



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

TUESDAY 28 APRIL 2020

**Minutes of an Ordinary Meeting of Council
held on Tuesday 28 April 2020
Commencing at 6:00pm**

ATTENDANCE (by remote audio visual link):

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
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
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Caroline Foley	Executive Manager Financial Planning and Systems
Sonya Gallery	Executive Manager Governance and Risk
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance

Notes

The meeting commenced at 6:00pm, adjourned at 7:58pm, resumed at 8:08pm and concluded at 9:39pm.

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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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 MARCH 2020

075/20 RESOLVED

Cr Ferguson / Cr Harrison

That the Minutes of the ordinary Council meeting held 24 March 2020, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSTAIN: Cr McTaggart

CARRIED

4.0 DISCLOSURES OF INTEREST

Nil

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: Due to social distancing requirements imposed by the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW), all accepted Council addresses were read to the meeting by a member of staff.

5.1 PUBLIC FORUM

- Gayleen Raubal addressed Council in relation to the height restrictions for future developments on the scenic walkway.
- Margaret Hogge addressed Council in regard to the Council's Smoke Free Zones Policy.

5.2 PUBLIC ADDRESS

- **Item 8.1 - Public Exhibition of the Draft Delivery Program 2020-2024, Operational Plan and Budget 2020/21 and Forecast Financial Impact of COVID-19 Pandemic** - Timothy Dodd addressed Council speaking against this item.
- **Item 12.2 - Outcome of Public Exhibition and Adoption of the Planning Proposal and Amendment to Warringah Development Control Plan - Manly Creek Riparian Lands in the Vicinity of Mermaid Pool** - Malcolm Fisher addressed Council speaking in support of this item.
- **Item 14.1 - Notice of Motion No 08/2020 - Wakehurst Parkway and Mona Vale Road** - Miranda Korzy addressed Council speaking in support of this item.
- **Item 14.8 - Notice of Motion No 19/2020 - Rate Reductions and Staff Response to COVID-19** - Bruce Kitson addressed Council speaking against this item.
- **Item 14.9 - Notice of Motion No 20/2020 - Financial Response to COVID-19 Pandemic Impacts** - Terrance Le Roux addressed Council speaking against this item.
- **Item 14.10 - Notice of Motion No 21/2020 - Arts and Culture Events** - Samuel Wilkins and John Pearson addressed Council speaking in support of this item.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

076/20 RESOLVED

Cr Bingham / Cr Regan

That as items 14.8 and 14.9 Notices of Motion 19/2020 and 20/2020 respectively are relevant to the draft budget, these items be moved forward for debate before item 8.1 - Draft Delivery Plan 2020-2024, Operational Plan and Budget 2020/21 and Forecast Financial Impact for COVID-19 Pandemic.

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 Warren and Cr Regan

AGAINST: Cr Daley and Cr Harrison

CARRIED

6.0 ITEMS RESOLVED BY EXCEPTION

077/20 RESOLVED

Cr Grattan / Cr Harrison

That items 9.1 and 12.2 are dealt with by exception with the recommendations of the Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.1 MONTHLY INVESTMENT REPORT - MARCH 2020

078/20 **RESOLVED**

Cr Grattan / Cr Harrison

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

RESOLVED BY EXCEPTION

12.2 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE PLANNING PROPOSAL AND AMENDMENT TO WARRINGAH DEVELOPMENT CONTROL PLAN - MANLY CREEK RIPARIAN LANDS IN THE VICINITY OF MERMAID POOL

079/20 **RESOLVED**

Cr Grattan / Cr Harrison

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning, Industry and Environment for finalisation to amend Warringah Local Environmental Plan 2011 to rezone the following parcels of land from 'Low Density (R2)' to 'Public Recreation (RE1)' and to remove building height and minimum allotment size controls from those parcels:
 - Lot 7370 DP1165551 being land adjoining 102 King Street, Manly Vale
 - Lot 7369 DP1165551 Wandella Road, Allambie, south of Jenna Close
 - Lot 7371 DP1165577, Allambie, south of Blamey Street
 - Part unmade road at the southern end of Wandella Road, King Street, Manly Vale.
2. Adopt the amendments to Warringah Development Control Plan 2011.
3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of notification of the amendment to Warringah Local Environmental Plan 2011.
4. Advise those persons who made submissions to the public exhibition of Council's decision.

