



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 SEPTEMBER 2019

**Minutes of an Ordinary Meeting of Council
held on Tuesday 24 September 2019
at the Civic Centre, Dee Why
Commencing at 6:02pm**

ATTENDANCE:

Councillors

Michael Regan (*Mayor*)
Sue Heins (*Outgoing Deputy Mayor*)
Candy Bingham (*Incoming Deputy Mayor*)
Rory Amon
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren (*arrived at 6:11pm*)
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
David Walsh	Chief Financial Officer
Kath McKenzie	Executive Manager Community and Engagement
Jeremy Smith	Acting Executive Manager Parks and Recreation
Andrew Pigott	Executive Manager Strategic and Place Planning
Jacqueline Groves	Manager Environment Resilience and Climate Change
Sonya Gallery	Executive Manager Governance and Risk
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance
Katie Kirwan	Governance Officer
Tamara Lukic	Governance Officer
Brendan Shaw	Information Management Technology Officer
Michael Meadows	Information Management Technology Officer

Notes

The meeting commenced at 6:02pm, adjourned at 8:12pm, resumed at 8:22pm 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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 AUGUST 2019

287/19 RESOLVED

Cr Bingham / Cr White

That the Minutes of the Ordinary Council Meeting held 27 August 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 Amon, Bingham, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton and White

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

4.1 Councillor Grattan declared a pecuniary interest in relation to Item 8.2 Northern Beaches Council Discretionary Fund – Quarterly Report. Councillor Grattan chose to take no part in the discussion or voting on this item. The reason provided by Councillor Grattan was:

“My children dance at the dance school who received a grant. Whilst my kids are attending the US tour, I received no costume subsidy, unlike other families. I paid in full and received no benefit.”

4.2 Councillor Regan declared a significant non-pecuniary interest in relation to item 12.4 - Interim Heritage Order - 21 Whistler Street, Manly. Councillor Regan chose to 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.”

4.3 Councillor De Luca declared a less than significant non-pecuniary interest in relation to Item 13.5 – Adoption of amendments to the Ocean Beaches Plan of Management (Avalon Netball Courts. Councillor De Luca chose to take part in the discussion and voting on this item. The reason provided by Councillor De Luca was:

“[I am a] voluntary Director of NSW Netball Association. I do not hold any position in the netball clubs that will use these courts, ie Peninsula Netball Club Inc and Newport Breakers Netball Club Inc. My impartiality is not compromised.”

- 4.4 Councillor Heins declared a significant non-pecuniary interest in relation to Item 15.4 - Notice of Motion No 34/2019 - Protection of Little Penguins. Councillor Heins chose to take no part in the discussion or voting on this item. The reason provided by Councillor Heins was:

“One of the residents in the designated areas is a close associate of my partner.”

- 4.5 Councillor Bingham declared a less than significant non-pecuniary interest in relation to Item 15.5 - Notice of Motion No 35/2019 – CPR Training and Defibrillators. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

“Ian Hutchinson from CPR Friendly is a personal friend of many years.”

- 4.6 Councillor Heins declared a significant non-pecuniary interest in relation to Item 18.1 – RFT Major Works for Balglowlah Oval Amenities Design and Construction. Councillor Heins chose to take no part in the discussion or voting on this item. The reason provided by Councillor Heins was:

“I know one of the businesses who tendered very well and he is a personal friend of mine.”

- 4.7 Councillor White declared a non-pecuniary less than significant interest in relation to Item 18.2 - Expression of Interest - Conduct Review Panel - 2019/190. Councillor White chose to take no part in the discussion or voting on this item. The reason provided by Councillor White was:

“One of the recommended panel members is a neighbour of mine.”

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 joined the meeting at 6:11pm.

NOTE 3: Councillor Warren left the chamber at 6:54pm and returned at 6:55pm.

