



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 17 DECEMBER 2019

**Minutes of an Ordinary Meeting of Council
held on Tuesday 17 December 2019
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon (*arrived at 6:28pm*)
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison (*arrived at 9:42pm*)
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
Andrew Pigott	Executive Manager Strategic and Place Planning
Steve Lawler	Executive Manager Parks and Recreation
Jacqueline Groves	Manager Environment Resilience and Climate Change
Sonya Gallery	Executive Manager Governance and Risk
Sarah Dunstan	Manager Governance
Sherryn McPherson	Coordinator Governance
Tamara Lukic	Governance Officer
Brendan Shaw	Service Delivery Associate
Don Morales	Service Delivery Associate

Invited Speaker

Rob Player Managing Director, DFP Planning

Notes

The meeting commenced at 6:00pm, adjourned at 8:30pm, resumed at 8:40pm, moved into closed session at 10:44pm, resumed in open session at 10:51pm and concluded at 11:39pm.

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

412/19 RESOLVED

Cr Regan / Cr Ferguson

That an apology be received from Councillor Harrison.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 NOVEMBER 2019

413/19 RESOLVED

Cr Ferguson / Cr Heins

That the Minutes of the Ordinary Council Meeting held 26 November 2019, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Cr Harrison

CARRIED

4.0 DISCLOSURES OF INTEREST

- 4.1 Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 12.3 - Planning Proposal 10-12 Boondah Rd and 6 Jacksons Rd, Warriewood PEX2019/0003. Councillor Bingham chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

"I undertook a general phone conversation with John Roth of Henroth Investments [Pty Ltd]."

- 4.2 Councillor Daley declared a not significant non-pecuniary interest in relation to Item 12.3 - Planning Proposal 10-12 Boondah Rd and 6 Jacksons Rd, Warriewood PEX2019/0003. Councillor Daley chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

"My son owns a property in Lakeview Parade, Warriewood and I am part owner of a property in Lakeview Parade, Warriewood. I have also exchanged correspondence with the applicant."

- 4.3 Councillor Amon declared a significant non-pecuniary interest in relation to Item 12.3 - Planning Proposal 10-12 Boondah Rd and 6 Jacksons Rd, Warriewood PEX2019/0003. Councillor Amon chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

"Due to the nature of correspondence sent to me by parties related to the subject matter of the item".

- 4.4 Councillor Regan declared a significant non-pecuniary interest in relation to Item 12.4 - Planning Proposal - Heritage Listing of 21 Whistler Street, Manly. Councillor Regan chose to leave the meeting and 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."

- 4.5 Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 13.2 - Outcome of Public Exhibition and adoption of the Manly Resident Parking Permit Scheme. Councillor Bingham chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

"I reside in one of the zones affected by the parking scheme."

- 4.6 Councillor Spratt declared a not significant non-pecuniary interest in relation to Item 13.2 - Outcome of Public Exhibition and adoption of the Manly Resident Parking Permit Scheme. Councillor Spratt chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Spratt was:

"Had meetings with residents about the parking scheme and I own a unit in Manly."

- 4.7 Councillor Walton declared a not significant non-pecuniary interest in relation to Item 13.2 - Outcome of Public Exhibition and adoption of the Manly Resident Parking Permit Scheme. Councillor Walton chose to remain in the meeting and take part in the discussion or voting on this item. The reason provided by Councillor Walton was:

"Met with Manly Families."

- 4.8 Councillor White declared a not significant non-pecuniary interest in relation to Item 13.3 - Western Foreshore Parking and Scotland Island Access Permit Fees and Charges. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

"I will be subject to new fees structure as I have a registered vehicle on the island."

- 4.9 Councillor Ferguson declared a not significant non-pecuniary interest in relation to Item 13.4 - Outcome of Public Exhibition and adoption for the trial use of McCarrs Creek Reserve by Castle Tribe Inc. Councillor Ferguson chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Ferguson was:

"I have met with those for and against the agenda item."

- 4.10 Councillor Walton declared a not significant non-pecuniary interest in relation to Item 13.4 - Outcome of Public Exhibition and adoption for the trial use of McCarrs Creek Reserve by Castle Tribe Inc. Councillor Walton chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor Walton was:

"Contacted by residents who oppose the trials."