RESOLVED BY EXCEPTION

14.8 NOTICE OF MOTION NO 19/2020 - RATE REDUCTIONS AND STAFF – RESPONSE TO COVID-19**PROCEDURAL MOTION - MOTION BE PUT****080/20 RESOLVED*****Cr Harrison / Cr Bingham***

That the motion be now put.

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 Warren**AGAINST:** Cr Daley and Cr Regan**CARRIED****MOTION*****Cr De Luca / Cr Daley***

That Council:

1. Notes:
 - A. A number of businesses on the Northern Beaches have had to close and people have lost their jobs due to the restrictions announced by the Federal Government because of the Corona virus.
 - B. Many people on the Northern Beaches are suffering severe financial and mental health hardship.
 - C. Northern Beaches Council has increased its rates each year since amalgamation.
 - D. Northern Beaches Council has increased its bureaucracy significantly since amalgamation with doubling its Directors from three to six as well as increasing the number of Executive General Managers.
 - E. Several other Councils have already sought to cut rates and introduce cost cutting measures within their respective Council so as to facilitate rate reductions and increase services to the community during this challenging time.
2. Resolves to:
 - A. Request the Chief Executive Officer furnish a report to the next meeting of Council on:
 - i. The viability of cutting rates by at least 25% for the next year.
 - ii. Cost cutting measures able to be implemented in relation to Council staff and non essential capital works in order to save rate payers' money.

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

14.9 NOTICE OF MOTION NO 20/2020 - FINANCIAL RESPONSE TO COVID-19 PANDEMIC IMPACTS

NOTE 1: Councillor Harrison left the meeting at 7:25pm and returned at 7:26pm.

NOTE 2: Councillor Daley left the meeting at 7:31pm and returned at 7:34pm.

NOTE 3: Councillor Bingham left the meeting at 7:33pm and returned at 7:35pm.

NOTE 4: Councillor Ferguson left the meeting at 7:37pm and returned at 7:39pm.

NOTE 5: Councillor Amon left the meeting at 7:39pm and returned at 7:40pm.

NOTE 6: Councillor Heins left the meeting at 7:39pm and returned at 7:42pm.

NOTE 7: Councillor Sprott left the meeting at 7:40pm and returned at 7:41pm.

NOTE 8: Councillor Amon left the meeting at 7:42pm and returned at 7:43pm.

NOTE 9: Councillor Amon left the meeting at 7:44pm and returned at 7:45pm.

PROCEDURAL MOTION - MOTION BE PUT

081/20 **RESOLVED**

Cr Harrison / Cr Ferguson

That the motion be now put.

VOTING

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

AGAINST: Cr Daley, Cr De Luca, Cr Sprott and Cr Regan

CARRIED**MOTION**

Cr Amon / Cr Walton

That:

1. Councillor and Mayoral fees for the 2020/21 financial year be reduced 20% from the 2019/20 level, being reduced to \$24,328 and \$70,880 respectively, subject to any determination of the Local Government Remuneration Tribunal, saving nearly \$500,000 per term of Council.
2. There be no increase in rates, all user fees and charges, including waste charges, for the 2020/21 financial year, saving ratepayers over \$6,000,000 per year.
3. Councillors support a wage cut of 10% from 2019/20 levels for Council Executive at Director and Chief Executive Officer level for the duration of the COVID-19 pandemic, saving about \$250,000 per year.
4. There be a 50% reduction in the small fleet vehicle budget for the 2020/21 financial year and a ban on the purchase of luxury vehicles such as Jaguars and Teslas, saving about \$1,500,000 per year.

5. Pursuant to the Local Government Act 1993, Northern Beaches Council hold a constitutional referendum at the next Council election seeking the community's view on changing the number of Councillors to ten, being two Councillors per Ward, saving up to over \$1,000,000 per term of Council in reduced Councillor Fees and Benefits.
6. The Chief Executive Officer direct each Executive Manager to prepare a report for consideration by Councillors at the May 2020 Council meeting outlining (in order) their top five measures to reduce their operational expenditure (not previously forecast Capital Expenditure of about \$111,000,000 for 2020/21) budget by 2%, saving about \$4,000,000 per year.

VOTING

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

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

LOST**PROCEDURAL MOTION - ADJOURN THE MEETING**

NOTE: The meeting adjourned at 7:58pm and reconvened at 8:08pm.

