



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 AUGUST 2019

Minutes of an Ordinary Meeting of Council
held on Tuesday 27 August 2019
at the Civic Centre, Dee Why
Commencing at 6:02pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Sue Heins (Deputy Mayor)
Rory Amon
Candy Bingham
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:06pm*)
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
Kylie Walshe	Executive Manager Community, Arts and Culture
Andrew Pigott	Executive Manager Strategic and Place Planning
Phil Devon	Acting Executive Manager Transport and Civil Infrastructure
Steve Lawler	Executive Manager Parks and Recreation
Mark Jones	Executive Manager Strategy and Performance
David Pengilly	Acting Executive Manager Property
Eilis O'Beirne	Major Projects - Business Executive
Sonya Gallery	Executive Manager Governance and Risk
Sherryn McPherson	Acting Manager Governance
Ximena Von Oven	Acting Coordinator Governance
Katie Kirwan	Governance Officer
Brendan Shaw	Information Management Technology Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:02pm, adjourned at 8:29pm, resumed at 8:40pm, moved into closed session at 10:34pm, resumed in open session at 10:50pm and concluded at 10:51pm.

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

NOTE: The Chair advised that Councillor Warren will arrive late to the meeting.

244/19 **RESOLVED**

Cr Ferguson / Cr Bingham

That the apology from Councillor Harrison be accepted.

VOTING

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

ABSENT: Cr Warren

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 JULY 2019

245/19 **RESOLVED**

Cr White / Cr Ferguson

That the Minutes of the Ordinary Council Meeting held 23 July 2019, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

- 4.1 Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 10.2 - Response to Notice of Motion No 16/2019 – Future Use of Council Chambers in Manly Town Hall. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

“I am President of the Good for Manly Community Association who may wish to hire the space.”

- 4.2 Councillor Bingham declared a not significant non-pecuniary interest in relation to item 13.1 - Manly Parking Permit Scheme - Review and Audit. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

“I live in the area which is affected by the scheme.”

- 4.3 Councillor Sprott declared a not significant non-pecuniary interest in relation to item 13.1 - Manly Parking Permit Scheme - Review and Audit. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

“I own a property on Eastern Hill. I am a member of the Liberal Party and senior members live close to the park.”

- 4.4 Councillor White declared a not significant non-pecuniary interest in relation to item 13.2 - Station Beach Dog Off-Leash Area Proposed Trial. Councillor White chose to take part in the discussion and voting on this item. The reason provided by Councillor White was:

“I own a dog and am a member of Palm Beach Golf Club.”

- 4.5 Councillor Daley declared a not significant non-pecuniary less than significant interest in relation to item 13.3 - Outcome of Public Exhibition and Adoption of Clontarf Reserve Landscape Masterplan. Councillor Daley chose to take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

“I know a number of people including senior members of the Liberal Party who live near Clontarf Reserve.”

- 4.6 Councillor Grattan declared a not significant non-pecuniary interest in relation to item 13.3 - Outcome of Public Exhibition and Adoption of Clontarf Reserve Landscape Masterplan. Councillor Grattan chose to take part in the discussion and voting on this item. The reason provided by Councillor Grattan was:

“[I have had] discussions with members of Clontarf Community regarding Masterplan.”

- 4.7 Councillor Sprott declared a not significant non-pecuniary interest in relation to item 13.3 - Outcome of Public Exhibition and Adoption of Clontarf Reserve Landscape Masterplan. Councillor Sprott chose to take part in the discussion and voting on this item. The reason provided by Councillor Sprott was:

“I own a property on Eastern Hill. I am a member of the Liberal Party and senior members live close to the park.”

- 4.8 Councillor Walton declared a not significant non-pecuniary interest in relation to item 13.3 - Outcome of Public Exhibition and Adoption of Clontarf Reserve Landscape Masterplan. Councillor Walton chose to take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

“[I have been] lobbied by Clontarf Community. Family friends live in the area.”

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 Warren arrived at the meeting at 6:06pm.