PUBLIC FORUM SPEAKERS:

- 5.1 Miroslava Jurcik addressed Council in relation to climate change.
- 5.2 Ken Macloud addressed Council in relation to the consultation period for 5G infrastructure.
- 5.3 John Fuller addressed Council in relation to the marking of courts for pickle ball.
- 5.4 Kevin Wyld addressed Council in relation to the Newport to Palm Beach shared pathway.

PUBLIC ADDRESS SPEAKERS:

5.5 Item 9.7 – Minutes from the Strategic Reference Group Meetings

Alan Jones addressed Council speaking in support of this item.

5.6 Item 11.1 – Draft Environment & Climate Change Strategy

Nigel Howard addressed Council speaking in support of this item.

5.7 Item 13.3 – Outcome of Public Exhibition and Adoption of Lagoon Park Landscape Masterplan

Adrian Breakspear addressed Council speaking in support of this item.

5.8 Item 15.1 - Notice of Motion No 31/2019 - Access to Queenscliff Headland (Stairs at Stuart Somerville Bridge)

Paul Oates and Rosie Hamilton addressed Council speaking in support of this item.

5.9 Notice of Motion No 32/2019 - Dementia Friendly Council

Ilsa Bird and Lynne Macintosh addressed Council speaking in support of this item.

5.10 Item 15.4 – Notice of Motion No 34/2019 – Protection of Little Penguins

Kathryn Ridge and Nicholas Skelton addressed Council speaking in support of this item.

5.11 Notice of Motion No 35/2019 - CPR Training and Defibrillators

Ian Hutchinson addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE 1: Councillor Grattan left the chamber at 7:01pm due to a declared pecuniary interest in relation to Item 8.2.

NOTE 2: Councillor Heins left the chamber at 7:01pm due to a declared significant non-pecuniary interest in items 15.4. and 18.1.

NOTE 3: Councillor White left the chamber at 7:01pm due to a declared significant non-pecuniary interest in item 18.2.

288/19 RESOLVED

Cr Ferguson / Cr Harrison

That items 8.2, 8.4, 8.5, 9.3, 9.4, 9.5, 9.7, 12.2, 12.3, 13.2, 13.5, 18.1, 18.2 and 18.3 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Crs Grattan and Heins

CARRIED

8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

289/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council note payments totalling \$8,390.00 have been allocated by the Northern Beaches Council Discretionary Fund for the period 25 June to 24 September 2019.

RESOLVED BY EXCEPTION

8.4 EVENT GRANTS AND SPONSORSHIP PROGRAM 2019/20 - ROUND TWO FUNDING RECOMMENDATIONS

290/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Approve funding of \$50,788 including cash and fee waivers under the 2019/20 Events Grants and Sponsorship Program, as recommended by the assessment panel.
- B. Staff continue to work with applicants and provide support for the development and delivery of community run events.
- C. Endorse the inclusion of two Councillors to sit on the assessment panel to undertake the review of applications who will be nominated by the Mayor.

RESOLVED BY EXCEPTION

8.5 PUBLIC EXHIBITION OF THE DRAFT COMMUNITY SERVICE AWARDS POLICY

291/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council place the draft Community Service Awards Policy on public exhibition for a minimum 28 days.
- B. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

9.3 COUNCIL WARD BOUNDARY REVIEW

292/19 RESOLVED

Cr Ferguson / Cr Harrison

That Council:

- A. Note that no action is necessary to alter existing ward boundaries, however ward boundary elector numbers will be kept under review as required under section 211 of the Local Government Act 1993.
- B. Advise the NSW Electoral Commission that a ward boundary alteration is not required for Northern Beaches Council.

RESOLVED BY EXCEPTION

9.4 INTERNAL AUDIT ANNUAL REPORT 2018-19

293/19 RESOLVED

Cr Ferguson / Cr Harrison

That Council note the Internal Audit Annual Report for the financial year ended 30 June 2019.

