



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held by remote audio visual link on

TUESDAY 24 AUGUST 2021

Minutes of an Ordinary Council Meeting
held on Tuesday 24 August 2021
Commencing at 6:03pm

ATTENDANCE:

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 Finance Planning & Systems
David Walsh	Chief Financial Officer
Yianni Mentis	Executive Manager Environment & Climate Change
Phil Devon	Manager Transport Network
Sarah Dunstan	Executive Manager Governance and Risk
Lesley Milbourne	Acting Manager Governance
Katie Kirwan	Senior Advisor Governance
Claudia Brodtke	Governance Officer
Brendan Shaw	Information Management Technology Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6.04pm and concluded at 8:24pm.

Table of Contents

1.0	Acknowledgement of Country	4
2.0	Apologies and Applications for Leave Of Absence	4
3.0	Confirmation of Minutes	4
4.0.	Disclosures of Interest	4
5.0	Public Forum and Public Address	5
6.0	Items Resolved by Exception	5
9.2	Monthly Investment Report - July 2021	6
10.1	Public Exhibition of Alcohol Free Zone Re-establishment.....	6
10.2	Outcome of the Public Exhibition of the Draft Social Sustainability Policy and Strategy	6
11.2	Outcome of the Public Exhibition of the Draft Policy for Financial Assistance for Charitable and Not for Profit Community Organisations for Waste Disposal at Kimbriki.....	6
14.1	Outcome of Public Exhibition of Additional Fees 2021/22.....	7
14.2	Stronger Communities Fund and New Council Implementation Fund - Quarterly Report.....	7
7.0	Mayoral Minutes	7
7.1	Mayoral Minute No 16/2021 - Congratulations - Silver Partnership - NSW Government Sustainability Advantage Program.....	7
8.0	Chief Executive Officer's Division Reports	8
8.1	Election of Deputy Mayor	8
9.0	Corporate and Legal Division Reports	8
9.1	2021-24 Strategic Internal Audit Plan	8
9.3	Funding Rollover from 2020/21 Budget	9
9.4	Audit, Risk and Improvement Committee Annual Report 2020, Reviewed Charter and Confirmed Minutes of Committee Meeting 9 March 2021	9
9.5	Councillor Membership to the Audit, Risk and Improvement Committee and Economic and Smart Communities Strategic Reference Group	10
9.6	Councillor Expenses 1 January 2021 to 30 June 2021	10
11.0	Environment and Sustainability Division Reports	11
11.1	Update on Proposed Urban Night Sky Place	11
13.0	Transport and Assets Division Reports	13
13.1	Outcome of the Public Exhibition of the Draft Northern Beaches Electric Vehicle Charging Infrastructure Plan	13
15.0	Notices of Motion	14
15.1	Notice of Motion No 35/2021 - Development Application Lodged on Private Lane at 521 Barrenjoey Road, Bilgola.....	14
15.2	Notice of Motion No 36/2021 - Audit of Council's Sportsground Amenities	14

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 JULY 2021

221/21 RESOLVED

Cr Ferguson / Cr White

That the Minutes of the Ordinary Council Meeting held 27 July 2021, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Regan declared a significant non-pecuniary interest in relation to item 13.1 - Outcome of the Public Exhibition of the Draft Northern Beaches Electric Vehicle Charging Infrastructure Plan and chose to take no part in the discussion and voting on this item. The reason provided was:

“My wife and I (and the bank) own personal electric vehicles and the appropriate infrastructure to charge them at home.”

- Councillor Warren declared a pecuniary interest in relation to Item 13.1 - Outcome of the Public Exhibition of the Draft Northern Beaches Electric Vehicle Charging Infrastructure Plan and chose to take no part in the discussion and voting on this item. The reason provided was:

“I own a hybrid electronic vehicle and am a regular user of the current Council network of EV chargers. I will leave the meeting for this item and not participate in discussion or voting on the matter.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: Due to social distancing measures, public speakers have submitted written addresses for tonight's proceedings. Addresses will be read out by the Director of Workforce and Technology, Karen Twitchett.

5.1 PUBLIC FORUM

- Gregory Hogan addressed Council about Item 16.3 Question with Notice 30/2021 Sporting Fields Maintenance.