- 4.11 Councillor White declared a not significant non-pecuniary interest in relation to Item 13.5 - Station Beach Dog On-leash Area Trial. Councillor White chose to remain in the meeting and take part in the discussion and voting on this item. The reason provided by Councillor White was:

"I am a member of Palm Beach Golf Club."

- 4.12 Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 14.6 - Notice of Motion No 48/2019 Recognition for Netball and Community contribution. Councillor De Luca chose to remain in the meeting and 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 and know Margaret Cliff through her involvement with Manly Warringah Netball Association. We do not socialise. My impartiality is not compromised."

- 4.13 Councillor Amon declared a pecuniary interest in relation to Urgency Motion - NSW Bushfire Action. Councillor Amon chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

"I am a volunteer with the Rural Fire Service and the motion calls for volunteers to not be financially disadvantaged"

- 4.14 Councillor White declared a pecuniary interest in relation to Urgency Motion - NSW Bushfire Action. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

"Potential pecuniary interest"

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 Amon joined the meeting at 6.28pm.

NOTE 3: Councillor Warren left the chamber at 6:38pm and returned at 6:40pm.

NOTE 3: Councillor Daley left the chamber at 6:48pm and returned at 6:53pm.

NOTE 4: Cr Amon left the chamber at 7:00pm and returned at 7:10pm having declared an interest in item 12.3.

NOTE 5: Councillor Regan left the chamber at 7:10pm having declared an interest in item 12.4 and Councillor Bingham assumed the Chair.

NOTE 6: Councillor Regan returned to the chamber at 7:21pm and resumed the Chair.

NOTE 7: Councillor Amon left the chamber at 7:43pm and returned at 7:46pm.

NOTE 8: Councillor Heins left the chamber at 7:47pm and returned at 7:49pm.

NOTE 9: Councillor Grattan left the chamber at 7:55pm and returned at 7:57pm.

5.1 PUBLIC FORUM

- Jacqueline Marlow addressed Council in relation to exclusion fencing on Aquatic Drive, Allambie Heights.
- Sandra Skinner addressed Council in relation to the 5G cell tower at Warriewood and proposed upgrade to 5G in Mona Vale.
- Amber Marsh addressed Council in relation to 5G towers.
- David Tribe addressed Council in relation to projects and issues for 2020.
- Judith Brain addressed Council in relation to recreational land at 40 Stuart Street, Manly.
- John Patterson addressed Council in relation to bin collection on the western foreshore and in particular on Scotland Island.
- Harold Scruby addressed Council in relation to the 10k shared zones and the Coastal Walkway.

5.2 PUBLIC ADDRESS

- **Item 7.3 - Mayoral Minute No 24/2019 - Drought Assistance - Gunnedah** – David Tribe addressed Council speaking for this item.
- **Item 7.4 - Mayoral Minute No 25/2019 - Mona Vale Police Station** – David Murray and Mark Horton addressed Council speaking against this item.
- **Item 11.1 - Protect. Create. Live - Environment and Climate Change Strategy 2040** - Nigel Howard addressed Council speaking in support of this item.
- **Item 12.2 - Planning Proposal to rezone land within and adjoining the Manly Warringah War Memorial State Park** - Ann Collins and Ann Sharp addressed Council speaking against this item.

- **Item 12.3 - Planning Proposal 10-12 Boondah Rd and 6 Jacksons Rd, Warriewood PEX2019/0003** – Stanley Roth and Ben Salon addressed Council speaking against this item.

PROCEDURAL MOTION - EXTENSION OF TIME

414/19 **RESOLVED**

Cr De Luca / Cr McTaggart

That Stanley Roth be granted an extension of 1 minute to address the meeting.

VOTING

FOR: Cr White, Cr Daley, Cr Heins, Cr McTaggart, Cr Regan, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton and Cr Sprott