NOTE 3: Councillor Amon left the chamber at 6:45pm and returned at 6:49pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Natalie Matkovic addressed Council in relation to circus shows which use animals and Council's position on the hire of Council land to these circuses.
- 5.2 Christopher Neill addressed Council in relation to circus shows which use animals and Council's position on the hire of Council land to these circuses.
- 5.3 David Murray addressed Council in relation to a request to improvements to late night B-line bus services in the Pittwater area.

PUBLIC ADDRESS SPEAKERS:

5.4 Item 11.1 – Supporting Community Solar Uptake

Warren Yates addressed Council speaking in support of this item.

5.5 Item 12.1 – Outcome of Public Exhibition of Draft Northern Beaches Bush Fire Prone Land Map Review

John Holman addressed Council speaking against this item.

5.6 Item 13.1 – Manly Parking Permit Scheme – Review and Audit

Nicolle Tessier and Jill Pleban addressed Council speaking against this item.

5.7 Item 13.2 – Station Beach Dog Off-Leash Area Proposed Trial

Richard Kovacs and Marita Macrae (on behalf of Pittwater Natural Heritage Association) addressed Council speaking against this item. Mitch Geddes with Liz Anderson (on behalf of Pittwater Unleashed) and Michelle Robertson (on behalf of Pittwater Unleashed) addressed Council speaking in support of this item.

5.8 Item 13.3 – Outcome of Public Exhibition and Adoption of Clontarf Reserve Landscape Masterplan

John Clapin and Ronald Nathans addressed Council speaking in support of this item.

5.9 Item 13.4 – Public Exhibition for the use of McCarrs Creek Reserve by Castle Tribe Inc.

Guy Menzies and Nicholas Triandafyllou (on behalf of Castle Tribe Inc) addressed Council speaking in support of this item.

5.10 Item 14.2 – Public Exhibition of the Draft Manly West Esplanade Heritage Activation Plan

Oliver Smith addressed Council speaking in support of this item.

5.11 Item 15.3 – Notice of Motion No 25/2019 – Call for Debate on Nuclear Energy

Susan Morgan and Timothy Flannery addressed Council speaking against this item.

5.12 Item 15.4 – Notice of Motion 26/2019 – Declaration of Climate Emergency

Sara Rickards and Stephanie Evans addressed Council speaking in support of this item.

5.13 Item 15.5 – Notice of Motion 27/2019 – Ivanhoe Park

Denise Keen addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

246/19 **RESOLVED**

Cr Heins / Cr Ferguson

That items 9.1, 9.2, 9.3, 9.4, 9.6, 10.1, 10.3, 11.2, 11.3, 12.2, 12.3, 12.4, 12.5, 14.1, 18.1 and 18.2 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 - JULY 2019

247/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council receives and notes the Investment Report as at 31 July 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.2 APPROVAL TO WRITE OFF BAD DEBT - WATERVIEW RESTAURANTS GROUP PTY LTD (IN LIQUIDATION), FORMERLY OF 94 THE CORSO, MANLY NSW

248/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council approve the writing off of the outstanding debt for outdoor dining licence fees of \$37,067.72 (including GST) for Watervue Restaurants Group Pty Ltd (In Liquidation) as detailed in this report.

RESOLVED BY EXCEPTION

9.3 FUNDING ROLL OVER FROM 2018-19 BUDGET

249/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. Rolls over \$2,202,433 in operational projects from 2018-19 to 2019-20.
- B. Rolls over \$6,047,532 in capital projects from 2018-19 to 2019-20.
- C. Approves the forecast reduction of \$34,859 for operational projects expenditure for works undertaken in 2018-19 and budgeted in 2019-20.
- D. Approves the forecast reduction of \$810,769 in capital projects expenditure for works undertaken in 2018-19 and budgeted in 2019-20.

RESOLVED BY EXCEPTION

9.4 REVOCATION OF VARIOUS POLICIES OF FORMER COUNCILS

250/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council revoke the following policies:

- A. Interest Earned on Contributions Levied and Security Deposits Held
- B. Prosecutions - Withdrawal of Prosecutions
- C. Aged Services Policy
- D. Cultural Diversity Policy
- E. Youth Policy
- F. Warringah Public Spaces Design Guideline
- G. Guaranteeing and or Providing Loans to Community Organisations Policy.
- H. Liquor Licensing Applications Policy.

