



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 25 AUGUST 2020

**Minutes of an Ordinary Council Meeting
held on Tuesday 25 August 2020
at the Civic Centre, Dee Why
Commencing at 6:02pm**

ATTENDANCE:

Councillors

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

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
Melissa Messina	A/Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Jorde Frangoples	Director Transport and Assets
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Sonya Gallery	Executive Manager Governance and Risk
Yianni Mentis	Executive Manager Environment and Climate Change
Peter Robinson	Executive Manager Development Assessment
Sarah Dunstan	Manager Governance
Ximena Von Oven	Governance Officer
Sylwia Stafford	Information Management Technology Officer

Notes

The meeting commenced at 6.02pm, moved into closed session at 7.20pm, resumed in open session at 8.25pm and concluded at 8.26pm.

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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

APOLOGIES AND LEAVE OF ABSENCE

195/20 RESOLVED

Cr Regan / Cr Bingham

That:

1. Apologies from Councillor Sprott be received.
2. Councillor Daley be granted a leave of absence for the Council meetings of 25 August 2020, 29 September 2020 and 27 October 2020.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 JULY 2020

196/20 RESOLVED

Cr Ferguson / Cr Harrison

That the Minutes of the ordinary Council Meeting held 28 July 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

Councillor McTaggart declared a non-pecuniary not significant interest in Item 13.5 Warriewood Valley Community Centre – Community Engagement. Councillor McTaggart chose to take part in the voting and discussion of this item. The reason provided by Councillor McTaggart was:

“ I am a member of the Peninsula Bridge Club which is a prospective tenant in the new Warriewood Community Centre.”

Councillor Ferguson declared a non pecuniary not significant interest in item 15.4 Notice of Motion No 37/2020 – Trial Shuttle Bus Palm Beach and Whale Beach. Councillor Ferguson chose to take part in the voting and discussion of this item. The reason provided by Councillor Ferguson was:

“ I am a director at Easylink Community Transport”.

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

Ann Byrne addressed Council in relation to the Manly Library children’s area.

5.2 PUBLIC ADDRESS

Item 13.5 – Warriewood Valley Community Centre – Community Engagement – David Farmer addressed Council speaking in support of this item.

Item 15.4 – Notice of Motion No 37/2020 – Trial Shuttle Bus Palm Beach and Whale Beach – Martin McCallum addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

197/20 RESOLVED

Cr Ferguson / Cr Grattan

That items 9.1, 9.2, 9.3, 11.1, 11.2 and 14.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.1 FUNDING ROLL OVER FROM 2019-20 BUDGET

198/20 RESOLVED

Cr Ferguson / Cr Grattan

That Council:

1. Rolls over \$1,905,996 in operational project expenditure and associated funding from 2019-20 to 2020-21.
2. Rolls over \$11,292,150 in capital project expenditure and associated funding from 2019-20 to 2020-21.
3. Approves the forecast reduction of \$77,324 for operational projects expenditure and associated funding for works undertaken in 2019-20 and budgeted in 2020-21.

4. Approves the forecast reduction of \$1,333,483 in capital projects expenditure and associated funding for works undertaken in 2019-20 and budgeted in 2020-21.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - JULY 2020

199/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council receives and notes the Investment Report as at 31 July 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 DRAFT FOR PUBLIC EXHIBITION - ENTERPRISE RISK AND OPPORTUNITY MANAGEMENT POLICY (REVIEW)

200/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council place the reviewed Enterprise Risk and Opportunity Management Policy on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

11.1 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE WATER MANAGEMENT FOR DEVELOPMENT POLICY AND ASSOCIATED DEVELOPMENT CONTROL PLAN AMENDMENTS

201/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council adopt the Water Management for Development Policy.
2. Council adopt amendments to the Pittwater Development Control Plan 2014, Manly Development Control Plan 2013 and Warringah Development Control Plan 2011.
3. A notice of the commencement of the DCP amendments is published in accordance with clause 21(2) Environmental Planning and Assessment Regulation 2000.
4. The following policies are rescinded:
 - A. Stormwater Control Policy S190 (former Manly)
 - B. Drainage Easements – Construction over Drainage Easements D100 (former Manly)
 - C. Integrated Water Cycle Management No194 (former Pittwater)

- D. Greywater Reuse in Sewered and Unsewered Domestic Premises No156 (former Pittwater)
- E. Water Management Policy PL850 (former Warringah)
- F. Flood Risk Management Policy (Northern Beaches Council)

RESOLVED BY EXCEPTION

11.2 RESPONSE TO NOTICE OF MOTION NO 44/2019 – ZERO WASTE TO OUR WATERWAYS

NOTE: On behalf of Councillor Sprott, Councillor Warren thanked staff for their work on the Zero Waste to Ocean Charter.