AGAINST: Cr Philpott, Cr Grattan and Cr Warren

ABSENT: Cr Amon and Cr Harrison

CARRIED

- **Item 12.4 - Planning Proposal - Heritage listing of 21 Whistler Street, Manly** - Garth Mathews and Claire Wainwright addressed Council speaking against this item.
- **Item 13.2 - Outcome of Public Exhibition and Adoption of the Manly Resident Parking Permit Scheme** - John Hawley addressed Council speaking against this item.
- **Item 13.4 - Outcome of Public Exhibition and Adoption for the Trial Use of McCarrs Creek Reserve by Castle Tribe Inc.** - Peter Blanchard and Karen Gonzalez addressed Council speaking against this item and Guy Saunders and Warren Mitchell addressed Council speaking in support of this item.
- **13.5 - Station Beach Dog On-Leash Area Trial** - Richard Kovacs and David O'Donnel addressed Council speaking against this item.
- **Item 14.8 - Notice of Motion No 50/2019 - Child Safeguarding-** Boyd Attewell addressed Council speaking for this item.
- **Item 14.10- Notice of Motion No 52/2019 - Powderworks Road Speed Camera Request** – Neil Smith and Kenneth Neeson addressed Council speaking for this item.
- **Item 14.11 - Notice of Motion No 53/2019 - Australia Day Citizenship Ceremonies** – David Murray addressed Council speaking for this item.
- **Item 14.13 - Notice of Motion No 55/2019 - 5G on the Northern Beaches** – Chantal Dray and Jason Thomas addressed Council speaking for this item.
- **Item 14.15 - Notice of Motion No 57/2019 - Network of Recycling Centres** – Billy Bragg addressed Council speaking for this item.

6.0 ITEMS RESOLVED BY EXCEPTION

415/19 RESOLVED

Cr Philpott / Cr Grattan

That items 8.1, 8.2, 8.3, 9.1, 9.3, 9.4, 9.6, 10.1, 12.1, 13.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11 and 17.12 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Cr Harrison

CARRIED

8.1 COUNCIL SUPPORT FOR THE SYDNEY SURF PRO IN MANLY

416/19 RESOLVED

Cr Philpott / Cr Grattan

That Council:

1. Continues to partner with Surfing NSW to support the delivery of the Sydney Surf Pro for 2020, 2021 and 2022. Contingent on secured funding from Destination NSW.
2. Provides in-kind support up to \$311,000 in fee waivers and provide additional logistics and marketing in-kind support up to the value of \$65,000.
3. Fund the additional logistics and marketing support for the event up to the value of \$65,000 from the operational budget per financial year of the partnership.

RESOLVED BY EXCEPTION

8.2 EVENT GRANTS AND SPONSORSHIP PROGRAM 2019/20 - ROUND 3 FUNDING RECOMMENDATIONS

417/19 RESOLVED

Cr Philpott / Cr Grattan

That Council:

1. Approve funding of \$39,783 including cash and fee waivers under the 2019/20 Events Grants and Sponsorship Program, as recommended by the assessment panel.
2. Staff continue to work with applicants and provide support for the development and delivery of community run events.

RESOLVED BY EXCEPTION

8.3 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

418/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council note payments totalling \$7,110.00 have been allocated by the Northern Beaches Council Discretionary Fund for the period 25 September to 17 December 2019.

RESOLVED BY EXCEPTION

9.1 MONTHLY INVESTMENT REPORT - NOVEMBER 2019

419/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council receives and notes the Investment Report as at 30 November 2019, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD ON 13 AUGUST 2019 AND 3 SEPTEMBER 2019 (FINANCIAL STATEMENTS REVIEW)

420/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 13 August 2019 and 3 September 2019 (Financial Statements Review).

RESOLVED BY EXCEPTION

9.4 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT FRAUD AND CORRUPTION CONTROL POLICY AND PLAN

421/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council:

1. Note the outcome of the public exhibition of the draft Fraud and Corruption Control Policy and draft Fraud and Corruption Control Plan.
2. Adopt the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan.

RESOLVED BY EXCEPTION

9.6 MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD IN MAY AND AUGUST 2019

422/19 **RESOLVED**

Cr Philpott / Cr Grattan

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

RESOLVED BY EXCEPTION

10.1 MINUTES OF THE COMMUNITY SAFETY COMMITTEE HELD 17 OCTOBER 2019

423/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council note the minutes of the Community Safety Committee meeting held on 17 October 2019.

RESOLVED BY EXCEPTION

12.1 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DRAFT VOLUNTARY PLANNING AGREEMENT POLICY

424/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council:

1. Adopt the draft Voluntary Planning Agreement Policy and draft Voluntary Planning Agreement Guideline.
2. Rescind the Warringah Voluntary Planning Agreement Policy.

RESOLVED BY EXCEPTION

13.1 CONTRACT EXTENSION - BUS SHELTER ADVERTISING

425/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

- 1 Council resolve pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas because of extenuating circumstances by reason of the following:
 - A. Council has an immediate and critical need to take the necessary steps to ensure that the service continues.
 - B. In order to align all three existing agreements, Council is required to continue the

current service to December 2023.

