



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 15 JUNE 2021

Minutes of an Ordinary Council Meeting

held on Tuesday 15 June 2021

at the Civic Centre, Dee Why

Commencing at 6:01pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
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
Mark Jones	Executive Manager Strategy and Performance
David Walsh	Chief Executive Officer
Caroline Foley	Executive Manager Financial Planning and Systems
Craig Sawyer	Executive Manager Transport and Civil Infrastructure
Kylie Walshe	Executive Manager Community, Arts and Culture
Andrew Pigott	Executive Manager Strategic and Place Planning
Campbell Pfeiffer	Executive Manager Property
Sarah Dunstan	Executive Manager Governance and Risk
Lesley Milbourne	Acting Manager Governance
Katie Kirwan	Senior Advisor Governance
Tamara Lukic	Governance Officer
Sylwia Stafford	Information Management Technology Officer
Dinesh Mishra	Information Management Technology Officer

Notes

The meeting commenced at 6:01pm, adjourned at 8:22pm, resumed at 8:32pm, moved into closed session at 9:48pm, resumed in open session at 9:58pm and concluded at 10:01pm

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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

153/21 **RESOLVED**

Cr Sprott / Cr Heins

That:

1. Apologies for non-attendance be received from Councillor Pat Daley.
2. Apologies for non-attendance be received from Councillor Roslyn Harrison.
3. A leave of absence be granted for Councillor David Walton for the 15 June 2021 Council meeting.

VOTING

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

ABSENT: Cr Warren

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 MAY 2021

154/21 **RESOLVED**

Cr Ferguson / Cr Bingham

That the Minutes of the Ordinary Council Meeting held 25 May 2021, 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 Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Sprott and Cr Regan

AGAINST: Cr Amon

ABSENT: Cr Warren

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Philpott declared a not significant non-pecuniary interest in relation to Item 8.1 Northern Beaches Council Discretionary Fund, and chose to take part in the discussion and voting on this item. The reason provided was:

“I am a member of the Creative Space Garden Club volunteers.”

- Councillor Sprott declared a significant non-pecuniary interest in relation to Item 9.1 – Outcome of Public Exhibition of the Delivery Program 2021-2025 and Operational Plan 2021/22, and chose to take no part in the discussion or voting on this item. The reason provided was:

“My partner owns a café and rents outdoor dining space from Council.”

- Councillor McTaggart declared a not significant non-pecuniary interest in relation to Item 9.1 - Outcome of Public Exhibition of the Delivery Program 2021-2025 and Operational Plan 2021/22, and chose to take part in the discussion and voting on this item. The reason provided was:

“I live in the street proposed for footpath funding for Park Avenue, Avalon. I live in the proposed street but the proposed build is 200m from my address.”

- Councillor Ferguson declared a not significant non-pecuniary interest in relation to Item 12.2 - Revised Planning Proposal 1294-1300 Pittwater Road and 2-4 Albert Street Narrabeen, and chose to take part in the discussion and voting on this item. The reason provided was:

‘I know someone who lives directly opposite.’

- Councillor Amon declared a not significant non-pecuniary interest in Item 12.2 Revised Planning Proposal and Supporting Documents for 1294-13000 Pittwater Road and 2-4 Albert Street Narrabeen, and will leave the meeting. The reason provided was:

“I have previously lived one block from this proposed development and had an interest in land one block from this proposed development. I have previously declared a pecuniary interest in relation to this matter on 29 May 2019 and 27 April 2021. I now live and own property two blocks from this proposed development. I do not consider that these matters create a conflict of interest in this case. However, consistent with my prior disclosure, I now make that same disclosure for the avoidance of doubt.”

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 Regan left the chamber at 6:07pm and returned at 6:19pm

5.1 PUBLIC FORUM

- Margaret Hogge addressed Council about applications for construction of smoking areas.
- David Parsons addressed Council about transport matters.

5.2 PUBLIC ADDRESS

Item 9.1 - Outcome of Public Exhibition of the Delivery Program 2021-2025 and Operational Plan 2021/22

- Christopher Moorman addressed Council speaking against this item.

Item 12.3 - Outcome of the Public Exhibition of the Draft Northern Beaches Section 7.12 Contributions Plan 2021

- Geri Moorman addressed Council speaking against this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillors Amon, Ferguson and Spratt left the chamber at 6:25pm due to disclosures of interest

155/21 RESOLVED

Cr Grattan / Cr White

That

1. Items 8.1, 8.2, 9.2, 10.1, 10.2, 11.1, 11.2, 11.3, 12.2, 12.4, 13.1, 13.4, 18.2, 18.3 and 18.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 18.2, 18.3 and 18.4 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca and Cr Regan

ABSENT: Cr Amon, Cr Ferguson, Cr Spratt and Cr Warren

CARRIED

8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

156/21 RESOLVED

Cr Grattan / Cr White

That Council note payments totalling \$20,088.60 have been allocated by the Northern Beaches Council Discretionary Fund for the period 22 February 2021 to 15 June 2021.