RESOLVED BY EXCEPTION

9.5 REVISED AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

294/19 RESOLVED

Cr Ferguson / Cr Harrison

That Council adopt the revised Audit, Risk and Improvement Committee Charter.

RESOLVED BY EXCEPTION

9.7 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS

295/19 RESOLVED

Cr Ferguson / Cr Harrison

That Council note the minutes of six Strategic Reference Group meetings held during May and August 2019.

RESOLVED BY EXCEPTION

12.2 PUBLIC EXHIBITION OF THE AMENDMENTS TO FEES AND CHARGES 2019/20 ENVIRONMENTAL COMPLIANCE

296/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council place the draft Fees and Charges 2019/20 for Environmental Compliance on public exhibition for a minimum of 28 days.
- B. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

12.3 PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES COMMUNITY PARTICIPATION PLAN (PLAN MAKING AND DEVELOPMENT ASSESSMENT)

297/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council place the draft Northern Beaches Community Participation Plan (Plan Making and Development Assessment) on public exhibition for a minimum of 28 days.
- B. Council place the associated draft amendments to Manly Development Control Plan 2013 (Amendment 13), Pittwater 21 Development Control Plan, Warringah Development Control Plan 2011 and Warringah Development Control Plan 2000 on public exhibition for a minimum of 28 days.
- C. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

13.2 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT NAMING OUR RESERVES, FACILITIES AND ROADS POLICY

298/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Note the submissions received during the public exhibition process.
- B. Adopt the Naming Our Reserves, Facilities and Roads Policy.
- C. Rescind the following:
 - a. All parts of the Memorials, Plaques and Naming of Assets Policy (former Warringah) except section 2.5 relating to memorials and plaques.
 - b. Naming of Streets and Pathways (former Pittwater).

RESOLVED BY EXCEPTION

13.5 ADOPTION OF AMENDMENTS TO THE OCEAN BEACHES PLAN OF MANAGEMENT (AVALON NETBALL COURTS)

299/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That Council:

- A. Resolve to re-categorise the land in figure 14-4 of the draft Ocean Beaches Plan of Management – Avalon Beach from Park and general community use to Sportsground.
- B. Adopt the proposed amendments to the Ocean Beaches Plan of Management and the amended Concept Plan.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE 1: Councillor Heins returned to the chamber at 7:03pm.

NOTE 2: Councillor Grattan returned to the chamber at 7:03pm.

NOTE 3: Councillor Ferguson left the chamber at 7:04pm and returned at 7:05pm.

300/19 **RESOLVED**

Cr De Luca / Cr Ferguson

That the order of business be changed so items 13.3, 15.1, 15.2, 15.4 and 15.5 be brought forward and dealt with immediately.

VOTING

FOR: Crs Amon, Bingham, De Luca, Ferguson, Harrison, McTaggart, Philpott, Sprott, Walton and Warren

AGAINST: Crs Daley, Grattan, Heins, Regan and White

CARRIED

13.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF LAGOON PARK LANDSCAPE MASTERPLAN

301/19 **RESOLVED**

Cr Bingham / Cr Walton

That:

- A. Council adopt the Lagoon Park Landscape Plan.
- B. Staff continue to work with neighbouring residents to investigate lighting options which meet Australian Standards and minimise the impact on local residents.

VOTING

FOR: Unanimous

CARRIED

15.1 NOTICE OF MOTION NO 31/2019 - ACCESS TO QUEENSCLIFF HEADLAND (STAIRS AT STUART SOMERVILLE BRIDGE)

302/19 **RESOLVED**

Cr Walton / Cr Regan

That:

