



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 MARCH 2020

Minutes of an Ordinary Meeting of Council

held on Tuesday 24 March 2020

at the Civic Centre, Dee Why

Commencing at 6:00pm

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
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
Eskil Julliard	General Counsel
Sherryn McPherson	Coordinator Governance
Ximena Von Oven	Governance Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm and concluded at 6:16pm.

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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

2.1 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

055/20 **RESOLVED**

Cr Ferguson / Cr Daley

That an apology be received from Councillor Mc Taggart.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION – MOTION OF URGENCY – COVID-19 BUSINESS SUPPORT PLAN AND COMMUNITY CARE PACKAGE

NOTE: In accordance with 10.3(b) of the Code of Meeting Practice, the Chair ruled that the matter was one of urgency.

056/20 **RESOLVED**

Cr Ferguson / Cr Heins

That as a matter of urgency and in accordance with clause 10.8 of Code of Meeting Practice, Council considers the staff report in relation to COVID-19 Business Support Plan and Community Care Package on the basis that it is urgent and must be dealt with prior to the next Ordinary Council Meeting, and that it be added to the agenda as item 8.2.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 FEBRUARY 2020

057/20 RESOLVED

Cr Bingham / Cr Heins

That the Minutes of the Ordinary Council Meeting held 25 February 2020, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Regan declared a significant non-pecuniary interest in relation to item 12.4 - 21 Whistler Street Manly. Councillor Regan chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Regan was:

“The company consulting is a company that I currently use for personal planning matters.”

4.2 Councillor White declared a not significant non-pecuniary interest in relation to item 17.2 - Consideration of Potential Land Purchase. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

“I live 200 metres from the proposed site. I currently do not know who owns the property. I have had no financial involvement with the owner.”

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: The Director Corporate and Legal, Northern Beaches Council read the public address on behalf of all speakers who chose not to be in attendance due to public gathering restrictions.

NOTE 3: Councillor De Luca left the meeting at 6:08pm and returned at 6:09pm.

5.1 PUBLIC ADDRESS

- **Item 12.2 – Outcomes of Public Exhibition and Adoption of Smoke Free Zones Policy –** Margaret Hogge and Marianne van de Voorde addressed Council speaking for this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor Regan left the chamber at 6:10pm due to having declared an interest in item 12.4 and Councillor Bingham assumed the Chair.

058/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That items 8.2, 9.1, 9.2, 9.3, 9.4, 10.1, 10.2, 12.1, 12.2, 12.3, 12.4, 13.1, 17.1 and 17.2 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

8.2 COVID-19 BUSINESS SUPPORT PLAN AND COMMUNITY CARE PACKAGE

059/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Approve the Business Support Plan as detailed in the report.
2. Approve the waiving of the Environmental Health Inspection fees, Fire Safety fees and Outdoor Dining & Footpath Merchandising fees, equating to approximating \$1.2M as detailed in the report.
 - A. The budget adjustments for 2019/20 will be confirmed in the March Quarterly review.
 - B. The impact on the 2020/21 budget will be addressed in the development of the draft 2020/21 budget.
3. Approve the Community Care Package as detailed in the report.
4. Delegate authority to the Chief Executive Officer to make amendments to the Business Support Plan and Community Care Package as necessary and keep councillors informed of such amendments.

RESOLVED BY EXCEPTION

9.1 MONTHLY INVESTMENT REPORT - FEBRUARY 2020

060/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council receives and notes the Investment Report as at 29 February 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.2 REVOCATION OF VARIOUS GRAFFITI POLICIES OF FORMER COUNCILS

061/20 RESOLVED

Cr Ferguson / Cr Grattan

That Council revoke the following policies:

1. Graffiti and Vandalism Policy (former Pittwater Council)
2. Graffiti Policy (former Warringah Council)
3. Graffiti Management Policy (former Manly Council).

RESOLVED BY EXCEPTION

9.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT

062/20 RESOLVED

Cr Ferguson / Cr Grattan

That Council note the Audit, Risk and Improvement Committee Annual Report for 2019.

RESOLVED BY EXCEPTION

9.4 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 10 DECEMBER 2019

063/20 RESOLVED

Cr Ferguson / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 10 December 2019.

RESOLVED BY EXCEPTION

10.1 DEMENTIA-FRIENDLY ORGANISATION

064/20 RESOLVED

Cr Ferguson / Cr Grattan

That Council:

1. Sign the Dementia-Friendly Statement of Commitment.
2. Present the draft Northern Beaches Council Dementia-Friendly Organisation Action Plan to the Northern Beaches Dementia Alliance for endorsement and accreditation.

RESOLVED BY EXCEPTION

10.2 MINUTES OF THE COMMUNITY SAFETY COMMITTEE HELD 28 NOVEMBER 2019065/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That Council note the minutes of the Community Safety Committee meeting held on 28 November 2019.