RESOLVED BY EXCEPTION

8.2 REQUEST FOR FREEDOM OF ENTRY - AUSTRALIAN AIR FORCE CADETS NO. 305 SQUADRON

157/21 RESOLVED

Cr Grattan / Cr White

That:

1. Council grant Freedom of Entry to the Australian Air Force Cadets No. 305 Squadron to allow a change of name from the Australian Air Force Cadets No. 305 (City of Pittwater) Squadron to the Australian Air Force Cadets No. 305 (City of Northern Beaches) Squadron.
2. The Mayor write to the Australian Air Force Cadets No. 305 Squadron to advise that Northern Beaches Council grants it Freedom of Entry.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - MAY 2021

158/21 RESOLVED

Cr Grattan / Cr White

That Council note the Investment Report as at 31 May 2021, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

10.1 PUBLIC EXHIBITION OF ALCOHOL FREE ZONE RE-ESTABLISHMENT

159/21 RESOLVED

Cr Grattan / Cr White

That Council undertake public consultation in accordance with section 644A of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol Free Zones 2009, in relation to the proposed re-establishment of the Alcohol Free Zones listed in this report from the period of 1 September 2021 to 31 August 2025.

RESOLVED BY EXCEPTION

10.2 OUTCOME OF THE PUBLIC EXHIBITION OF AMENDMENTS TO THE CULTURAL COLLECTIONS MANAGEMENT AND GIFTS POLICY

160/21 **RESOLVED**

Cr Grattan / Cr White

That Council:

1. Note the outcome of the public exhibition of the draft Cultural Collections Management and Gifts Policy.
2. Adopt the amended Cultural Collections Management and Gifts Policy.

RESOLVED BY EXCEPTION

11.1 MAINTENANCE WORKS ON PRIVATE LAND 2-12 POLO AVENUE, MONA VALE

161/21 **RESOLVED**

Cr Grattan / Cr White

That Council:

1. In accordance with Section 67 of the *Local Government Act (1993) (NSW)*, approve the carrying out of periodic maintenance works within the natural watercourse at 2, 4, 6, 10 and 12 Polo Avenue, Mona Vale to facilitate effective stormwater flow in that area.
2. Carry out the works referred to in part 1 of the recommendation at Council's cost, with no fee to be charged to the owners of the land for the works.
3. Authorise the Chief Executive Officer to do all things necessary to give effect to the above.

RESOLVED BY EXCEPTION

11.2 FERN CREEK, MINOR WORKS ON PRIVATE LAND

162/21 **RESOLVED**

Cr Grattan / Cr White

That Council:

1. In accordance with Section 67 of the *Local Government Act (1993) (NSW)*, approve the carrying out of work on private land owned by the Catholic Diocese of Broken Bay at Mater Maria College, 5 Forest Road, Warriewood, to connect the Fern Creek crossing.
2. Carry out the work referred to in part 1 of the recommendation at Council's cost, with no fee for the work charged to the owner of the land.
3. Authorise the Chief Executive Officer to do all things necessary to give effect to the above.

RESOLVED BY EXCEPTION

11.3 BEACH NOURISHMENT OPPORTUNITY: SYDNEY METRO WEST TUNNEL

163/21 RESOLVED

Cr Grattan / Cr White

That Council:

1. Note the proposal of Transport for NSW that, in late 2022, up to 250,000m³ of the sand fraction (<5mm in size) from the sandstone which is being excavated as part of the Sydney Metro West Tunnel project be placed on barges, transported to Collaroy-Narrabeen Beach embayment and released from the barges into the embayment approximately 100 metres offshore (Proposal).
2. Note that the proper consideration of the Proposal requires a range of matters to be investigated including material suitability, approval pathways, approval requirements, environmental impacts and funding.
3. Write to the Ministers for Transport and Local Government expressing Northern Beaches Council's interest in beach nourishment opportunities resulting from the Sydney Metro West Tunnel and similar projects, subject to the necessary investigations and assessments being undertaken and the necessary approvals being obtained.
4. Request that the NSW Government partner with relevant Councils with respect to the Proposal, including by confirming in writing that the NSW Government will:
 - A. provide to Council financial assistance of at least 50% of its costs associated with undertaking investigations (including environmental assessments) and seeking the necessary approvals in relation to the Proposal.
 - B. make staff resources and departmental assistance available to Council in relation to the Proposal.
5. Subject to confirmation of the matters at part 4 of the recommendation, undertake the necessary investigations (including environmental assessments) and stakeholder/community consultation in relation to the Proposal.
6. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution.
7. Note that, before the Proposal may proceed, staff will present the outcomes of the investigations and community consultation at a future Council meeting.