RESOLVED BY EXCEPTION

9.6 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 18 JUNE 2019

251/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee Meeting held on 18 June 2019.

RESOLVED BY EXCEPTION

10.1 NORTHERN BEACHES COUNCIL COMMUNITY LIBRARY FUNDING

252/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. In accordance with section 356 (1) of the Local Government Act 1993, approve the 2019/20 funding of \$115,107 to the Northern Beaches Community Libraries as follows:
 - a. Avalon Community Library - \$65,500
 - b. Balgowlah Seaforth Community Library - \$23,000
 - c. Booklovers' Club Northern Beaches Incorporated - \$1,607
 - d. Terrey Hills Community Library - \$25,000.
- B. Provide the funding once the previous year's grant acquittals are received.

RESOLVED BY EXCEPTION

10.3 MINUTES OF THE COMMUNITY SAFETY COMMITTEE HELD ON 13 JUNE 2019

253/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note the minutes of the Community Safety Committee meeting held on 13 June 2019.

RESOLVED BY EXCEPTION

11.2 ADOPTION OF THE INGLESIDE, ELANORA AND WARRIEWOOD OVERLAND FLOW FLOOD STUDY

254/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. Adopt the Ingleside, Elanora and Warriewood Overland Flow Flood Study (May 2019).
- B. Update the Planning Certificates for flood related development controls based on the property information in the Ingleside, Elanora and Warriewood Overland Flow Flood Study (May 2019).

RESOLVED BY EXCEPTION

11.3 ADOPTION OF THE NEWPORT FLOOD STUDY

255/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. Adopt the Newport Flood Study (July 2019)
- B. Update the Planning Certificates for flood related development controls based on property information in the Newport Flood Study (July 2019).

RESOLVED BY EXCEPTION

12.2 OUTCOME OF PUBLIC EXHIBITION OF THE ADOPTION OF AMENDMENTS TO WARRINGAH DEVELOPMENT CONTROL PLAN 2013 IN RELATION TO ADAPTABLE HOUSING

256/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. Note the outcomes of the public exhibition of the Adoption of Amendments to Warringah Development Control Plan 2013 in relation to adaptable housing.
- B. Adopt amendments to the Warringah Development Control Plan 2011 to require the provision of ten percent adaptable housing for new medium and high-density residential developments included in this report.

RESOLVED BY EXCEPTION

12.3 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS - SEPP 1

257/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council notes the development applications approved with variations to development standards during the period of 1 April 2019 to 30 June 2019.

RESOLVED BY EXCEPTION

**12.4 FIRE & RESCUE NSW INSPECTION REPORT - 202-204 HARBORD ROAD
BROOKVALE**

258/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. In accordance with the Environmental Planning and Assessment Act 1979, exercise its powers to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at No. 202-204 Harbord Road, Brookvale.
- B. Provide written notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

**12.5 FIRE & RESCUE NSW INSPECTION REPORT - 135 GRIFFITHS STREET,
BALGOWLAH**

259/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. In accordance with the Environmental Planning and Assessment Act 1979, exercise its powers to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at No.135 Griffiths Street, Balgowlah
- B. Provide written notice to Fire & Rescue NSW of this determination.

RESOLVED BY EXCEPTION

**14.1 QUARTERLY REPORT - STRONGER COMMUNITIES FUND AND NEW COUNCIL
IMPLEMENTATION FUND**

260/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council note the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending June 2019

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 15/2019 - RECOGNITION OF CHILDREN'S SERVICES - EXCEEDING THE NATIONAL QUALITY STANDARD

261/19 **RESOLVED**

Cr Regan

That Council again acknowledges the efforts of all the staff who work in our Children's Services area at all our Long Day Care Centres and Pre-schools and thank them for their part in this achievement.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY AND CHANGE TO ORDER OF BUSINESS

262/19 **RESOLVED**

Cr Regan / Cr Grattan

That:

- A. As a matter of urgency Council considers the matter of a confidential rescission motion, under section 10(A)(c) and (d)(i)) of the Local Government Act in relation to Council Resolution (241/19) - item 18.6 – RFT 2018/218 – Cleaning Services Council Buildings, adopted on 23 July 2019.
- B. This item be dealt with as the first item in the closed session of Council.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.5 COUNCILLOR EXPENSES AND FACILITIES POLICY - DRAFT FOR PUBLIC EXHIBITION