- C. Due to uncertainties in the market, the size and complexity of the service (including the capital expenditure required to modernise the service), a tender process for an interim period would limit the utility and competitiveness of the tender process.
 - D. The proposed contractor has the experience, expertise and resources to satisfy the requirements of the contract for an interim period.
- 2 Council approve an extension of the term of the current contracts with oOh!media Street Furniture Pty Ltd (formerly Adshel Street Furniture Pty Ltd) for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas to December 2023.
- 3 Authority be delegated to the Chief Executive Officer to negotiate, execute and administer as necessary the contracts for supply, maintenance and operation of bus shelters and associated advertising to give effect to this resolution.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - MATTER OF URGENCY

NOTE 1: Councillors Amon and White left the chamber at 8:14pm having declared an interest in this item.

NOTE 2: The Chair ruled that the matter was one of urgency and that the item would be dealt with in the appropriate order of business.

426/19 RESOLVED

Cr Warren / Cr Bingham

That as a matter of urgency Council considers a motion in relation to NSW bushfire action.

VOTING

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

AGAINST: Cr Daley

ABSENT: Cr White, Cr Amon and Cr Harrison

CARRIED

PROCEDURAL MOTION - MATTER OF URGENCY

NOTE 1: Councillors Amon and White returned to the chamber at 8:16pm.

NOTE 2: The Chair ruled that the matter was one of urgency and that the item would be dealt with in the appropriate order of business.

427/19 RESOLVED

Cr Sprott / Cr Regan

That as a matter of urgency Council considers a motion of appreciation of storm response.

VOTING

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

ABSENT: Cr Harrison

CARRIED

PROCEDURAL MOTION - DEFER A MATTER

NOTE: Cr Amon left the chamber at 8:17pm having declared an interest in this item.

Cr De Luca / Cr Ferguson

That item 12.3 be deferred to the February 2020 Council meeting and that the Chief Executive Officer be requested to appoint an appropriately qualified Probity Auditor to ensure that Council's handling of the matter has met all requirements of administrative law.

VOTING

FOR: Cr Bingham, Cr Daley, Cr De Luca and Cr Ferguson

AGAINST: Cr White, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Regan, Cr Walton, Cr Sprott, Cr Warren

ABSENT: Cr Harrison

LOST

PROCEDURAL MOTION – DEFER A MATTER

NOTE 1: Councillor Regan left the chamber at 8:24pm having declared a interest in this item and Councillor Bingham assumed the Chair.

NOTE 2: Cr Amon returned to the chamber at 8:26pm.

Cr De Luca / Cr Ferguson

That item 12.4 be deferred to the February 2020 Council Meeting.

VOTING

FOR: Cr Daley, Cr Amon, Cr Heins, Cr De Luca, Cr Ferguson, Cr Walton

AGAINST: Cr White, Cr Philpott, Cr Grattan, Cr McTaggart, Cr Bingham, Cr Sprott and Cr Warren

ABSENT: Cr Regan and Cr Harrison

LOST

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE 1: Councillor Regan returned to the chamber at 8:29pm and resumed the Chair.

NOTE 2: The meeting adjourned at 8:30pm and reconvened at 8:40pm.

428/19 **RESOLVED**

Cr Regan / Cr Ferguson

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

VOTING

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

ABSENT: Cr Harrison

CARRIED

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 22/2019 - RECOGNITION - 2019 NATIONAL LOCAL GOVERNMENT CUSTOMER SERVICE NETWORK AWARDS

429/19 **RESOLVED**

Cr Regan

That Council:

1. Formally acknowledge the outstanding achievement in receiving Highly Commended Award for Innovation in Customer Experience and Excellence in Service Delivery at the National Local Government Customer Service Network Conference 2019.
2. Congratulate our Customer Service team and all staff involved in these projects.

VOTING

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

ABSENT: Cr Harrison

CARRIED

7.2 MAYORAL MINUTE NO 23/2019 - RECOGNITION OF AWARD TO COUNCIL OFFICER - DAVID ABBOTT AWARD AT THE INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA (IPWEA) EXCELLENCE AWARDS

430/19 **RESOLVED**

Cr Regan

That Council formally acknowledge the outstanding achievement by Megan Schlotjes being awarded the David Abbott Award at the recent Institute of Public Works Engineering Australasia Excellence Awards.