081/20 RESOLVED***Cr Harrison / Cr Ferguson***

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

VOTING

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

AGAINST: Cr Amon, Cr De Luca and Cr Regan

CARRIED**8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS****8.1 PUBLIC EXHIBITION OF THE DRAFT DELIVERY PROGRAM 2020-2024, OPERATIONAL PLAN AND BUDGET 2020/21 AND FORECAST FINANCIAL IMPACT OF COVID-19 PANDEMIC**

NOTE 1: Councillor Amon left the meeting at 8:13pm and returned at 8:16pm.

NOTE 2: Councillor McTaggart left the meeting at 8:25pm and returned at 8:26pm.

NOTE 3: Councillor Sprott left the meeting at 8:29pm and returned at 8:30pm.

NOTE 4: Councillor Amon left the meeting at 8:41pm and returned at 8:59pm.

PROCEDURAL MOTION - MOTION BE PUT082/20 **RESOLVED****Cr Harrison / Cr Ferguson**

That the motion be now put.

VOTING**FOR:** Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr Bingham, Cr Ferguson, Cr Walton, Cr Harrison, Cr Warren and Cr Regan**AGAINST:** Cr McTaggart, Cr De Luca and Cr Sprott**CARRIED**083/20 **RESOLVED****Cr Grattan / Cr Warren**

That Council:

1. Notes the draft Delivery Program 2020-2024 and Operational Plan 2020/21, incorporates adjustments for supporting our community and economy during the COVID pandemic including:
 - A. \$4.3 million in financial assistance to all ratepayers through a subsidy under Section 356 of the Local Government Act 1993 of the equivalent of 50% of the 2020/21 increase in rates and domestic waste charges.
 - B. \$0.7 million to defer changes to fees and other charges to 1 October 2020.
 - C. deferring the due date of the 2020/21 first instalment rates notice from 31 August to 30 September 2020.
2. Place the draft Delivery Program 2020-2024 and Operational Plan 2020/21 (including the Budget, Fees and Charges and rates and domestic waste charges s356 subsidy proposal) on public exhibition for a minimum of 28 days and a report on the outcomes of the public exhibition be presented back to Council.
3. Where an existing Council lessee/licensee/occupier can provide evidence with supporting documentation that they are experiencing financial hardship and cannot make payments to Council as a result of Government regulation to manage the spread of COVID-19, Council's Chief Executive Officer be given authority and discretion to:
 - A. Waive, discount or defer annual rentals/fees for up to six months, commencing with a three month waiver, discount or deferral, that is subject to change in the event that government assistance is provided or changes are made to the government enforced closure rules.
 - B. Extend, by agreement, any existing lease/licence/occupancy agreement of a current Council lessee/licensee/occupier by six months where an existing agreement was due to expire within the next 18 months from the date of this resolution.
 - C. Enter into a direct arrangement (rather than invite tenders where required) for the extension of any agreement outlined in item B above in accordance with Section 55(3)(i) of the Local Government Act 1993 due to the extenuating circumstances as a result of the COVID-19 Pandemic.
4. Establish two new internally restricted reserves for 'plant and fleet replacement' and 'Kimbriki landfill remediation'.
5. Note the 2019/20 financial impact forecast of responding to the COVID-19 pandemic.

6. Applies to the Commonwealth Bank of Australia for an overdraft increase to an amount of \$5 million for a period of 12 months.
7. Note Councillors are invited to participate in the Workplace Giving Program, an initiative of Council staff to financially support local charities during the COVID-19 pandemic, with the option to contribute to one of ten charities operating on the Northern Beaches by either donating an amount equal to an increase in Councillor fees, or by the nomination of a discretionary amount.
8. Note Councillors acknowledge the outstanding work and commitment of the Chief Executive Officer and the Executive Team, and all members of staff, during recent events of extraordinary drought, bushfires, severe storms and now the COVID-19 pandemic.
9. Delegates authority to the Chief Executive Officer to do all things necessary in order to give effect to this resolution.
10. Note the announcement by the Minister for Local Government regarding the NSW Government's \$395 million economic stimulus package for councils and that:
 - A. Council make all necessary investigations and do all things to obtain maximum benefit from the package.
 - B. Council staff make any amendments to the draft Delivery Program to reflect any benefit to be obtained from the package.
11. Thank the Minister for Local Government for the State Government's efforts toward and contribution to supporting local councils at this time.