Cr Heins / Cr White

That:

- A. Council place on exhibition the draft Northern Beaches Council Councillor Expenses and Facilities Policy for a period of at least 28 days.
- B. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: Crs McTaggart and Sprott

AGAINST: Crs White, Daley, Philpott, Grattan, Amon, Bingham, Regan, Heins, De Luca, Ferguson, Walton and Warren

LOST

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.2 RESPONSE TO NOTICE OF MOTION NO 16/2019 - FUTURE USE OF COUNCIL CHAMBERS IN MANLY TOWN HALL

NOTE: Councillor Bingham declared a not significant non-pecuniary interest in this item.

263/19 **RESOLVED**

Cr Bingham / Cr Grattan

That:

- A. Council endorse the use of the Manly Town Hall Council chamber meeting rooms as publicly available community space for hire.
- B. The proposed Manly Town Hall meeting room fees and charges, together with the types of events and functions the rooms can be booked for, be placed on public exhibition for a minimum period of at least 28 days and be reported back to Council.
- C. Staff prepare terms and conditions for hiring out the meeting rooms on the basis that this is an interim, short-term use of these facilities.
- D. Council investigate how the security charges can be reduced to make the higher fees more affordable for community groups.

VOTING

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

AGAINST: Crs Daley, Sprott and Warren

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 SUPPORTING COMMUNITY SOLAR UPTAKE

264/19 **RESOLVED**

Cr Warren / Cr Regan

That Council:

- A. Pursue an ambitious target of 50% of suitable premises with solar panels installed by 2030.
- B. Note the main barriers to the installation of solar panels on residential dwellings are: perceived high costs and payback periods; concern around associated planning controls and policies; a lack of knowledge about the different systems and technologies; and a lack of confidence in solar power suppliers/installers.
- C. Note the Council activities proposed to accelerate the uptake of solar installations on residential properties include:
 - a. Aligning Council resources and tools such as our website, sustainability teams and our Environment Centres to provide a greater level of information and support to residents on increasing their solar uptake.
 - b. Actively promoting any State or Federal Government initiatives such as the interest free loans for solar installations.
 - c. Exploring innovative funding models that could reduce the cost barrier for our community.

VOTING

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

AGAINST: Cr Daley

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 OUTCOME OF PUBLIC EXHIBITION OF DRAFT NORTHERN BEACHES BUSH FIRE PRONE LAND MAP REVIEW

265/19 **RESOLVED**

Cr Regan / Cr Heins

That Council:

- A. Note the outcome of the public exhibition of the Draft Northern Beaches Bush Fire Prone Land Map Review.
- B. Approve the submission of the Final Draft Northern Beaches Bush Fire Prone Land Map to the Commissioner of the NSW Rural Fire Service for certification.

VOTING

FOR: Crs White, Daley, Philpott, Grattan, Bingham, McTaggart, Regan, Heins, Ferguson, Walton, Sprott and Warren

AGAINST: Crs Amon and De Luca

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 MANLY PARKING PERMIT SCHEME - REVIEW AND AUDIT

NOTE 1: Councillors Bingham and Sprott declared a not significant non-pecuniary interest in this item.

NOTE 2: Councillor Warren left the chamber at 8:01pm and returned at 8:04pm.

266/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

- A. Endorse the draft Northern Beaches Residential Parking Permit Framework for community engagement for a period of at least 28 days.
- B. Endorse the following schemes for community engagement:
 - a. Require the residents to demonstrate residential eligibility in line with the Northern Beaches Residential Parking Permit Framework, including registration details of each vehicle.
 - b. Require the resident to provide documentation to prove that the nominated address is their principal place of residence.
 - c. Implement the approved fees and charges – New Parking Permit Scheme – Manly.
 - d. Issue a maximum of two permits per rateable dwelling in each precinct area, and offer:
 - i. Visitor's Parking Permits (trial) – single day use and available in books of five and ten (based on period of residence) on a scratch and use basis.