VOTING

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

ABSENT: Cr Harrison

CARRIED

7.3 MAYORAL MINUTE NO 24/2019 - DROUGHT ASSISTANCE - GUNNEDAH

431/19 **RESOLVED**

Cr Regan

That Council

1. Write to the Mayor of Gunnedah advising him of this opportunity and to proceed in identifying the most deserving families who would benefit from this opportunity.
2. Allocate up to a total of \$7000 to cover the cost of accommodation at the Royal Far West facilities in Manly for up to 21 people from the Gunnedah community in January 2020.

VOTING

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

ABSENT: Cr Harrison

CARRIED

7.4 MAYORAL MINUTE NO 25/2019 - MONA VALE POLICE STATION

432/19 **RESOLVED**

Cr Regan

That:

1. Council notes the importance of police remaining in Mona Vale.
2. Council notes the public statement on thinklocal.com.au, author Stephanie Aitkens 28 November 2019 from the NSW Police stating "*We are working with local commands including Northern Beaches to reassess accommodation requirements to meet their strategic and operational delivery.*"
3. Should Mona Vale Police station become surplus to requirements, Council write to the Local Area Commander proposing an opportunity to relocate the police station to a more centralised location in Mona Vale.
4. Council write to the local State Member for Pittwater and Minister for Planning and Public Places, the Hon Rob Stokes MP seeking in principle support for the State Government to provide Council a lease for the current Mona Vale Police Station site on Pittwater Road, Mona Vale at peppercorn rental for the purposes of establishing community housing and other community uses should it become available.
5. Council staff prepare a report within three months outlining the issues and options to enable Council to enter into a peppercorn rental lease with the State Government for the Mona Vale Police Station site with the view to provide affordable housing for key workers managed by Council's preferred housing provider.
6. Council staff include a social impact value in its report on that site.

VOTING

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

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

ABSENT: Cr Harrison

CARRIED

AMENDMENT***Cr Sprott / Cr Ferguson***

That this item be deferred to the February 2020 Council meeting.

VOTING

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

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

ABSENT: Cr Harrison

LOST

The amendment was LOST and Council returned to the original motion

7.5 MAYORAL MINUTE NO 26/2019 - INSTALLATION OF REDUCED SPEED ZONES ON THE NORTHERN BEACHES

433/19 **RESOLVED**

Cr Regan

That Council:

1. Investigate the potential for the installation of 30km/h speed zones in selected residential streets on the Northern Beaches, especially along the Manly to Palm Beach Coast Walk, in partnership with Transport for NSW.
2. Provide a report back to a councillor briefing in March 2020 on the matter prior to consulting with the community and before proceeding to the Northern Beaches Traffic Committee and Transport for NSW for approval of any potential 30 km/h speed zones.

VOTING

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

ABSENT: Cr Harrison

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 CODE OF CONDUCT COMPLAINT STATISTICS

434/19 RESOLVED

Cr Amon / Cr Bingham

That the Code of Conduct complaint statistics for the period 1 September 2018 to 31 August 2019 be reported to the Office of Local Government in accordance with part 11.2 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

VOTING

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

AGAINST: Cr Amon and Cr De Luca

ABSENT: Cr Harrison

CARRIED

9.5 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF DRAFT COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

NOTE: Councillor Heins left the chamber at 9:37pm and returned at 9:38pm.

435/19 RESOLVED

Cr Heins / Cr Bingham

That Council:

1. Note the outcome of the public exhibition of the draft Councillor Induction and Professional Development Policy.
2. Adopt the Councillor Induction and Professional Development Policy.

VOTING

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

AGAINST: Cr Amon and Cr De Luca

ABSENT: Cr Harrison

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 PROTECT. CREATE. LIVE - ENVIRONMENT AND CLIMATE CHANGE STRATEGY 2040

NOTE: Councillor Harrison joined the meeting at 9:42pm.

436/19 **RESOLVED**

Cr Warren / Cr Regan

That Council:

1. Notes the outcomes of the public exhibition process and Council's proposed response to the feedback received.
2. Adopts Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.2 PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK

437/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

1. Withdraw Lot 1 in DP 710023 from the Manly Warringah War Memorial State Park Planning Proposal previously submitted to the then Department of Planning and Environment.
2. Not proceed with acquisition of Lot 1 DP 710023 (Sydney Water – Surplus Bushland Site) at current market value.
3. Proceed with Phase 1 contamination report for the remaining lots.
4. Subject to a favourable outcome from the Phase 1 contamination report, progress the Planning Proposal to a Gateway Determination.
5. Revisit the status of Lot 1 DP710023 once the requirements of the Beaches Link Tunnel are known.
6. Writes to the State Member for Manly, James Griffin MP and Federal Member for Warringah Zali Steggall MP to negotiate and have Lot 1 DP 710023 transferred back into the park.