RESOLVED BY EXCEPTION

12.2 REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN

164/21 RESOLVED

Cr Grattan / Cr White

That:

1. Council resubmit a revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen to the NSW Department of Planning, Industry and Environment for a Gateway determination to:
 - A. Increase the maximum building height standard at 1298-1300 Pittwater Road,

Narrabeen (Building A) to 12 metres to accommodate increased floor to floor heights at the ground and first floors.

- B. Permit the additional uses of commercial premises, medical centre and shop top housing at 1298-1300 Pittwater Road, Narrabeen (Building A). The medical centre and commercial premises must not have a gross floor area exceeding 1,150 square metres.
- C. Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contribution Scheme.

2. Council request to exercise the delegation of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979 regarding the making of local environmental plans in relation to this Planning Proposal.
3. Council place the draft amendments to Warringah Development Control Plan 2011 on public exhibition for a minimum of 28 days concurrently with the statutory exhibition of the revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen.
4. The outcomes of the public exhibition of the amendments of the Warringah Development Control Plan 2011, Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street Narrabeen and Affordable Housing Contribution Scheme be reported to Council.
5. Amend the draft Northern Beaches Affordable Housing Contribution Scheme as attached, to include 1294-1300 Pittwater Road and 2-4 Albert Street as a site to which the scheme applies with a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.
 - A. Submit the amended Northern Beaches Affordable Housing Contribution Scheme as attached to the Department of Planning, Industry and Environment together with this Planning Proposal.
 - B. Exhibit this Northern Beaches Affordable Housing Contribution Scheme and the Northern Beaches Council Affordable Housing Tenancy Guidelines concurrently with this Planning Proposal during post Gateway exhibition.

RESOLVED BY EXCEPTION

12.4 FIRE & RESCUE NSW INSPECTION REPORT - 2 TILLEY LANE FRENCHS FOREST (ALSO KNOWN AS 18 AQUATIC DRIVE, FRENCHS FOREST)

165/21 **RESOLVED**

Cr Grattan / Cr White

That Council:

1. In accordance with the *Environmental Planning and Assessment Act 1979*, determine to exercise its powers to issue a Fire Safety Order No.1, and note the issuance of a Notice of Intention to Give a Fire Safety Order No. 1 to address the identified fire safety deficiencies at 2 Tilley Lane, Frenchs Forest.
2. Provide notice to Fire and Rescue NSW of this determination.

RESOLVED BY EXCEPTION

13.1 PROPOSED COMPULSORY ACQUISITION OF COUNCIL COMMUNITY LAND AT WALANA CRESCENT AND MONA VALE ROAD, MONA VALE BY TRANSPORT FOR NSW FOR ITS MONA VALE ROAD EAST UPGRADE PROJECT

166/21 **RESOLVED**

Cr Grattan / Cr White

That Council:

1. Approve the compulsory acquisition of Council owned land, being land at:
 - A. 1-5 Walana Crescent (part of Lots 2, 3 and 4 in Deposited Plan 350940)
 - B. 99 Mona Vale Road (Lot 101 Deposited Plan 749415 and Lot 6 Deposited Plan 239061)
 - C. part 105 Mona Vale Road (Lot 2 Deposited Plan 1235984).

by agreement, by Transport for NSW in accordance with section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*, subject to the payment of compensation within 30 days of the publication of an Acquisition Notice, as set out in the Financial Considerations section of this report.

2. Agree to reduce the minimum statutory 90 day Proposed Acquisition Notice period for the compulsory acquisition to seven days.
3. Authorise the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.

RESOLVED BY EXCEPTION

13.4 PROPOSED VESTING OF OWNERSHIP OF CROWN LAND AT CHURCH POINT TO COUNCIL

167/21 **RESOLVED**

Cr Grattan / Cr White

That:

1. Council agree to the vesting of ownership in Council of transferable Crown land at Lot 2 DP 1249367 at McCarrs Creek Road Church Point in accordance with the *Crown Land Management Act 2016 (NSW)*.
2. Council note that upon vesting, Lot 2 DP 1249367 is taken to have been acquired by Council as community land under the *Local Government Act 1993 (NSW)*.
3. Council give public notice of a draft plan of management, which proposes an amendment to the Church Point Plan of Management to include the land at Lot 2 DP 1249367.
4. Council hold a public hearing in relation to the proposed plan of management as the proposed plan would have the effect of categorising the land as general community use in accordance with the *Local Government Act 1993 (NSW)*.
5. A report be provided to Council on the outcomes of the public exhibition of the draft Plan of Management and associated documents and the public hearing.
6. Authority be delegated to the Chief Executive Officer to do all things necessary to give effect

to this resolution.