5.2 PUBLIC ADDRESS

Item 9.4 Audit, Risk and Improvement Committee Annual Report 2020, Reviewed Charter and Confirmed Minutes of Committee Meeting 9 March 2021

- Gregory Hogan addressed Council against this item.

Item 11.1 Update on Proposed Urban Night Sky Place

- Richard West (for Palm Beach and Whale Beach Association) addressed Council supporting this item.
- Fred Watson and Marnie Ogg addressed Council against this item.

Item 15.1 Notice of Motion No 35/2021 - Development Application Lodge on Private Lane at 521 Barrenjoey Road, Bilgola

- Peter Mayman (for Avalon Preservation Trust) and Marita Macrae addressed Council supporting this item.

6.0 ITEMS RESOLVED BY EXCEPTION

222/21 RESOLVED

Cr Harrison / Cr Ferguson

That items 9.2, 10.1, 10.2, 11.2, 14.1 and 14.2 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.2 MONTHLY INVESTMENT REPORT - JULY 2021

223/21 **RESOLVED**

Cr Harrison / Cr Ferguson

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

RESOLVED BY EXCEPTION

10.1 PUBLIC EXHIBITION OF ALCOHOL FREE ZONE RE-ESTABLISHMENT

224/21 **RESOLVED**

Cr Harrison / Cr Ferguson

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 for the period of 1 December 2021 to 30 November 2025.

RESOLVED BY EXCEPTION

10.2 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT SOCIAL SUSTAINABILITY POLICY AND STRATEGY

225/21 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council:

1. Note the outcome of the public exhibition of the draft Better Together Social Sustainability Strategy 2040.
2. Adopt the Better Together Social Sustainability Strategy 2040.
3. Adopt the Social Sustainability Policy.
4. Rescind the Community Development and Services Policy.

RESOLVED BY EXCEPTION

11.2 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT POLICY FOR FINANCIAL ASSISTANCE FOR CHARITABLE AND NOT FOR PROFIT COMMUNITY ORGANISATIONS FOR WASTE DISPOSAL AT KIMBRIKI

226/21 **RESOLVED**

Cr Harrison / Cr Ferguson

That Council:

1. Note the outcome of the public exhibition of the draft Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy.
2. Adopt the Financial Assistance for Charitable and Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy.
3. Rescind the former Pittwater Council Policy No. 83 Kimbriki Resource Recovery Centre – Free Access, dated 15 July 2013, and the former Warringah Council Policy POF-PL 817 Kimbriki Recycling and Waste Disposal Centre – Free Access to Community Organisations, dated November 2006.

RESOLVED BY EXCEPTION**14.1 OUTCOME OF PUBLIC EXHIBITION OF ADDITIONAL FEES 2021/22**

227/21 RESOLVED

Cr Harrison / Cr Ferguson

That Council adopt the 2021/22 additional Currawong Cottages fees for Platypus Cottage, The Lodge, tennis court hire and firewood supply at Attachment 2.

RESOLVED BY EXCEPTION**14.2 STRONGER COMMUNITIES FUND AND NEW COUNCIL IMPLEMENTATION FUND - QUARTERLY REPORT**

228/21 RESOLVED

Cr Harrison / Cr Ferguson

That Council notes the Stronger Communities Fund and the New Council Implementation Fund Report for the quarter ending 30 June 2021.

RESOLVED BY EXCEPTION**7.0 MAYORAL MINUTES****7.1 MAYORAL MINUTE NO 16/2021 - CONGRATULATIONS - SILVER PARTNERSHIP - NSW GOVERNMENT SUSTAINABILITY ADVANTAGE PROGRAM**

229/21 RESOLVED

Cr Regan

That Council formally acknowledge the outstanding achievement by our Environment and Climate staff in attaining Silver Partner status in the NSW Government Sustainability Advantage Program.