RESOLVED BY EXCEPTION**12.1 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS**066/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That Council note the Development Applications approved with variations to development standards during the period of 1 October 2019 to 31 December 2019.

RESOLVED BY EXCEPTION**12.2 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF SMOKE FREE ZONES POLICY**067/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That Council:

1. Adopt the Smoke Free Zones Policy.
2. Rescind the following policies:
 - A. Smoke Free Zones in Manly Policy.
 - B. Smoke Free Zones around Pittwater Policy.
 - C. Smoke Free Public Places Policy.

RESOLVED BY EXCEPTION**12.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF ASBESTOS MANAGEMENT POLICY**068/20 **RESOLVED*****Cr Ferguson / Cr Grattan***

That Council:

1. Adopt the Asbestos Management Policy and associated Guidelines.
2. Rescind the Warringah - Asbestos Management Policy.

RESOLVED BY EXCEPTION

12.4 21 WHISTLER STREET, MANLY

069/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Note the peer review report conducted by Stephen Davies of Urbis.
2. Not proceed with the Planning Proposal to list 21 Whistler Street Manly as a local heritage item under Schedule 5 of Manly Local Environmental Plan 2013.
3. In consideration of any Development Application that seeks approval to the demolition of the building at 21 Whistler Street, Manly request the owner to prepare a photographic archival recording of the property in accordance with the NSW Office of Environment and Heritage's 'Photographic Recording of Heritage Items Using Film or Digital Capture' (2006)

RESOLVED BY EXCEPTION

13.1 REQUEST FOR SUPPORT FROM THE SAVE MANLY DAM CATCHMENT COMMITTEE INC. FOR A FLORA AND FAUNA PROJECT FOR THE MANLY WARRINGAH WAR MEMORIAL STATE PARK.

070/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council provide \$15,000 (ex GST) to the Save Manly Dam Catchment Committee Inc. for a Local Flora and Fauna Surveying and Monitoring Project for the Manly Warringah War Memorial State Park (Manly Dam) as outlined in this report.
2. The outcomes of the Local Flora and Fauna Surveying and Monitoring Project for the Manly Warringah War Memorial State Park be reported to Council.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 02/2020 - CHILDREN'S SERVICES - NATIONAL QUALITY FRAMEWORK RECOGNITION FOR EXCEEDING THE NATIONAL QUALITY STANDARD

NOTE 1: Councillor Regan returned to the chamber at 6:11pm and assumed the Chair.

NOTE 2: This item was withdrawn by Councillor Regan.

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

071/20 RESOLVED

Cr Heins / Cr Warren

That Council note payments totalling \$6989 have been allocated by the Northern Beaches Council Discretionary Fund for the period 18 December 2019 to 24 March 2020.

VOTING

FOR: Unanimous

CARRIED

14.0 NOTICES OF MOTION

14.3 NOTICE OF MOTION NO 10/2020 - TREE PLANTING FOR NEWBORNS

NOTE: With the acknowledgement of the Chair, Councillor Sprott subsequently withdrew this item.

14.8 NOTICE OF MOTION NO 16/2020 - THE LATE HARRY ELLIFFE

NOTE: With the acknowledgement of the Chair, Councillor Heins subsequently withdrew this item.

PROCEDURAL MOTION - DEFERMENT OF ITEMS

072/20 RESOLVED

Cr Regan / Cr Heins

That the remaining business be considered at the next ordinary Council meeting.

VOTING

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

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

CARRIED

18.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE: The Chair reported the following confidential resolutions passed in closed session and by exception at item 6.0 - Items Resolved by Exception.

17.1 RFT 2020/037 - PROVISION OF LIFEGUARD SERVICES FROM TURIMETTA BEACH TO NORTH PALM BEACH

073/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council accept the tender of Surf Life Saving Services Pty Ltd trading as Australian Lifeguard Service for RFT 2020/037 – Provision of Lifeguard Services for Turimetta to North Palm Beach as per the tendered schedule of rates, subject to cost adjustment by 2% or CPI (whichever is higher) for each year thereafter, for the initial three years period with two optional extensions of one year each 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.
3. Chief Executive Officer be delegated authority to exercise Council's options to extend the contract term.

RESOLVED BY EXCEPTION

17.2 CONSIDERATION OF POTENTIAL LAND PURCHASE

074/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council:

1. Not proceed with the purchase of the Lot in light of the current economic uncertainty surrounding the impact of the coronavirus pandemic
2. Reconsider its position in six months should the Lot still be available for sale at that time.

RESOLVED BY EXCEPTION

The meeting concluded at 6:16pm

This is the final page of the minutes comprising 10 pages
numbered 1 to 10 of the Ordinary Council Meeting
held on Tuesday 24 March 2020 and confirmed on Tuesday 28 April 2020

Mayor

Chief Executive Officer