- A. Council note the condition assessment undertaken by staff of the stairs at the northern end of Queenscliff (Stuart Somerville) Bridge.
- B. Council note the minor renewal works of the stairs at the northern end of Queenscliff (Stuart Somerville Bridge), has been programmed to be undertaken over the next few months
- C. Council further explores Option 1 attached – footpath on north side of Greycliffe Street, as the preferred concept option to improve accessibility to Queenscliff Headland for the design and investigation works to be considered as part of the 2020/21 budget.
- D. Council approaches Roads and Maritime Services to consider additional options of traffic lights at 2 intersections at Greycliffe Street at the point of the where the footpath and street starts/ ends, and at the intersection of Queenscliff Road and Greycliffe Street.
- E. Council and the community be informed on the progress of this matter.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 32/2019 - DEMENTIA FRIENDLY COUNCIL

303/19 **RESOLVED**

Cr Harrison / Cr Heins

MOTION

That:

- A. A briefing be provided to Council that evaluates Council being accredited as a Dementia Friendly organisation through staff training and appropriate identification at key customer locations.
- B. The wider goal of providing appropriate access to Council's range of services including community awareness and signage be included for consideration on Council's Social Plan and where appropriate Asset Management Plans

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 34/2019 - PROTECTION OF LITTLE PENGUINS

NOTE 1: Councillor Heins left the chamber at 7:24pm due to a declared significant non-pecuniary interest in this item.

NOTE 2: Councillor Amon left the chamber at 7:25pm and returned at 7:29pm.

304/19 **RESOLVED**

Cr Grattan / Cr Bingham

That:

- A. Retain sections in the Manly Local Environmental Plan/Development Control Plan that protect Little Penguins and long nosed bandicoots at North Head in the upcoming Northern Beaches Local Environmental Plan/Development Control Plan.
- B. Write to the Hon. Matthew Kean MP, State Minister for Energy and Environment, and James Griffin MP requesting:
 - a. Listing of Little Penguin as a Serious And Irreversible Impacts (SAIL) species entity in the NSW Biodiversity Conservation Act 2016.
 - b. Addition of Prescribed (Additional Biodiversity) Impacts that are relevant to the assessment of Little Penguins to Section 6.1 of the Biodiversity Conservation Act Regulations 2017.
 - c. Extension of the Penguin Areas of Outstanding Biodiversity Value (AOBV) areas of known penguin breeding areas as per the attached map including additional areas as identified by Council staff.
- C. Brief Councillors within two months on options for increasing protection of Little Penguins and their habitat including education programs and development guidelines.

VOTING

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

AGAINST: Cr Daley

ABSENT: Cr Heins

CARRIED

15.5 NOTICE OF MOTION NO 35/2019 - CPR TRAINING AND DEFIBRILLATORS

NOTE: Councillor Heins returned to the chamber at 7:35pm.

305/19 **RESOLVED**

Cr Bingham / Cr Ferguson

That Council:

- A. Identify suitable locations on the Northern Beaches where defibrillators should be installed, and prepare a roll-out program of devices to be installed over the next five years.
- B. Seek grant funding for the purchase and installation of the defibrillators, and to provide CPR training to the community.

- C. Promote training in CPR and defibrillator use.
- D. Promote the location of publicly accessible defibrillators on the Northern Beaches.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE: Councillor Ferguson left the chamber at 7:53pm.

306/19 **RESOLVED**

Cr Sprott / Cr De Luca

That the order of business be changed so item 11.1 be brought forward and dealt with immediately.

VOTING

FOR: Crs Amon, Bingham, De Luca, Harrison, McTaggart, Sprott, Walton, Warren and White

AGAINST: Crs Daley, Grattan, Heins, Philpott and Regan

ABSENT: Cr Ferguson

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 PUBLIC EXHIBITION OF THE DRAFT ENVIRONMENT AND CLIMATE CHANGE STRATEGY

NOTE: Councillor Ferguson returned to the chamber at 7:55pm.

307/19 **RESOLVED**

Cr Warren / Cr McTaggart

That:

- A. Council place the draft Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040 on public exhibition for a minimum of 28 days.
- B. The outcomes of the public exhibition be reported to Council.
- C. During the exhibition period, staff give thought to including protection of air quality and minimising noise pollution in the Strategy including in relation to the provision of major infrastructure.

