the order of business be changed so item 13.1 be moved to become the final item within section 18 – Matters Proposed to Take Place in Closed Session:

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 13.1 Feasibility of establishing dog off-leash areas at Palm Beach (North) and Mona Vale Beach (South) 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 matter involves the receipt of advice concerning litigation (Land and Environment Court Proceedings No 2019 / 313791, in which Council was a respondent), and legal advice to Council that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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 legal position and hinder 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.

VOTING

FOR: Unanimous

CARRIED

13.3 BALGOWLAH BOWLING CLUB - HISTORIC RENT ARREARS WRITE OFF

NOTE: Councillors Sprott and Grattan left the chamber at 9:34pm due to declared disclosures of interest.

101/21 **RESOLVED**

Cr Daley / Cr Amon

That Council:

1. Confirm the write off is within the statute of limitations.
2. Approve the write-off of historic rental for the outstanding amount of \$65,585.00 (Inc. GST) for Balgowlah Bowling Club as detailed in this report.

VOTING

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

ABSENT: Cr Grattan and Cr Sprott

CARRIED

13.4 OUTCOME OF PUBLIC EXHIBITION OF PROPOSED ACCESS TO QUEENSLIFF HEADLAND

NOTE: Councillors Grattan and Sprott returned to the chamber at 9:54pm.

102/21 **RESOLVED**

Cr Bingham / Cr Regan

That Council:

1. Note the Community Consultation report for access to Queenscliff Headland.
2. Endorse Option 1 as the most cost-effective method to deliver the connection to Queenscliff Headland.
3. Incorporate this project as part of the Manly to Palm Beach Coast Walk project.
4. Write to the Member for Manly, James Griffin MP requesting assistance in securing grant funding for Option 1, to deliver access to Queenscliff Headland.

VOTING

FOR: Unanimous

CARRIED

13.5 CONSIDERATION OF LICENCE REQUEST FOR COUNCIL COMMUNITY LAND LOT 2 DP 827733 (WITHIN REFUGE COVE RESERVE) AND ADJOINING 316 HUDSON PARADE, CLAREVILLE

103/21 **RESOLVED**

Cr Regan / Cr Ferguson

That the item be deferred.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 12/2021 - PUBLIC SAFETY BRIEFING

NOTE: Councillor Bingham left the chamber at 10:05pm.

104/21 **RESOLVED**

Cr Amon / Cr Sprott

That Council:

1. Thank the local Northern Beaches Police for their service, especially over the past 12 months with the impacts of the COVID-19 pandemic significantly impacting local policing.
2. Invite the Local Area Command to attend a confidential Council Briefing and update Council regarding increasing reports of anti-social and criminal behaviour on the Northern Beaches.

VOTING

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

ABSENT: Cr Bingham

CARRIED

15.2 NOTICE OF MOTION NO 21/2021 - REVIEW OF MANLY CENTRAL BUSINESS DISTRICT SPECIAL RATE

NOTE 1: Councillor De Luca left the chamber at 10:07pm.

NOTE 2: Councillors Bingham and De Luca returned to the chamber at 10:08pm.

NOTE 3: Councillor Heins left the chamber at 10:08pm and returned at 10:10pm.

NOTE 4: Councillor Amon left the chamber at 10:19pm and returned at 10:23pm.

NOTE 5: Councillor Philpott left the chamber at 10:24pm and returned at 10:29pm.

105/21 RESOLVED

Cr Bingham / Cr Grattan

That:

1. Council's Internal Audit team undertake an audit of the Manly Business Centre Improvement Special Rate and as part of that project engage with Council's Finance and other appropriate teams as well as the Manly Business Chamber and Manly Central Business District Property Owners group.
2. The audit report be submitted to Council's Audit, Risk and Improvement Committee for review.
3. The outcome be brought to a Councillor Briefing.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS AND MOVE ITEMS TO CLOSED SESSION

106/21 RESOLVED

Cr Regan / Cr Ferguson

That the order of business be changed so items 18.2, 18.3 and 13.1 be brought forward and dealt with immediately.