- ii. Tradesperson Parking Permit – purchased on a needs basis by the week (or part thereof to a maximum of three weeks but not consecutive weeks).
 - iii. Carer's Parking Permits – assigned to the property for carers as defined by the NSW Carers (Recognition) Act 2010.
 - iv. Support Worker Parking Permit – assigned to registered Care Providers vehicles.
- C. Introduce the specified additional Permit Classes as described in the Northern Beaches Residential Parking Permit Framework, detailed below:
- a. Business Parking Permit – restricted to vehicles registered to the business and used for the primary activity of the business, subject to off-street space availability.
 - b. Car Share Parking Permit – floating permit to facilitate the uptake of Car Share as a mobility service.
- D. Work in partnership with the charitable / volunteer organisations to determine eligibility for permits and consider the issue of special use permits for these organisations.
- E. Prepare a report detailing the outcome of the engagement period and presenting the steps towards implementation in each of the precincts.
- F. Note that the draft framework does not limit the ability of residents living within any of the existing Manly Scheme areas to apply for parking permits on the basis of the amount of off-street parking they have and which are linked to the number of cars registered at that address.

VOTING

FOR: Unanimous

CARRIED

13.2 STATION BEACH DOG OFF-LEASH AREA PROPOSED TRIAL

NOTE 1: Councillor White declared a not significant non-pecuniary interest in this item.

NOTE 2: Councillor Grattan left the chamber at 8:05pm and returned at 8:06pm.

267/19 RESOLVED

Cr Ferguson / Cr McTaggart

That Council:

- A. Conduct a dog off-leash area trial at Station Beach, Palm Beach for 12 months as outlined in the agenda report.
- B. Delegate authority to the Chief Executive Officer to enter into a licence agreement with the Department of Industry, Lands and Water for the trial.
- C. Declare Station Beach an off-leash area, for the purpose of a trial, under section 13(6) of the Companion Animals Act 1998 subject to the granting of a licence with the Department of Industry, Lands and Water.
- D. Investigate other beach locations prior to appointing a permanent dog off-leash area at Station Beach.

VOTING

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

AGAINST: Crs Heins and Warren

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

268/19 **RESOLVED**

Cr McTaggart / Cr Regan

That the order of business be changed with items 15.3, 15.4, 15.5 and 13.4 be brought forward and dealt with immediately.

VOTING

FOR: Crs Daley, Philpott, Grattan, Bingham, McTaggart, Regan, Heins, De Luca, Ferguson, Spratt and Warren

AGAINST: Crs White, Amon and Walton

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 8:29pm and resumed at 8:40pm.

269/19 **RESOLVED**

Cr Regan / Cr White

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

VOTING

FOR: Unanimous

CARRIED

15.3 NOTICE OF MOTION NO 25/2019 - CALL FOR DEBATE ON NUCLEAR ENERGY

NOTE: The motion lapsed for want of a seconder.

Cr Daley

That Council write to the Federal Government regarding the following:

Northern Beaches Council calls on the Federal Government to start full consultation with the Australian community regarding the possible introduction of nuclear power, as a source of clean, reliable, and affordable energy into the future.

15.4 NOTICE OF MOTION NO 26/2019 - DECLARATION OF CLIMATE EMERGENCY

NOTE 1: Councillor Regan left the chamber at 9:03pm and Councillor Heins assumed the Chair.

NOTE 2: Councillor Regan returned to the chamber at 9:05pm and resumed the Chair.

PROCEDURAL MOTION - EXTENSION OF TIME

Cr Regan / Cr Sprott

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

VOTING

FOR: Crs White, Grattan, McTaggart, Regan, Ferguson and Sprott

AGAINST: Crs Daley, Philpott, Amon, Bingham, Heins, De Luca, Walton and Warren

LOST

PROCEDURAL MOTION - MOTION BE PUT

270/19 **RESOLVED**

Cr Sprott / Cr Ferguson

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

271/19 **RESOLVED**

Cr Warren / Cr McTaggart

That Council:

- A. Thank the Environment Strategic Reference Group for their ongoing focus on climate change action and their support in developing the draft Environment and Climate Change Strategy.
- B. Note that even with ambitious emissions reduction targets on the Northern Beaches, so much of what we need to achieve rests with other levels of government both within Australia and across the world.