202/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That:

1. Council thanks the Environment Strategic Reference Group for their contributions in the development of the Zero Waste to Ocean Charter.
2. Council adopts the Zero Waste to Ocean Charter.
3. Staff write to all Councils encouraging them to develop their own charter to improve our shared waterways.

RESOLVED BY EXCEPTION

14.1 STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND - QUARTERLY REPORT JUNE 2020

203/20 **RESOLVED**

Cr Ferguson / Cr Grattan

That Council notes the Stronger Communities Fund and New Council Implementation Fund report for the quarter ending June 2020.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 05/2020 - FURTHER RECOGNITION - LOCAL GOVERNMENT WEEK AWARDS

204/20 **RESOLVED**

Cr Regan

That Council:

1. Formally acknowledge the outstanding achievements at the 2020 LGNSW Local Government Week Awards including:
 - A. The Innovation in Special Events for the Taste of Manly event.
 - B. The Outstanding Individual Contribution Award presented to Ms Julie Steele.
2. Congratulate all staff involved in delivering the Highly Commended Public Library Artist Book Award Event and the Arts & Creativity Strategy.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 06/2020 - ONLINE ACCESS TO COUNCILLOR DISCLOSURE INFORMATION

205/20 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the progress of staff and the impending changes to the way our relevant Disclosure of Interest returns will be made available to the Public.
2. Note that as advised by staff, Disclosure of Interest returns are currently made available for the public to view.
3. Adopt a more transparent model in line with World's best practice and publish under our councillor profiles on the Council website, the following information:
 - A. Disclosure of Interest returns.
 - B. Register of gifts or hospitality.
 - C. Councillor expenses.
4. Council write to the Premier and Minister for Local Government noting that Councillors are the only elected representatives and public officials in NSW that are required to have their home address and personal details disclosed on the internet.
5. Calls on the Parliament to review the legislation to ensure the safety and security of councillors and staff.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.4 AMENDMENT TO NORTHERN BEACHES COUNCIL ORDINARY MEETING SCHEDULE

Cr Bingham / Cr Regan

That the ordinary Council meeting scheduled for Tuesday 29 September 2020 be rescheduled to Tuesday 22 September 2020.

VOTING

FOR: Nil

AGAINST: Unanimous

LOST

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETING, 25 JUNE 2020

206/20 **RESOLVED**

Cr Ferguson / Cr Regan

That Council note the minutes of the Community Safety Committee meeting held on 25 June 2020.

VOTING

FOR: Unanimous

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 PROPOSED NAMING OF THE LANDING AT OBSERVATION POINT ON THE PALM BEACH WALKWAY TO HERMINIE'S LANDING

207/20 **RESOLVED**

Cr Ferguson / Cr McTaggart

That:

1. Council place the proposal to name the landing on the Palm Beach Walkway, 'Herminie's Landing' on public exhibition for 28 days inviting comment.
2. Staff report back to Council following the closing of the public exhibition period.

VOTING

FOR: Unanimous

CARRIED

**13.3 MONA VALE POLICE STATION - REPORT BACK TO COUNCIL FOLLOWING
MAYORAL MINUTE NO 25/2019**

208/20 **RESOLVED**

Cr Regan / Cr Ferguson

That:

1. No further action be taken by Council on any suggested community/affordable housing proposal at the current Mona Vale Police Station site on the corner of Pittwater Road and Turimetta Street Mona Vale while the site is not surplus to NSW Police's future requirements or under its current zoning.
2. A further report on this site be submitted to Council if the status of this property changes in the future, with a view to Council expressing an interest in this site for a potential community use.