RESOLVED BY EXCEPTION

18.2 SSROC T2020-09 - SUSTAINABLE PAVEMENTS - ROAD CONSTRUCTION MATERIAL AND RELATED SERVICES

168/21 **RESOLVED**

Cr Grattan / Cr White

That:

- Council accept the tenders as detailed below T2020-09 for Sustainable Pavements – Road Construction Material and Related Services for the period 01/07/2021 to 30/06/2024 with an option to extend the term for a further 2 years (1+1) subject to SSROC approval and contractor performance.

Sub-Panel 1 – Supply of Asphalt (including RCG asphalt)

Sub-Panel 2 – Supply and Lay Asphalt

Sub-Panel 3 – Pavement Profiling and Reinstatement (Mill and Fill)

Sub-Panel 4 – Asphalt Pavement Patching

Sub-Panel 5 – Concrete Pavement Patching

Sub-Panel 6 – Pavement Stabilisation

Sub-Panel 7 – Pavement Rejuvenation treatments

Tenderer	Sub Panel 1	Sub Panel 2	Sub Panel 3	Sub Panel 4	Sub Panel 5	Sub Panel 6	Sub Panel 7
Downer EDI Works Pty Ltd	✓	✓	✓	✓	✓	✓	✓
Planet Civil Pty Ltd		✓	✓	✓			
Stateline Asphalt Pty Ltd		✓	✓	✓	✓		✓
Bitupave Ltd t/as NSW Boral Asphalt	✓	✓	✓	✓	✓		
D&M Excavations and Asphalt Pty. Ltd.	✓	✓	✓	✓	✓		
RL Civil Works Pty Ltd		✓	✓	✓	✓		✓
State Civil Pty Ltd		✓	✓	✓	✓		
Mack Civil Pty Limited		✓	✓	✓	✓		
NA Group Pty Ltd		✓	✓	✓	✓		
All Pavement Solutions Pty Limited	✓	✓	✓	✓			
ANJ Paving Pty Ltd	✓	✓	✓	✓			
Citywide Asphalt Pty Ltd t/a Citywide Civil Works		✓	✓	✓	✓		
Northshore Paving Co Pty Ltd	✓	✓		✓			
Fulton Hogan Industries Pty Ltd	✓	✓	✓	✓			

Asphalt Laying Services Pty Limited		✓	✓	✓			
Ozpave (Aust) Pty Limited t/a Ozpave (Aust) Pty Ltd		✓	✓	✓			
State Asphalt Services Pty Limited	✓	✓	✓				
Roadworx Surfacing Pty Ltd		✓	✓				
Stabilised Pavements of Australia Pty. Limited						✓	
Hiway Stabilizers Australia Pty. Ltd.						✓	
Bigeni Pty Limited				✓			
T & L Excavations & Asphaltting Pty Ltd t/a gogogoanna				✓			
Colas Solutions Pty Ltd							✓
Civeco Pty Ltd					✓		

2. The Chief Executive Officer be delegated authority to execute all necessary documentation with the companies as listed.
3. The Chief Executive Officer be delegated authority to exercise Council's option to extend the panel agreements for up to two (2) additional twelve (12) month periods.

RESOLVED BY EXCEPTION

18.3 RFT 2020/183 - PROVISION OF MAINTENANCE SERVICES FOR MANLY PARKING STATIONS

169/21 **RESOLVED**

Cr Grattan / Cr White

That:

1. Council in accordance with cl178 (3)(e) of the *Local Government (General) Regulation 2005*, enter into negotiations with Skidata Australasia Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender for RFT 2020/183 – Provision of Maintenance Services for Manly Parking Stations.
2. Council decline to:
 - A. Invite fresh tenders based on the same or different details.
 - B. Invite fresh applications from persons interested in tendering for the proposed contract.
 - C. Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract because Skidata Australasia Pty Ltd:
 - a. has the required expertise and experience to provide a high quality service
 - b. is the incumbent and has performed well in the provision of the relevant services to date
 - c. is the only company capable of providing all aspects of the tender requirement,

holding the licensing rights to the software

d. offers best value for money for any spare parts required, being the sole supplier.