- C. Join over 900 jurisdictions worldwide, including 35 Australian councils, and declare that we are in a state of climate emergency that requires immediate action by all levels of government.
- D. Brief Councillors within three months of what Council is doing currently and can do in future to accelerate action on climate change, including the action plans being developed under the Environment and Climate Change Strategy.
- E. Noting the NSW State Government's laudable target of net zero emissions by 2050, write to the NSW Environment Minister the Hon. Matt Kean and Premier the Hon. Gladys Berejiklian, as well as the relevant federal MPs and Prime Minister, to ask them to declare a Climate Emergency as a pathway to achieving this target.
- F. Inform our local state and federal MPs of this resolution and request that they continue to advocate for strong climate action at state and federal government level, and set up meetings with them to immediately identify opportunities for partnership.

VOTING

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

AGAINST: Crs Daley and Amon

CARRIED

15.5 NOTICE OF MOTION NO 27/2019 - HERITAGE LISTING OF IVANHOE PARK

272/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

- A. Review the existing Plan of Management for Ivanhoe Park.
- B. Prepare a Heritage Conservation Plan for Ivanhoe Park, under the Heritage Act.
- C. Prepare a masterplan for the improvement and embellishment of Ivanhoe Park.
- D. Prepare a report recommending a suitable location and wording for a plaque to be erected by Council to commemorate the listing of Ivanhoe Park on the NSW State Heritage Register.

VOTING

FOR: Unanimous

CARRIED

13.4 PUBLIC EXHIBITION FOR THE USE OF MCCARRS CREEK RESERVE BY CASTLE TRIBE INC.

273/19 **RESOLVED**

Cr Ferguson / Cr White

That:

- A. Council place the proposed use of McCarrs Creek Reserve by Castle Tribe Inc for a 12 month trial on public exhibition for a period of at least 28 days.
- B. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: Unanimous

CARRIED

13.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF CLONTARF RESERVE LANDSCAPE MASTERPLAN

NOTE : Councillors Daley, Grattan, Spratt and Walton declared a not significant non-pecuniary interest in this item.

274/19 **RESOLVED**

Cr Grattan / Cr Bingham

That Council:

- A. Adopt the Clontarf Reserve Landscape Masterplan.
- B. Investigate the reinstatement of a small accessible toilet to provide a child safe public amenity close to the playground and report back to Council.

VOTING

FOR: Unanimous

CARRIED

13.5 SURF LIFE SAVING CLUBS MINOR WORKS

275/19 **RESOLVED**

Cr Regan / Cr Ferguson

That Council note the allocation of \$606,000 from the existing Surf Life Saving Clubs' renewal budget to deliver minor building renewal projects for Bilgola, North Narrabeen, Warriewood, Dee Why, Freshwater and Queenscliff Surf Life Saving Clubs.

VOTING

FOR: Unanimous

CARRIED

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

14.2 PUBLIC EXHIBITION OF THE DRAFT MANLY WEST ESPLANADE HERITAGE ACTIVATION PLAN

NOTE : Councillor Warren left the chamber at 9:55pm and returned at 9:58pm.

276/19 RESOLVED

Cr Bingham / Cr Grattan

That:

- A. Figure 1 of the report by Royal Haskoning DHV, as part of the West Esplanade Heritage Activation Plan, be amended by adding the words to Source: *Designed by Maurice Patten, Architect, ©Patten Design.*
- B. Council place the amended Draft Manly West Esplanade Heritage Activation Plan on public exhibition for a period of at least 28 days.
- C. The outcomes of the public exhibition be reported to Council.