VOTING

FOR: Unanimous

CARRIED

13.4 RESPONSE TO NOTICE OF MOTION 56/2019 - THE DUNNY DOOR CAMPAIGN

209/20 **RESOLVED**

Cr De Luca / Cr Harrison

That Council implement the Dunny Door Campaign across the Council area and implement the 1800RESPECT sticker where appropriate.

VOTING

FOR: Unanimous

CARRIED

13.5 WARRIEWOOD VALLEY COMMUNITY CENTRE – COMMUNITY ENGAGEMENT

210/20 **RESOLVED**

Cr Ferguson / Cr Heins

That:

1. Council endorse progressing to broader community engagement, including public exhibition, on the concept design for Warriewood Valley Community Centre for a period of 30 days.
2. The outcome of the community engagement and recommended resilience measures for the Warriewood Valley Community Centre be reported to Council in October 2020.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 34/2020 - PECUNIARY INTERESTS REGISTER

NOTE: With the agreement of the Council, Councillor Amon withdrew this item.

15.2 NOTICE OF MOTION NO 35/2020 - LINCOLN AVE, COLLAROY PLATEAU

NOTE: With the agreement of the Council, Councillor Amon withdrew this item.

15.3 NOTICE OF MOTION NO 36/2020 - MANLY TOWN HALL

211/20 **RESOLVED**

Cr Bingham / Cr Grattan

That Council commence the process for the adaptive re-use of the Manly Town Hall building.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 37/2020 - TRIAL SHUTTLE BUS PALM BEACH AND WHALE BEACH

FF212/20 **RESOLVED**

Cr McTaggart / Cr Amon

That:

1. Council investigate costs and benefits, feasibility and alternative operating models for a Hop On Hop Off style mini bus to improve public transport over the summer period at Palm Beach and Whale Beach.
2. An indicative period of Boxing Day 2020 to Australia Day 2021 [4 weeks].
3. An indicative time period 9am to 6pm.
4. The loop to include Whale Beach, Governor Phillip Park and Avalon.
5. Staff to investigate Federal and State funding grants available for this initiative.
6. A report back to council for the October 2020 meeting.
7. The report and investigation include an analysis of what would be required to make the mini bus service cost neutral, with reference to current Covid-19 social distancing restrictions being in place and with reference to such restrictions not being in place.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

213/20 **RESOLVED**

Cr Ferguson / Cr White

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 Renewable Electricity Procurement 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 renewable electricity that may be the subject of a tender in the future. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information may provide a competitive advantage to certain companies over others.

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****20.0 REPORT OF CONFIDENTIAL RESOLUTIONS****18.1 RENEWABLE ELECTRICITY PROCUREMENT**214/20 **RESOLVED****Cr Warren / Cr Regan**

That:

1. Council notes that savings realised from the 2020 small and large sites electricity contracts will be used to purchase renewable energy certificates equal to 30% of Council's electricity use for the period covering the 2020 calendar year.
2. Staff undertake appropriate procurement to:
 - A. Source renewable electricity via a Power Purchase Agreement (PPA) for up to ten years to commence as soon as practicable in 2021
 - B. Source Large-scale Generation Certificates (LGCs) for 100% of Council's electricity load, to achieve the renewable electricity commitment, for the same term as the PPA
3. Authority is delegated to the Chief Executive Officer to accept the outcome of the tender and to execute contracts for a PPA and LGCs for up to ten years to commence as soon as practicable after 31 December 2020.
4. Staff ensure that appropriate arrangements are in place for continuous electricity supply within existing budgets until a Power Purchase Agreement commences.
5. Staff report the outcomes of the tender process to the first available Council meeting including contract pricing and any impacts to the long-term financial plan.

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

AMENDMENT

Cr Amon / Cr Walton

That the item is deferred for a Councillor Briefing.

VOTING

FOR: Cr Amon, Cr De Luca and Cr Walton

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

LOST

PROCEDURAL MOTION

215/20 **RESOLVED**

Cr Ferguson / Cr Heins

That the meeting resumes in open session.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 8:26pm

This is the final page of the minutes comprising 14 pages
numbered 1 to 14 of the Ordinary Council Meeting
held on Tuesday 25 August 2020 and confirmed on Tuesday 29 September 2020

Mayor

Chief Executive Officer