3. Authority be delegated to the Chief Executive Officer to enter into negotiations with Skidata Australasia Pty with a view to Council entering into a contract in relation to the subject matter of the tender and execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

18.4 RFT 2021/033 - PCYC BUILDING ALUMINIUM COMPOSITE PANEL REPLACEMENT

Cr Grattan / Cr White

That:

1. Council accepts the tender of Lloyd Group Pty Ltd for RFT 2021/033 - PCYC Building Aluminium Composite Panel Replacement for the sum of \$412,650 excluding GST.
2. Authority be delegated to the CEO 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

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 10/2021 - RECOGNITION AT LOCAL GOVERNMENT NSW EXCELLENCE AWARDS

NOTE: Councillors Amon, Ferguson and Sprott returned the to the chamber at 6:26pm

170/21 **RESOLVED**

Cr Regan

That Council acknowledge the achievements of our staff involved in the many projects recognised at this year's Local Government Excellence Awards.

VOTING

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

ABSENT: Cr Warren

CARRIED

7.2 MAYORAL MINUTE NO 11/202 - CONGRATULATIONS TO MANLY WARRINGAH GYMNASTICS CLUB AT THE 2021 AUSTRALIAN GYMNASTICS CHAMPIONSHIPS

171/21 RESOLVED

Cr Regan

That Council write and formally acknowledge the outstanding achievement by the Manly Warringah Gymnastics Club for its recent success at the 2021 Australian Gymnastics Championships.

VOTING

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

ABSENT: Cr Warren

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.3 SERVICE LEVELS TO THE NORTHERN BEACHES COMMUNITY

NOTE: Councillor Warren joined the meeting at 6:33pm

172/21 RESOLVED

Cr Amon / Cr De Luca

That Council note the current levels of service attributed to Council's 57 services as outlined in Attachment 1.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 OUTCOME OF PUBLIC EXHIBITION OF THE DELIVERY PROGRAM 2021-2025 AND OPERATIONAL PLAN 2021/22

NOTE 1: Councillor Sprott left the chamber at 6:42pm due to a disclosure of interest

NOTE 2: Councillor Ferguson left the chamber at 7:12pm and returned at 7:13pm

NOTE 3: Councillor Warren left the chamber at 7:49pm and returned to the chamber at 7:52pm

Cr Grattan / Cr Bingham

That Council:

1. Adopt the revised Delivery Program 2021-2025, including the Operational Plan 2021/22 at Attachment 2.
2. Adopt the revised Fees and Charges 2021/22 applying from 1 July 2021 to 30 June 2022 at

Attachment 4 as the fixed fees in accordance with Part 10 of Chapter 15 of the *Local Government Act 1993* (the Act).

3. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Act, Ordinary and Special Rates are made as shown in Table 1 in the report.
 - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 2 in this report.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 3 in the report.
 - D. In accordance with section 67 of the Act, sets the fee for works on private land carried out by Council to be charged at the appropriate commercial rate (being cost of the works and standard on-costs, to provide full cost recovery plus a return to Council).
 - E. In accordance with section 611 of the Act, a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
4. Adopt an interest rate of 6.0% on overdue rates and charges, in accordance with section 566(3) of the Act.
5. Endorse the exhibition of the additional fees proposed for Currawong Beach Cottages at Attachment 6 in accordance with section 610F of the Act, and the outcome of the exhibition be reported to Council.
6. Continue to support cafés and restaurants that are facing ongoing financial hardship, by delegating authority to the Chief Executive Officer to establish a financial hardship fee waiver arrangement for outdoor dining permits until 31 December 2021, in line with the now expired *National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During COVID-19*.

AMENDMENT

Cr McTaggart / Cr Ferguson

That Council:

1. Adopt the revised Delivery Program 2021-2025, including the Operational Plan 2021/22 at Attachment 2.
2. Adopt the revised Fees and Charges 2021/22 applying from 1 July 2021 to 30 June 2022 at Attachment 4 as the fixed fees in accordance with Part 10 of Chapter 15 of the *Local Government Act 1993* (the Act).
3. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Act, Ordinary and Special Rates are made as shown in Table 1 in the report.
 - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 2 in this report.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 3 in the report.
 - D. In accordance with section 67 of the Act, sets the fee for works on private land carried out by Council to be charged at the appropriate commercial rate (being cost of the

works and standard on-costs, to provide full cost recovery plus a return to Council).