VOTING

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

AGAINST: Cr Daley

CARRIED

14.3 ADOPTION OF A NEW CATEGORY FOR FEE WAIVER/REDUCTION

277/19 RESOLVED

Cr Walton / Cr Heins

That:

- A. Council adopt the following additional category of fee hardship/discount in 2019/20:
Authority to vary, waive, reduce or determine various fees as detailed in Council's Schedule of Fees and Charges in those circumstances where the specified fee is unreasonable or inappropriate in exceptional circumstances and subject to all decisions and reasons being documented
- B. In accordance with section 377(1) of the Local Government Act 1993, this function be delegated to the Chief Executive Officer.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 23/2019 - FLYING THE TORRES STRAIT ISLAND AND ABORIGINAL FLAGS

278/19 **RESOLVED**

Cr White / Cr Ferguson

That Council:

- A. Routinely fly the Aboriginal and Torres Strait Island flags from the lit flagpoles in Manly, Dee Why and Mona Vale in addition to the National Flag. This would comply with current State Government protocols.
- B. Endeavour to fly the Torres Strait Island and Aboriginal Flags where practical to nearby flagpoles adjacent to National Aborigines and Islanders Day Observance Committee week events.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 24/2019 - UNITED ACTION TO STOP SUICIDE

NOTE 1: Councillor Philpott left the chamber at 10:06pm and returned at 10:09pm.

NOTE 2: Councillor Grattan left the chamber at 10:10pm and returned at 10:12pm.

279/19 **RESOLVED**

Cr Sprott / Cr De Luca

That Council:

- A. Sadly notes, suicide rates continue to rise on the Northern Beaches and in our sister city of Brewarrina.
- B. In an effort to provide meaningful assistance to our sister city, Brewarrina, requests Council staff furnish a report within the next three months:
 - a. Investigating Northern Beaches Council funding up to two Indigenous Leaders from Brewarrina and surrounds to attend next year's National Suicide Prevention Conference.
 - b. Investigating providing funding to enable the ASIST and safeTALK Program or an equivalent with an indigenous facilitator and trainer to be delivered in Brewarrina and surrounds.
 - c. Investigate providing financial assistance to training up two Indigenous leaders in suicide prevention from Brewarrina or surrounds in delivering suicide prevention, intervention and postvention assistance.
 - d. Investigate delivering per quarter the ASIST and safeTALK programs once per quarter on the Northern Beaches.

- C. Seeks to become a model for leadership in suicide prevention, develop innovative ways to support Northern Beaches residents to prevent suicide and that Council sign and Councillors be invited to sign the National Suicide Prevention Charter, with the aim to be signed on 10 September, 2019, being World Suicide Day.

VOTING

FOR: Unanimous

CARRIED

15.6 NOTICE OF MOTION NO 28/2019 - THE PIPELINE WALKWAY PROPOSAL

NOTE: Councillor Amon left the chamber at 10:25pm and returned at 10:29pm.

280/19 RESOLVED

Cr Sprott / Cr Heins

That Council:

- A. Acknowledge the preliminary work that staff have already done in developing and investigating the “pipeline” shared path and in support of that work.
- B. Actively pursues working with Sydney Water and any other relevant State Government agencies, to investigate the development of a shared path along the water pipeline running from Frenchs Forest past the new school site and aquatic centre (WAC) through to Beacon Hill.
- C. Actively investigates all possible grants to help with funding this project.
- D. Aims to have the project open before the new school is complete.
- E. Provide an update to Councillors on the discussion and progress of the pipeline walkway.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: Cr Ferguson left the chamber at 10:34pm.

NOTE 2: The open session of Council adjourned at 10:34pm.

281/19 **RESOLVED**

Cr Regan / Cr Heins

That:

A 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:

Matter of Urgent Nature - Rescission motion in relation to resolution of Council (241/19) Item 18.6 – RFT 2018/218 – ‘Cleaning Services Council Buildings’, adopted on 23 July 2019 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 and prejudice the commercial position of the person who supplied it [10A(2)(c) and (d(i)) Local Government Act 1993].

B 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: Crs White, Daley, Philpott, Grattan, Amon, Bingham, McTaggart, Regan, Heins, De Luca, Ferguson, Walton and Spratt

ABSENT: Cr Ferguson

CARRIED

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE: At 10:50pm the meeting resumed into open session of Council and the Chief Executive Officer reported that the following resolutions were passed in the closed session of Council.

18.1 RFT 2019/021 - CONSULTANCY SERVICES FOR COAST WALK SIGNAGE

282/19 **RESOLVED**

Cr Heins / Cr Ferguson

That:

A. Council accepts the tender of Aspect Studios for RFT 2019/021 – Consultancy Services for Coast Walk Signage for the sum of \$98,900 excluding GST.