VOTING

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

AGAINST: Cr Daley

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 ELECTION OF MAYOR AND DEPUTY MAYOR

NOTE 1: Councillor Regan vacated the Chair and handed the meeting to the Returning Officer to conduct the election for the offices of Mayor and Deputy Mayor.

NOTE 2: The Returning Officer advised valid nominations for the office of Mayor were received and accepted by Councillor Regan and Councillor Amon.

NOTE 3: The Returning Officer declared Councillor Regan as Mayor for the term of office up to and including 11 September 2020.

NOTE 4: The Returning Officer advised valid nominations for the office of Deputy Mayor were received and accepted by Councillor Ferguson and Councillor Bingham.

NOTE 5: The Returning Officer declared Councillor Bingham as Deputy Mayor for the term of office up to and including 11 September 2020.

NOTE 6: Councillor Regan assumed the Chair.

NOTE 7: Councillor Regan thanked outgoing Deputy Mayor, Councillor Heins for her contribution over the last 12 months.

308/19 RESOLVED

Cr Heins / Cr Harrison

That Council:

- A. Resolve that should there be more than one candidate nominated for election as Mayor or (if Council resolves to elect a Deputy Mayor) as Deputy Mayor, the election of Mayor and Deputy Mayor (as applicable) proceed by open voting (show of hands) in accordance with Schedule 7, Part 1, Clause 3 of the Local Government (General) Regulation 2005.
- B. Resolve to elect the Mayor for the term of office up to and including 11 September 2020 in accordance with clause 394 of the Local Government (General) Regulation 2005.
- C. Resolve to elect a Deputy Mayor in accordance with section 231 of the Local Government Act 1993 and in accordance with clause 394 of the Local Government (General) Regulation 2005, for the term of office up to and including 11 September 2020.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting adjourned at 8:12pm and resumed at 8:22pm.

309/19 RESOLVED

Cr Daley / Cr Regan

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

VOTING

FOR: Unanimous

CARRIED

8.3 DIPLOMATIC TIES AND CIVIC RELATIONSHIPS POLICY

Cr Heins / Cr Harrison

That Council:

- A. Place the draft Diplomatic Ties and Civic Relationships Policy on public exhibition for a minimum 28 days.
- B. The outcomes of the public exhibition be reported to Council.

AMENDMENT

Cr De Luca / Cr Daley

That Council:

- A. Place the draft Diplomatic Ties and Civic Relationships Policy on public exhibition for a minimum 28 days.
- B. Request information from the NSW State Government and the Local Government Association with regard to country councils requiring assistance.
- C. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: *Crs Amon, Daley, De Luca, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Sprott, Walton, Warren and White*

AGAINST: *Cr Regan, Bingham*

The amendment was CARRIED and became the motion

310/19 RESOLVED

Cr De Luca / Cr Daley

That Council:

- A. Place the draft Diplomatic Ties and Civic Relationships Policy on public exhibition for a minimum 28 days.
- B. The outcomes of the public exhibition be reported to Council.
- C. Request information from the NSW State Government and the Local Government Association with regard to country councils requiring assistance.

VOTING

FOR: Unanimous

CARRIED

8.6 OUTCOMES OF PUBLIC EXHIBITION AND ADOPTION OF COMMUNICATIONS POLICY

311/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council defer the adoption of the Communications Policy and that a briefing be held for Councillors to discuss how the policy could apply to Councillors.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 MONTHLY INVESTMENT REPORT - AUGUST 2019

312/19 **RESOLVED**

Cr Walton / Cr Regan

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

VOTING

FOR: Unanimous

CARRIED

9.2 DRAFT ANNUAL FINANCIAL STATEMENTS 2018/19

313/19 **RESOLVED**

Cr Grattan / Cr Heins

That:

- A. Council resolves in its opinion that the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2019:
 - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting
 - b. to the best of the Council's knowledge and belief the Financial Statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records
 - c. the Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.