- E. In accordance with section 611 of the Act, a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
4. Adopt an interest rate of 6.0% on overdue rates and charges, in accordance with section 566(3) of the Act.
5. Endorse the exhibition of the additional fees proposed for Currawong Beach Cottages at Attachment 6 in accordance with section 610F of the Act, and the outcome of the exhibition be reported to Council.
6. Continue to support cafés and restaurants that are facing ongoing financial hardship, by delegating authority to the Chief Executive Officer to establish a financial hardship fee waiver arrangement for outdoor dining permits until 31 December 2021, in line with the now expired *National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During COVID-19*.
7. A. Note the following:
- The reference to the Hop Skip and Jump bus on pages 94 and 97 of the 2021-2025 operational plan and budget
 - There is no line item in the budget to reflect the cost of this service.
- B. Note in addition there is approximately \$750,000 capital costs on five buses.
- C. Note that revenue raised by this service is approximately \$7,000.
- D. Note the total of \$732,704 including vehicle running costs, vehicle replacement costs, and staff costs in 2021/22 budget.
8. Request staff provide to the October 2021 meeting a report on making this service revenue neutral by 1 December 2021.

VOTING

FOR: Cr White, Cr Philpott, Cr McTaggart and Cr Ferguson

AGAINST: Cr Grattan, Cr Heins, Cr Bingham, Cr De Luca, Cr Warren and Cr Regan

ABSTAINED: Cr Amon

ABSENT: Cr Spratt

LOST

NOTE 4: Councillor Amon left the chamber at 7:46pm and returned at 7:48pm

NOTE 5: In accordance with clause 12.4 of the Code of Meeting Practice abstaining from a vote is to be counted as a vote against the motion

173/21 RESOLVED

Cr Grattan / Cr Bingham

That Council:

1. Adopt the revised Delivery Program 2021-2025, including the Operational Plan 2021/22 at Attachment 2.

2. Adopt the revised Fees and Charges 2021/22 applying from 1 July 2021 to 30 June 2022 at Attachment 4 as the fixed fees in accordance with Part 10 of Chapter 15 of the *Local Government Act 1993* (the Act).
3. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Act, Ordinary and Special Rates are made as shown in Table 1 in the report.
 - B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 2 in this report.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 3 in the report.
 - D. In accordance with section 67 of the Act, sets the fee for works on private land carried out by Council to be charged at the appropriate commercial rate (being cost of the works and standard on-costs, to provide full cost recovery plus a return to Council).
 - E. In accordance with section 611 of the Act, a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
4. Adopt an interest rate of 6.0% on overdue rates and charges, in accordance with section 566(3) of the Act.
5. Endorse the exhibition of the additional fees proposed for Currawong Beach Cottages at Attachment 6 in accordance with section 610F of the Act, and the outcome of the exhibition be reported to Council.
6. Continue to support cafés and restaurants that are facing ongoing financial hardship, by delegating authority to the Chief Executive Officer to establish a financial hardship fee waiver arrangement for outdoor dining permits until 31 December 2021, in line with the now expired *National Cabinet Mandatory Code of Conduct – SME Commercial Leasing Principles During COVID-19*.

VOTING

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

AGAINST: Cr Amon, Cr McTaggart, Cr De Luca and Cr Ferguson

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

174/21 **RESOLVED**

Cr Regan / Cr Warren

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 Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Warren and Cr Regan

ABSENT: Cr Sprott

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.3 MINUTES OF THE PUBLIC ART WORKING GROUP MEETING ON 4 MARCH 2021

NOTE: Councillor Sprott returned to the chamber at 8:32pm

175/21 **RESOLVED**

Cr Amon / Cr Heins

That Council note the Public Art Working Group Minutes of 4 March 2021 meeting.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 DISCUSSION PAPER EXHIBITION - NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN

176/21 RESOLVED

Cr Heins / Cr Bingham

That:

1. Council exhibit a Discussion Paper on the new Local Environmental Plan and Development Control Plan for a minimum of six weeks.
2. The outcome from the public exhibition of the Discussion Paper be reported to Council with the draft Northern Beaches Local Environmental Plan and Development Control Plan.
3. That Council request that staff meet with community groups in each Ward and brief them on the Discussion Paper.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Sprott, Cr Warren and Cr Regan

AGAINST: Cr De Luca

CARRIED

12.3 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES SECTION 7.12 CONTRIBUTIONS PLAN 2021

177/21 RESOLVED

Cr Grattan / Cr Heins

That:

1. Council note the outcomes of the public exhibition of the draft Northern Beaches Section 7.12 Contributions Plan 2021.
2. Council support the proposed post-exhibition changes and adopt the appended Northern Beaches Section 7.12 Development Contributions Plan 2021.
3. Notice of Council's decision be provided to those who made a submission and the Policy be made available on the Council website.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Sprott, Cr Warren and Cr Regan