B. 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

18.2 ALTERNATIVE PROCUREMENT - SAP EMPLOYEE CENTRAL PAYROLL AND SAP TIME & ATTENDANCE MANAGEMENT BY KRONOS LICENCES

283/19 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

- A. Exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the supply and maintenance of SAP Employee Central Payroll and SAP Time & Attendance Management by Kronos licenses. The proposed alternative procurement strategy is based on the following “extenuating circumstances”
- a. Existing investment in SAP Success Factors for performance management, learning management, recruitment & onboarding and central HR database
 - b. Provision of a single solution reducing the requirement to procure separate integration services
 - c. SAP Australia Pty Ltd are the only provider of SAP Time & Attendance Management by Kronos licenses
- B. Delegate authority to the Chief Executive Officer to negotiate contracts with SAP Australia Pty Ltd for the supply of SAP Employee Central Payroll and SAP Time & Attendance Management by Kronos licenses and if successful to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

MATTER OF URGENCY – NOTICE OF MOTION TO RESCIND A RESOLUTION

284/19 **RESOLVED**

Cr Spratt / Cr Heins

That Council’s Resolution 241/19 relating to confidential item 18.6 - RFT 2018/218 - Cleaning Services Council Buildings, passed at the Council meeting held on 23 July 2019 be rescinded:

“That:

- A. *Council accepts the tender of OITA Facilities Management for the initial annual amount of \$4,957,472.81 (ex GST) p.a. subject to adjustment by labour award rates and consumer price index, for an initial period of three years with the option to extend for addition periods up to a maximum of two additional years subject to satisfactory continuing performance.*
- B. *Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.*
- C. *The Chief Executive Officer be delegated authority to exercise Council’s options to extend the contract term.”*

VOTING

FOR: Unanimous

CARRIED

The rescission motion was CARRIED and the following notice of motion was put to Council

NOTICE OF MOTION NO 30/2019

285/19 **RESOLVED**

Cr Grattan / Cr Heins

That:

- A. Council in accordance with clause 178 (3)(b) of the *Local Government (General) Regulation 2005*, decline to accept any of the tenders for RFT 2018/218 - Cleaning Services Council Buildings and invite, in accordance with clause 167, fresh tenders based on the same or different details
- B. Council enter into a contract or contracts for the interim provision of cleaning services for Council buildings for a period up to 30 September 2020 with one or more of Council's current service providers (being Quad Services Pty Ltd, AFMR Pty Ltd, Quayclean Australia Pty Ltd, Woodmill Australia Pty Ltd, Enviro LCS Pty Ltd and Facilities First Australia Pty Ltd.
- C. Council 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 contract/s referred to at B because of extenuating circumstances by reason of the following:
 - a) Council has sought the provision of services through RFT 2018/218 - Cleaning Services Council Buildings but has declined to accept any tenders and will invite fresh tenders.
 - b) pending the conclusion of the fresh tender process referred to at a), Council has an immediate and critical need to take the necessary steps to ensure ongoing services to clean Council buildings
 - c) the service providers referred to at B have the experience, expertise and equipment to satisfy Council's requirements for the interim period
 - d) until the fresh tender process referred to at a) is concluded and a new contract for 'Cleaning Services Council Buildings' is established, it is appropriate for Council to enter into interim contract/s to ensure the ongoing provision of services.
- D. Council authorises the Chief Executive Officer to do all things necessary to give effect to this resolution including to enter into negotiations with one or more of the current service providers (being Quad Services Pty Ltd, AFMR Pty Ltd, Quayclean Australia Pty Ltd, Woodmill Australia Pty Ltd, Enviro LCS Pty Ltd and Facilities First Australia Pty Ltd) for the interim provision of cleaning services for Council buildings for a period up to 30 September 2020 and to execute all necessary documentation including contract/s.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 10:51pm

This is the final page of the minutes comprising 26 pages
numbered 1 to 26 of the Ordinary Council Meeting
held on Tuesday 27 August 2019 and confirmed on Tuesday 24 September 2019

Mayor

Chief Executive Officer