- B. The Mayor, Councillor Grattan, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for both the General Purpose Financial Statements and Special Purpose Financial Statements.
- C. The Annual Financial Statements for the year ended 30 June 2019 be referred to the Council's Auditor for audit.
- D. Council hereby delegates to the Chief Executive Officer authority, upon receipt of the Auditor's report of the Council, to:
- a. Forward a copy to the Office of Local Government.
 - b. Arrange for the public notice of the Council Meeting for presentation to the public, in the required format to be placed in the Manly Daily.
 - c. Arrange for the Council's audited Financial Statements and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at Council's Customer Service Centres and Libraries.
 - d. List the audited Financial Statements and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.

VOTING

FOR: Unanimous

CARRIED

9.6 RISK APPETITE STATEMENT

314/19 **RESOLVED**

Cr Grattan / Cr Walton

That Council adopt the Risk Appetite Statement and the Risk Assessment Tables.

VOTING

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

AGAINST: Crs Amon and Daley

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 LOCAL GOVERNMENT AREA ENTRY MARKER DESIGN

NOTE 1: Councillor Sprott left the chamber at 9:09pm and returned at 9:11pm.

NOTE 2: Councillor Grattan left the chamber at 9:11pm and returned at 9:12pm.

NOTE 3: Councillor Harrison left the chamber at 9:13pm and returned at 9:14pm.

NOTE 4: Councillor Bingham left the chamber at 9:22pm and returned at 9:23pm.

NOTE 5: Councillor Ferguson left the chamber at 9:32pm and returned at 9:34pm.

NOTE 6: Councillor Warren left the chamber at 9:58pm and returned at 10:00pm.

Cr Philpott / Cr Harrison

That Council:

- A. Adopt the recommended final design for the Local Government Area Entry Markers.
- B. Note that the technical requirements for the fabrication and installation will be reported to the Northern Beaches Traffic Committee for their approval.
- C. Note that any minor amendments required by the Traffic Committee can be made under delegation.

AMENDMENT

Cr Amon / Cr De Luca

That the top three or four design concepts (as determined by the Participation and Partnership Strategic Reference Group) of the Local Government Area Entry Markers be put out for a community vote, with appropriate public displays of the design concepts to be available, as determined by Council staff.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, Sprott, Walton

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

The amendment was LOST and Council returned to the original motion.

PROCEDURAL MOTION - MOTION BE PUT

315/19 **RESOLVED**

Cr Bingham / Cr Grattan

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

AMENDMENT***Cr Amon / Cr Sprott***

That the item be deferred to the November 2019 ordinary Council meeting.

VOTING

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

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

The amendment was LOST and Council returned to the original motion.

AMENDMENT***Cr Heins / Cr Ferguson***

That the item be deferred to go to a Councillor Briefing in October 2019 and in the meantime all Strategic Reference Group members be emailed with notice of the deferral.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, Heins, McTaggart, Walton and Sprott

AGAINST: Crs Bingham, Grattan, Harrison, Philpott, Regan, and White

ABSENT: Cr Warren

The amendment was CARRIED and became the motion.

316/19 RESOLVED***Cr Heins / Cr Ferguson***

That the item be deferred to go to a Councillor Briefing in October and in the meantime all Strategic Reference Group members be emailed with notice of the deferral.

VOTING

FOR: Crs Amon, Daley, De Luca, Ferguson, Heins, McTaggart, Sprott and Walton

AGAINST: Crs Bingham, Grattan, Harrison, Philpott, Regan, Warren and White

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 DRAFT LOCAL STRATEGIC PLANNING STATEMENT - TOWARDS 2040

NOTE 1: Councillor Amon left the chamber at 10:03pm and returned at 10:09pm.

NOTE 2: Councillor De Luca left the chamber at 10:04pm and returned at 10:06pm.