VOTING**FOR:** Unanimous**CARRIED**

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 ELECTION OF DEPUTY MAYOR

NOTE 1: The Returning Officer advised valid nominations for the office of Deputy Mayor were received and accepted by Councillor Bingham and Councillor Spratt

NOTE 2: The Returning Officer declared Councillor Bingham as Deputy Mayor for the term of office resolved by Council

230/21 RESOLVED

Cr Regan / Cr Ferguson

That Council:

1. 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 the end of the current Council term (currently 4 December 2021) but no longer than one year.
2. Resolve that should there be more than one candidate nominated for election as Deputy Mayor, the election of Deputy Mayor proceed by open voting (show of hands) in accordance with Schedule 7, Part 1, Clause 3 of the Local Government (General) Regulation 2005.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 2021-24 STRATEGIC INTERNAL AUDIT PLAN

231/21 RESOLVED

Cr Grattan / Cr Heins

That the item be deferred for consideration at a Councillor Briefing prior to the next Audit Risk and Improvement Committee meeting on 14 September 2021 and be brought back to a future Council meeting.

VOTING

FOR: Unanimous

CARRIED

9.3 FUNDING ROLLOVER FROM 2020/21 BUDGET

NOTE: Councillor Warren left the meeting at 6:55pm

232/21 RESOLVED

Cr Amon / Cr Heins

That Council:

1. Rolls over \$3,852,053 in operational project expenditure and associated funding from 2020-21 to the 2021-22 budget.
2. Rolls over \$13,873,606 in capital project expenditure and associated funding from 2020-21 to the 2021-22 budget.
3. Reduce the 2021/22 budget for \$3,014,390 in capital projects expenditure and associated funding for works undertaken in 2020-21 and budgeted in 2021-22.

VOTING

FOR: Cr White, Cr Daley, 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 Regan

ABSENT: Cr Warren

CARRIED

9.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2020, REVIEWED CHARTER AND CONFIRMED MINUTES OF COMMITTEE MEETING 9 MARCH 2021

233/21 RESOLVED

Cr Grattan / Cr Heins

That Council:

1. Adopt the revised Audit, Risk and Improvement Committee (ARIC) Charter.
2. Note the ARIC Annual Report for 2020.
3. Note the confirmed minutes of the ARIC meeting of 9 March 2021.
4. Note that the resident referred to in the ARIC minutes did in fact provide a rejoinder to relevant councillors.

VOTING

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

ABSENT: Cr Warren

CARRIED

9.5 COUNCILLOR MEMBERSHIP TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE AND ECONOMIC AND SMART COMMUNITIES STRATEGIC REFERENCE GROUP

234/21 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

1. Appoint Councillor Amon to the Audit, Risk and Improvement Committee for the remaining Council term (currently 4 December 2021).
2. Appoint Councillor Grattan to the Economic and Smart Communities Strategic Reference Group for the remaining Council term (currently 4 December 2021).

VOTING

FOR: Cr White, Cr Daley, 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 Regan

ABSENT: Cr Warren

CARRIED

9.6 COUNCILLOR EXPENSES 1 JANUARY 2021 TO 30 JUNE 2021

235/21 **RESOLVED**

Cr Heins / Cr Bingham

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 January 2021 to 30 June 2021.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson and Cr Harrison

AGAINST: Cr Amon, Cr Walton, Cr Sprott and Cr Regan

ABSENT: Cr Warren

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 UPDATE ON PROPOSED URBAN NIGHT SKY PLACE

NOTE: Councillor Warren returned to the meeting at 7:33pm

Cr Ferguson / Cr White

That Council:

1. Implement the remaining lighting upgrades set out in the attachment "Governor Phillip Park and Barrenjoey Headland - Current lighting and proposed lighting upgrades".
2. Makes a combined total of up to \$5,000 in grant funding available from the Urban Night Sky budget to the operators of businesses on Crown Assets on Governor Phillip Park being Dunes Palm Beach, The Boathouse Palm Beach and Palm Beach Golf Club to assist with the implementation of lighting changes should they require it.
3. Formally write to NSW National Parks and Wildlife Service seeking their final decision regarding including Barrenjoey Headland in the Urban Night Sky Place application.
4. Submit an application to the International Dark Sky Association for Governor Phillip Park, Palm Beach to be designated as an Urban Night Sky Place (and include Barrenjoey Headland if NSW National Parks and Wildlife Service decides to do so).
5. Ensures that night sky event proposals for Governor Phillip Park are subject to the requirements set out in Part 3 of Table 1 of this report.
6. That the Urban Night Sky Working Group continue to meet to discuss any issues arising from the application process or any event.