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

AGAINST: Cr Daley

CARRIED

19.0 CONFIDENTIAL ITEMS RESOLVED BY EXCEPTION

Confidential item 18.1 was dealt with by exception with the recommendation of the Directors being adopted.

18.1 EXEMPTION FROM TENDERING FOR THE ONGOING ENGAGEMENT OF INFORMATION AND COMMUNICATION TECHNOLOGY SUPPLIERS

107/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That Council:

1. Engages A2K Technologies Pty Ltd, Pure Security Pty Ltd, SARB Management Group Pty Ltd T/A Database Consultants Australia (DCA), Thomas Duryea Logicalis Pty Ltd and Simble Mobility Pty Ltd to provide technology and/or software support services for existing products for an interim period of up to one year from the date of this resolution.
2. Resolves pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the contracts referred to in 1 because of extenuating circumstances by reason of the following:
 - A. the need for the solution is being reviewed and the review should be completed within 12 months;
 - B. in the meantime, Council has an immediate and critical need for such solutions to maintain ongoing operations;
 - C. the short (one-year) term of the contracts would limit the utility and competitiveness of a tender process;
 - D. the proposed contracts have the experience, expertise and equipment to satisfy Council's requirements for a one-year term; and
 - E. while the future of the solutions is determined, it is appropriate to extend the existing agreements for a one-year term.
3. Engages Esri Australia Pty Ltd, Salesforce.com Singapore Pte Ltd, Solv Solutions Pty Ltd T/A InjuryConnect Pty Ltd and Technology One Limited to provide technology and/or software support services for a period of up to 5 years from the date of this resolution
4. Resolves pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the contracts referred to in 3 because of the unavailability of competitive or reliable tenderers by reason of the following:
 - A. Council utilises technology products supplied by the entities and only these entities may provide support services in respect of their respective products;
 - B. Council has an immediate and critical need for such support services to maintain ongoing operations;
 - C. The absence of other entities in the market place who may provide the support services would limit the utility and competitiveness of a tender process; and
 - D. The proposed suppliers have the experience, expertise and equipment to satisfy Council's requirements.
5. Authorises the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of any required documentation.

RESOLVED BY EXCEPTION

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.2 PITTWATER ENVIRONMENTAL FOUNDATION DIRECTORS

108/21 **RESOLVED**

Cr McTaggart / Cr Ferguson

That Council:

1. In accordance with clause 4.2 of the Pittwater Environmental Trust Deed confirm the ongoing appointment of the existing five Pittwater Environmental Foundation Directors; Marita Macrae, David Poppleton, Angus Gordon, Roberta Conroy and Jo Tulau.
2. In accordance with Attachment 1 and article 6.8(a) of the Pittwater Environmental Foundation Constitution approve Frank Edgell Bush and David Seymour as eligible persons.
3. Note that the five current Pittwater Environmental Foundation Directors referred to in 1 above are also considered eligible persons for the purposes of article 6.8(a) of the Pittwater Environmental Foundation Constitution should they cease to hold office as part of the rotation and retirement arrangements set out in that Constitution.

VOTING

FOR: Unanimous

CARRIED

18.3 REVIEW OF WASTE COLLECTION CONTRACT

109/21 **RESOLVED**

Cr Walton / Cr Heins

That Council:

1. Authorise the Chief Executive Officer to enter into discussions with URM Environmental Services Pty Ltd in relation to Contract 2017/165 for Waste Collection Services to determine whether there is sufficient benefit to Council to vary the contract with respect to the services listed in Table 1 of this report, and other contractual improvements for Council.
2. That the Chief Executive Officer be granted authority to approve variations to the timing of waste collection services in accordance with Clause 3 of Part 3, Section A of Contract 2017/165 provided, in the opinion of the Chief Executive Officer, it is in the interest of Council to do so.
3. Write to the Office of Local Government and the Independent Commission against Corruption to obtain advice regarding an appropriate and lawful process for conducting the discussions referred to in Item 1 above.
4. Prepare a Probity and Risk Management Plan to manage any risk that Council may be exposed to during the above-mentioned discussions, incorporating any relevant advice from Item 3 above.
5. Take no action in respect of the discussions until such time as Items 3 and 4 above have been completed to the satisfaction of the Chief Executive Officer and a Negotiation Protocol has subsequently been prepared and executed by all parties to the discussions.