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

CARRIED

AMENDMENT

Cr De Luca / Cr Daley

1. That this Council notes:
 - A. The Minister for Local Government, The Hon Shelley Hancock MP's recent announcement of a \$395 million economic stimulus package that safeguards councils during COVID-19, particularly:
 - i. The comprehensive \$395 million local government economic stimulus package will reduce the significant impacts of the COVID-19 pandemic on local councils across the State.
 - ii. Provides:
 - A \$112.5 million Council Job Retention Allowance of \$1,500 per fortnight per employee for three months to limit job losses in the NSW local government sector.
 - The NSW Government will fully fund the \$32.76 million increase in the emergency services levy for all NSW councils for 2020-21.
 - The local government economic stimulus package will also make it easier for local councils to secure low-interest, safe and secure infrastructure loans from TCorp.

- Increasing the local government lending facility by a further \$250 million to \$1.35 billion so even more councils and communities can benefit.
- Increasing the local government lending facility by a further \$250 million to \$1.35 billion so even more councils and communities can benefit.
- TCorp will also consider deferring principal and interest payments on council loans upon request for the next six months.
- This package builds on the NSW Government's \$82 million to support 260 council-run childcare centres and \$25 million for local councils to rebuild and refurbish local showgrounds, bringing our total support for the local government sector to over half a billion dollars.

- B. Council's Resolution 2019/20 replicated hereunder pertaining to automatic pay rises for the Mayor and Councillors at the maximum level for the rest of the Council term:

"Cr Warren / Cr Bingham

That Council:

B. Pursuant to section 248 of the Local Government Act 1993, fixes the fees payable monthly in arrears to the Mayor and Councillors for the 2019/2020 year and for the term of the current Council, at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.

Voting

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

AGAINST: Cr Amon, De Luca, Ferguson and Walton

ABSTAINED: Cr McTaggart

CARRIED"

2. That this Council resolves to:

- A. Defer Item 8.1 Draft Delivery Program, Operational Plan, Budget and forecast financial impact of COVID-19 Pandemic to the next meeting of Council or an Extraordinary meeting deemed appropriate by the Chief Executive Officer, in order for the Chief Executive Officer and staff to properly and comprehensively consider the State Government's \$395 million economic stimulus package that safeguards councils during COVID-19.
- B. Calls upon Mayor Michael Regan and those Councillors that voted in favour: Bingham, Grattan, Harrison, Heins, Philpott, Warren and White to rescind their Resolution: "Pursuant to section 248 of the Local Government Act 1993, fixes the fees payable monthly in arrears to the Mayor and Councillors for the 2019/2020 year and for the term of the current Council, at the relevant maximum amounts determined by the Local Government Remuneration Tribunal" to prevent automatic salary/fee increases at the maximum for the rest of the current Council term.

VOTING

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

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

LOST

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 PLANNING PROPOSAL FOR FRESHWATER VILLAGE CARPARK

084/20 **RESOLVED**

Cr Heins / Cr Ferguson

That Council:

1. Endorse the recommendation of the Independent Public Hearing Report prepared by Parkland Planners on the Reclassification of the Oliver Street and Lawrence Street Carparks, Freshwater from 'Community Land' to 'Operational Land' under the Local Government Act 1993.
2. Submit the Planning Proposal to the Department of Planning, Infrastructure and Environment, for the Minister of Planning or his delegate to finalise the amendment of the Warringah Local Environmental Plan 2011 to reclassify Council owned land parcels in Oliver Street and Lawrence Street carparks, Freshwater, from 'Community' to 'Operational Land' under the Local Government Act 1993; rezone the carparks from RE1 Public Recreation to SP2 Infrastructure (Carpark); and adopt a three metre maximum building height control over the land.

VOTING

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

AGAINST: Cr Amon, Cr De Luca and Cr Sprott

CARRIED

PROCEDURAL MOTION - DEFERMENT OF ITEMS

085/20 **RESOLVED**

Cr Harrison / Cr Regan

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

VOTING

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

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

CARRIED

The meeting concluded at 9:39pm

This is the final page of the minutes comprising 13 pages
numbered 1 to 13 of the Ordinary Council Meeting
held on Tuesday 28 April 2020 and confirmed on Tuesday 26 May 2020

Mayor

Chief Executive Officer