AGAINST: Cr Amon and Cr De Luca

CARRIED

13.2 RECYCLED CONGLOMERATE ROADS AND FOOTPATHS INITIATIVE - RESPONSE TO RESOLUTION NO. 355/19 (ORDINARY COUNCIL - 22 OCTOBER 2019)

178/21 **RESOLVED**

Cr Amon / Cr Bingham

That:

1. Council continue to strongly support the use of recycled materials in asphalt production and continue to investigate options to divert plastics from landfill with our road building and waste collection partners.
2. Staff continue to monitor the performance of these road pavements and industry developments in the use of recyclables and other environmental sustainability improvements in road construction.

VOTING

FOR: Unanimous

CARRIED

13.3 UPDATE ON FINALISING SURF LIFE SAVING CLUB LEASES WITH NORTHERN BEACHES COUNCIL

179/21 **RESOLVED**

Cr Sprott / Cr Ferguson

That Council note the update on finalising Surf Life Saving Club leases.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 28/2021 - AUSGRID PRUNING OF TREES ON THE NORTHERN BEACHES

NOTE: Councillors Ferguson and Amon left the chamber at 9:41pm and returned at 9:43pm

180/21 **RESOLVED**

Cr De Luca / Cr Sprott

That Council:

1. A Acknowledge the importance of safety around power lines, however, expresses its concern regarding the way Ausgrid is pruning trees currently, sometimes leaving them unstable, not meeting community expectations, leaving trees deformed causing significant loss in visual amenity, ignoring the benefits of tree canopy such as urban cooling, and the increased risk of trees falling as result of heavy pruning.
B. Note a community petition, submitted by residents of Newcastle local government area, currently before the Parliament of NSW, calling on the NSW Government to direct Ausgrid to review and change its practices.
2. Request the Chief Executive Officer write to the Premier of NSW and the Minister for Energy and Environment:
 - A. Noting Northern Beaches Council's previous resolution, urging the NSW Government and electricity providers to underground wires and cables and request an urgent response.
 - B. That Council supports Newcastle's calls for the NSW Government to undertake an urgent review of vegetation management policies and pruning practices.
 - C. Cause to have investigated the installation of aerial bundled cables in tree lined streets to reduce the need for harsh pruning.
 - D. Cause to have reviewed how often trees are pruned with a view to increasing the frequency so harsh pruning is not required.
3. If the above is passed as a resolution of Council, it also be forwarded to the Lord Mayor of Newcastle and the State Members for Newcastle and Wallsend.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

181/21 RESOLVED

Cr Regan / Cr Ferguson

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 Update on Land Acquisition on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) *Local Government Act 1993*].

This report discusses/provides legal advice concerning land acquisition. 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 would, if disclosed, prejudice Council's position in respect of any legal action it takes to protect its interest in the subject land.

3. The resolutions made by 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

NOTE: The meeting moved into closed session at 9:47 pm

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

In accordance with Council's Code of Meeting Practice clause 15.22 the resolutions of confidential reports resolved by exception earlier in the meeting and resolutions passed in closed session were displayed on the public screens and livestream of the meeting webcast.

18.1 UPDATE ON LAND ACQUISITION

182/21 RESOLVED

Cr Regan / Cr Bingham

That Council:

1. Undertake the proposed actions listed in Table 2 in the confidential report for this item.
2. Delegate authority to the Chief Executive Officer to take any necessary action to give effect to this resolution.

VOTING

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

ABSENT: Cr Sprott

CARRIED

18.2 SSROC T2020-09 - SUSTAINABLE PAVEMENTS - ROAD CONSTRUCTION MATERIAL AND RELATED SERVICES

168/21 RESOLVED

Cr Grattan / Cr White

That:

1. Council accept the tenders as detailed below T2020-09 for Sustainable Pavements – Road Construction Material and Related Services for the period 01/07/2021 to 30/06/2024 with an option to extend the term for a further 2 years (1+1) subject to SSROC approval and contractor performance.