NOTE 3: Councillor Philpott left the chamber at 10:05pm and returned at 10:07pm.

NOTE 4: Councillor White left the chamber at 10:10pm and returned at 10:13pm.

317/19 RESOLVED

Cr Heins / Cr White

That Council:

- A. Place the draft Northern Beaches Local Strategic Planning Statement – Towards 2040, supporting preliminary studies and community engagement reports on public exhibition for a minimum of 44 days.
- B. The outcomes of the public exhibition be reported to Council with the final Local Strategic Planning Statement.

VOTING

FOR: Unanimous

CARRIED

12.4 INTERIM HERITAGE ORDER - 21 WHISTLER STREET, MANLY

NOTE 1: Councillor Regan left the chamber at 10:17pm due to a declared significant non-pecuniary interest in the item.

NOTE 2: Councillor Bingham assumed the Chair.

318/19 RESOLVED

Cr Heins / Cr Bingham

That Council:

- A. Pursuant to section 25(2) of the Heritage Act 1977, make an Interim Heritage Order for 21 Whistler Street, Manly, being Lot B DP 368451 (the property) as the Council considers that a building on the property may, on further inquiry or investigation, be found to be of local heritage significance and that it is likely to be harmed.
- B. Delegate authority to the Chief Executive Officer to sign any necessary documentation to facilitate this action.
- C. Is satisfied that the building meets all conditions outlined in Schedule 2 of the Ministerial Order dated 22 April 2013.
- D. Publish the Order in the NSW Government Gazette.
- E. Following the publishing of the Interim Heritage Order in the Government Gazette:
 - a. notify the Chairperson of the Heritage Council of the making of the Order

- b. notify the owner of the making of the Order, the reasons for making the Order and its effect
 - c. place a public notice in the Manly Daily, within 7 days of publication, informing the public of the making of the Order.
- F. Note this Interim Heritage Order will lapse after six months from the date it is made, unless Council has resolved to place the item on the heritage schedule of Manly Local Environmental Plan 2013.
- G. Advise the applicant for DA2018/1669 of this resolution.

VOTING

FOR: Crs Bingham, Ferguson, Grattan, Harrison, Heins, Philpott, Sprott, Walton, Warren and White

AGAINST: Crs Amon, Daley, De Luca and McTaggart

ABSENT: Cr Regan

CARRIED

13.1 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT MANAGEMENT OF BEACH AND WATER SAFETY POLICY

NOTE 1: Councillor Regan returned to the chamber at 10:29pm and resumed the Chair.

NOTE 2: Councillor Daley left the chamber at 10:29pm and returned at 10:32pm.

NOTE 3: Councillor Grattan left the chamber at 10:29pm and returned at 10:31pm.

NOTE 4: Councillor Ferguson left the chamber at 10:30pm and returned at 10:32pm.

NOTE 5: Councillor Bingham left the chamber at 10:33pm and returned at 10:36pm.

NOTE 6: Councillor Harrison left the chamber at 10:34pm and returned at 10:36pm.

PROCEDURAL MOTION - MOTION BE PUT

319/19 **RESOLVED**

Cr Ferguson / Cr White

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

320/19 **RESOLVED**

Cr Heins / Cr Harrison

That Council:

- A. Note the submissions received during the public exhibition process.
- B. Adopt the Management of Beach and Water Safety Policy.

- C. Rescind the following:
- a. Beach Safety Policy
 - b. Professional Lifeguard Service Policy
 - c. Surf Life Saving Movement Policy
 - d. Beach Management Policy - sections only
 - e. Beach and Rockpool Management Policy - sections only.
- D. Include the reference to the Rock Fishing Safety Act 2016 in the Policy.

VOTING

FOR: Unanimous

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.4 UPDATE ON FEASIBILITY OF FUTURE CONVERSIONS OF SPORTSFIELDS TO SYNTHETIC

321/19 **RESOLVED**

Cr Regan / Cr Amon

Councillor Heins left the chamber at 10:38pm and returned at 10:39pm.