6. If in the opinion of the Chief Executive Officer the discussions have resulted in an outcome that is favourable to Council, a further report be brought back to Council for its consideration, noting that Council is under no obligation to accept any offer as part of these discussions.

VOTING

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

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

CARRIED

PROCEDURAL MOTION – EXTEND MEETING TIME

110/21 **RESOLVED**

Cr Regan / Cr Amon

In accordance with clause 19.3 of Council's Code of Meeting Practice to extend the meeting for 30 minutes.

VOTING

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

AGAINST: Cr Philpott, Cr Grattan, Cr Bingham, Cr De Luca, Cr Harrison and Cr Regan

CARRIED

13.1 FEASIBILITY OF ESTABLISHING DOG OFF-LEASH AREAS AT PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH)

NOTE 1: Councillors Regan, Daley, Amon, McTaggart, Ferguson and Harrison returned to the chamber at 9:23pm.

NOTE 2: Councillor Regan left the chamber at 11:10pm and did not return.

NOTE 3: In the absence of Councillor Regan, Councillor Bingham assumed the Chair.

111/21 **RESOLVED**

Cr Amon / Cr De Luca

That:

1. Environmental assessments be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (and other relevant legislation) into the possibility of establishing dog off-leash areas on Palm Beach (north) and Mona Vale Beach (south), as outlined in Attachments 1 and 2 of this report.
2. The assessments referred to in (1) be undertaken in consultation with the NSW State Government.
3. The assessments referred to in (1) include consideration of additional on-leash or off-leash areas that may be required to allow for dogs to be taken to and from the possible dog off-

leash areas at Palm Beach (north) and Mona Vale Beach (south).

4. The trial parameters as described in this report be placed on public exhibition for a period of 4 weeks, and that preparations for this public exhibition commence immediately.
5. The Chief Executive Officer provide a further report to Council following collation of the public exhibition report, and any other necessary assessment reports.

VOTING

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

AGAINST: Cr Heins and Cr Harrison

ABSENT: Cr Regan

CARRIED

PROCEDURAL MOTION – RESUME INTO OPEN SESSION

112/21 **RESOLVED**

Cr Ferguson / Cr De Luca

That Council resume in open session.

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 and Cr Harrison

ABSENT: Cr Amon and Cr Regan

CARRIED

MATTER OF URGENCY – WORLD SURF LEAGUE

113/21 **RESOLVED**

Cr Sprott / Cr Walton

That Council:

1. Write to the World Surf League, congratulating them and their contestants on running a successful surf event at Narrabeen.
2. Acknowledge the quarantine restraints of COVID-19 from around the world and thanks the contestants for the extra effort involved to compete in this event.
3. Note the positive impact to the local economy with positive media stories and a welcomed relief for our local residents after a Christmas COVID-19 lockdown.
4. Thank the World Surf League for choosing Narrabeen and looks forward to welcoming them back soon in the future.

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 Harrison

ABSENT: Cr Regan

CARRIED

NOTE: In accordance with clause 19.4(a) of the Code of Meeting Practice the following items were deferred to the ordinary Council meeting of 25 May 2021:

- *Item 15.3 Notice of Motion N0 22/2021 – Signage Audit and Alcohol Prohibited Areas*
- *Item 15.4 Notice of Motion 23/2021 - Suitability of Emerald Class Ferries for Manly F1 Route*

The meeting concluded at 11:30pm

This is the final page of the minutes comprising 24 pages
numbered 1 to 24 of the Ordinary Council Meeting
held on Tuesday 27 April 2021 and confirmed on Tuesday 25 May 2021

Mayor

Chief Executive Officer