Sub-Panel 1 – Supply of Asphalt (including RCG asphalt)

Sub-Panel 2 – Supply and Lay Asphalt

Sub-Panel 3 – Pavement Profiling and Reinstatement (Mill and Fill)

Sub-Panel 4 – Asphalt Pavement Patching

Sub-Panel 5 – Concrete Pavement Patching

Sub-Panel 6 – Pavement Stabilisation

Sub-Panel 7 – Pavement Rejuvenation treatments

Tenderer	Sub Panel 1	Sub Panel 2	Sub Panel 3	Sub Panel 4	Sub Panel 5	Sub Panel 6	Sub Panel 7

Downer EDI Works Pty Ltd	✓	✓	✓	✓	✓	✓	✓
Planet Civil Pty Ltd		✓	✓	✓			
Stateline Asphalt Pty Ltd		✓	✓	✓	✓		✓
Bitupave Ltd t/as NSW Boral Asphalt	✓	✓	✓	✓	✓		
D&M Excavations and Asphalt Pty. Ltd.	✓	✓	✓	✓	✓		
RL Civil Works Pty Ltd		✓	✓	✓	✓		✓
State Civil Pty Ltd		✓	✓	✓	✓		
Mack Civil Pty Limited		✓	✓	✓	✓		
NA Group Pty Ltd		✓	✓	✓	✓		
All Pavement Solutions Pty Limited	✓	✓	✓	✓			
ANJ Paving Pty Ltd	✓	✓	✓	✓			
Citywide Asphalt Pty Ltd t/a Citywide Civil Works		✓	✓	✓	✓		
Northshore Paving Co Pty Ltd	✓	✓		✓			
Fulton Hogan Industries Pty Ltd	✓	✓	✓	✓			
Asphalt Laying Services Pty Limited		✓	✓	✓			
Ozpave (Aust) Pty Limited t/a Ozpave (Aust) Pty Ltd		✓	✓	✓			
State Asphalt Services Pty Limited	✓	✓	✓				
Roadworx Surfacing Pty Ltd		✓	✓				
Stabilised Pavements of Australia Pty. Limited						✓	
Hiway Stabilizers Australia Pty. Ltd.						✓	
Bigeni Pty Limited				✓			
T & L Excavations & Asphalt Pty Ltd t/a gogogoanna				✓			
Colas Solutions Pty Ltd							✓
Civeco Pty Ltd					✓		

2. The Chief Executive Officer be delegated authority to execute all necessary documentation with the companies as listed.
3. The Chief Executive Officer be delegated authority to exercise Council's option to extend the panel agreements for up to two (2) additional twelve (12) month periods.

RESOLVED BY EXCEPTION

NOTE: This is a copy of the resolution that was resolved by exception in open session in section 6.0 - Items Resolved by Exception on page 13.

18.3 RFT 2020/183 - PROVISION OF MAINTENANCE SERVICES FOR MANLY PARKING STATIONS

169/21 RESOLVED

Cr Grattan / Cr White

That:

1. Council in accordance with cl178 (3)(e) of the *Local Government (General) Regulation 2005*, enter into negotiations with Skidata Australasia Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender for RFT 2020/183 – Provision of Maintenance Services for Manly Parking Stations.
2. Council decline to:
 - A. Invite fresh tenders based on the same or different details.
 - B. Invite fresh applications from persons interested in tendering for the proposed contract.
 - C. Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract because Skidata Australasia Pty Ltd:
 - a. has the required expertise and experience to provide a high quality service
 - b. is the incumbent and has performed well in the provision of the relevant services to date
 - c. is the only company capable of providing all aspects of the tender requirement, holding the licensing rights to the software
 - d. offers best value for money for any spare parts required, being the sole supplier.
3. Authority be delegated to the Chief Executive Officer to enter into negotiations with Skidata Australasia Pty with a view to Council entering into a contract in relation to the subject matter of the tender and execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

NOTE: *This is a copy of the resolution that was resolved by exception in open session in section 6.0 - Items Resolved by Exception on page 14.*

18.4 RFT 2021/033 - PCYC BUILDING ALUMINIUM COMPOSITE PANEL REPLACEMENT

Cr Grattan / Cr White

That:

1. Council accepts the tender of Lloyd Group Pty Ltd for RFT 2021/033 - PCYC Building Aluminium Composite Panel Replacement for the sum of \$412,650 excluding GST.
2. Authority be delegated to the CEO 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

NOTE: *This is a copy of the resolution that was resolved by exception in open session in section 6.0 - Items Resolved by Exception on page 15.*

PROCEDURAL MOTION – RESUME IN OPEN SESSION

183/21 **RESOLVED**

Cr Ferguson / Cr White

That Council resume in open session.

VOTING

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

ABSENT: Cr Sprott

CARRIED

NOTE: The meeting resumed in open session at 9:48pm

The meeting concluded at 10:01pm

This is the final page of the minutes comprising 28 pages numbered 1 to 28 of the Ordinary Council Meeting held on Tuesday 15 June 2021 and confirmed on Tuesday 27 July 2021

Mayor

Chief Executive Officer