AMENDMENT

Cr Bingham / Cr De Luca

1. That the item be deferred to the next Council meeting to allow for local residents concerns to be addressed.
2. Continue to investigate other potential sites in the LGA.

VOTING

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

AGAINST: Cr White, Cr Daley, Cr Amon, Cr Heins, Cr Ferguson, Cr Walton, Cr Sprott and Cr Harrison

LOST

The amendment was LOST and Council returned to the original motion

236/21 **RESOLVED**

Cr Ferguson / Cr White

That Council:

1. Implement the remaining lighting upgrades set out in the attachment "Governor Phillip Park

and Barrenjoey Headland - Current lighting and proposed lighting upgrades”.

2. Makes a combined total of up to \$5,000 in grant funding available from the Urban Night Sky budget to the operators of businesses on Crown Assets on Governor Phillip Park being Dunes Palm Beach, The Boathouse Palm Beach and Palm Beach Golf Club to assist with the implementation of lighting changes should they require it.
3. Formally write to NSW National Parks and Wildlife Service seeking their final decision regarding including Barrenjoey Headland in the Urban Night Sky Place application.
4. Submit an application to the International Dark Sky Association for Governor Phillip Park, Palm Beach to be designated as an Urban Night Sky Place (and include Barrenjoey Headland if NSW National Parks and Wildlife Service decides to do so).
5. Ensures that night sky event proposals for Governor Phillip Park are subject to the requirements set out in Part 3 of Table 1 of this report.
6. That the Urban Night Sky Working Group continue to meet to discuss any issues arising from the application process or any event.

VOTING

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

AGAINST: Cr Philpott, Cr Amon, Cr McTaggart, Cr De Luca and Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PLAN

NOTE 1: Councillors Regan and Warren left the meeting at 7:43pm due to a disclosed interest

NOTE 2: Councillor Bingham assumed the Chair

237/21 RESOLVED

Cr Grattan / Cr Bingham

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Electric Vehicle Charging Infrastructure Plan.
2. Adopt the Northern Beaches Electric Vehicle Charging Infrastructure Plan.
3. Require all charging infrastructure providers to use renewable electricity in approved locations under the Northern Beaches Electric Vehicle Charging Infrastructure Plan.
4. Delegate authority to the Chief Executive Officer to progress implementation and delivery of the Northern Beaches Electric Vehicle Charging Infrastructure Plan.
5. Limit the leases of infrastructure locations to five years subject to clarification of feasibility.

VOTING

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

ABSENT: Cr Warren and Cr Regan

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 35/2021 - DEVELOPMENT APPLICATION LODGED ON PRIVATE LANE AT 521 BARRENJOEY ROAD, BILGOLA

NOTE 1: Councillors Regan and Warren returned to the meeting at 8:00pm

NOTE 2: Councillor Regan resumed the Chair

238/21 **RESOLVED**

Cr McTaggart / Cr Amon

That Council:

1. Undertake a desk top assessment of zoning and ownership of all land in the Bilgola Bends precinct.
2. Provide a report to Council within two months on the outcome of the assessment with a view to requesting that the State Government transfer suitable parcels into Council ownership.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 36/2021 - AUDIT OF COUNCIL'S SPORTSGROUND AMENITIES

239/21 **RESOLVED**

Cr Bingham / Cr Ferguson

That Council:

1. Undertake an audit of existing sport ground amenities and prepare a report outlining in respect to each facility:
 - A. The condition of the facility.
 - B. Which sporting groups use the facility.
 - C. Whether the current facility is adequate for future needs.
 - D. Whether provision needs to be made for female changing rooms.
 - E. The current program to upgrade sporting amenities.
2. Staff provide a report to Council within four months.

VOTING

FOR: Unanimous

CARRIED

The meeting concluded at 8:24pm

This is the final page of the minutes comprising 15 pages numbered 1 to 15 of the Ordinary Council Meeting held on Tuesday 24 August 2021 and confirmed on Tuesday 28 September 2021

Mayor

Chief Executive Officer