That Council:

- A. Include the conversion of the Careel Bay Playing Fields (Field 3) to synthetic in the 2020-2024 Delivery Program.
- B. Continue to explore opportunities for future conversions including working with the Department of Education, and report back to Council when opportunities arise.

VOTING

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

AGAINST: Crs Harrison, Sprott and Warren

CARRIED

15.0 NOTICES OF MOTION

15.3 NOTICE OF MOTION NO 33/2019 - SMART PARKING SYSTEMS

322/19 RESOLVED

Cr Grattan / Cr Harrison

That staff provide a report to the October ordinary council meeting with options to run a trial of smart parking systems at five locations across the Northern Beaches, including one in the Manly area.

VOTING

FOR: Unanimous

CARRIED

15.6 NOTICE OF MOTION NO 36/2019 - CAT MANAGEMENT

323/19 RESOLVED

Cr Sprott / Cr Ferguson

MOTION

That Council:

- A. Note that domestic cats pose a threat to our local wildlife if they are not managed responsibly and that Council has limited compliance options available under the Companion Animals Act 1998.
- B. Undertake a community awareness campaign through our social media channels and our website to encourage responsible cat ownership across the Northern Beaches.
- C. Write to relevant State Ministers to seek support for improvements to the NSW Companion Animals Act that would enable better regulation of roaming domestic cats.
- D. Write to neighbouring Councils encouraging them to undertake awareness raising and advocacy as outlined above.
- E. Incorporate appropriate measures into the Draft Bushland and Biodiversity Policy to reduce the impact of domestic cats while still supporting responsible cat ownership.
- F. Brief Councillors within six months on other potential options to better support our community in understanding the behaviour of their cats and how they can reduce the risk to local wildlife.

VOTING

FOR: Unanimous

CARRIED

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE: Councillor Regan reported the following confidential resolutions that were dealt with by exception at item 6.0 - Items Resolved by Exception of the meeting.

18.1 RFT 2019/192 - MAJOR WORKS FOR BALGOWLAH OVAL AMENITIES DESIGN AND CONSTRUCTION

324/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council accept the tender submission from ATCO Structures and Logistics Pty Ltd for RFT 2019/192 – Major Works for Balgowlah Oval Amenities Design and Construction for a lump sum price of \$765,765.17 excluding GST.
- B. Council allocate \$67,800 from the Sport Buildings Works Program (CR05043) to supplement the approved budget for the Balgowlah Oval Amenities project (CR05141).
- C. 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 Financial Impact section of the confidential Evaluation Report.

RESOLVED BY EXCEPTION

18.2 EXPRESSION OF INTEREST - CONDUCT REVIEW PANEL - 2019/190

325/19 **RESOLVED**

Cr Ferguson / Cr Harrison

That:

- A. Council accept the expressions of interest submitted by, and establish a panel of conduct reviewers for a term of 4 years, comprising:

1	O'Connell Workplace Relations Pty Ltd
2	Roan Holdings Pty Limited t/a Strategic Risk Solutions
3	The Centium Group Pty Ltd
4	Anti Corruption Consultants Australia Pty Ltd
5	Pack Investigations Pty Ltd as Trustee for Weir Trading Trust licensed as Weir Consulting (National)
6	Nemesis Consultancy Group Pty Ltd T/A National Workplace Investigations
7	Sinc Solutions Pty Ltd
8	Witchell Consulting

- B. The Chief Executive Officer be delegated authority to do all things necessary to give effect to the above including execute contracts with the entities listed.

RESOLVED BY EXCEPTION

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The meeting concluded at 10:51pm

This is the final page of the minutes comprising 24 pages
numbered 1 to 24 of the Ordinary Council Meeting
held on Tuesday 24 September 2019 and confirmed on Tuesday 22 October 2019

Mayor

Chief Executive Officer