VOTING

FOR: Unanimous

CARRIED

12.3 PLANNING PROPOSAL 10-12 BOONDAH RD AND 6 JACKSONS RD, WARRIEWOOD PEX2019/0003

Note: Councillor Amon left the chamber at 9:50pm having declared an interest in this item.

438/19 RESOLVED

Cr White / Cr McTaggart

That Council not progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 and 12 Boondah Road, Warriewood to Gateway for determination for the following reasons:

1. It is inconsistent with the relevant Strategic Planning Framework being the *Warriewood Valley Strategic Review Addendum Report* adopted 17 November 2014, amended 19 December 2017 by the Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.
2. The 2019 Planning Proposal has not demonstrated sufficient Strategic Merit or Site-Specific Merit as required under the NSW Planning, Industry and Environment's *Planning Proposals: A guide for preparing planning proposals* (December 2018).
3. The 2019 Planning Proposal will exacerbate an existing under supply of open space land in the Warriewood Valley Release Area through both the increased demand arising from the additional unplanned residential population and the loss of a significant area of land that has been identified and planned by Council for Open Space provision in the relevant Local Strategic documents.
4. The Planning Proposal is inconsistent with the following applicable Ministerial Planning Directions under Section 9.1 of the EP&A Act 1979:
 - A. 1.2 Rural Zones
 - B. 2.1 Environment Protection Zones
 - C. 2.3 Heritage Conservation
 - D. 4.1 Acid Sulfate Soils
 - E. 4.3 Flood Prone Land
 - F. 4.4 Planning for Bushfire Protection
 - G. 7.1 Implementation of the Metropolitan Strategy.
5. The proposed four storey residential flat building development envisaged by the 2019 Planning Proposal on 10 and 12 Boondah Road is considered to be excessive in building height, scale and density when compared with the local character context of the Warriewood Valley in the vicinity of the site and having the regard to environmental constraints of the site. The proposal is inconsistent with the relevant design principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, particularly in respect to the proposed 15m maximum building height standard and the proposed yield of 110-130 dwellings.
6. The proposed construction of active open space (new synthetic surfaced sports fields) on 6 Jacksons Road and the proposed residential flat building development on 10 Boondah Road is unacceptable as it would involve the destruction of areas of remnant Swamp Oak Floodplain Forest, being an Endangered Ecological Community (EEC) of significant biodiversity value.

7. The proposed residential flat building development on 10 and 12 Boondah Road is unacceptable as it would involve the destruction of an area of remnant Bangalay Sand Forest, being an Endangered Ecology Community (EEC) of significant biodiversity value.
8. The 2019 Planning Proposal is inconsistent with the following Planning Directions and Priorities of Council's *Towards 2040 Draft Local Strategic Planning Statement (Draft LSPS)*:
 - A. Direction – Landscape:
 - Priority 1 – Healthy and valued coast and waterways
 - Priority 2 – Protected and enhanced bushland and biodiversity
 - Priority 5 – Greener urban environments
 - Priority 6 – High quality open space for recreation.
 - B. Direction – Resilience:
 - Priority 8 – Greater community resilience to natural hazards and climate change.*
 - C. Direction – Infrastructure and Collaboration:
 - Priority 9 – Infrastructure delivered with employment and housing growth.
 - D. Direction – Housing:
 - Priority 15 – Housing supply, choice and affordability in the right locations.
9. The "Site-Specific" 2019 Planning Proposal to enable the proposed four storey residential flat building development and open space purposes is considered to be pre-emptive and it would create an undesirable precedent in light of Council's *Towards 2040 Draft LSPS* which has recently been on public exhibition and includes the following Actions:
 - A. Action 6.5 – Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside.
 - B. Action 15.1 – Prepare and implement a local housing strategy.
 - C. Action 15.2 – Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs.
10. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Objectives of the Greater Sydney Region Plan:
 - A. Direction for Livability:
 - Objective 7 – Communities are healthy, resilient and socially connected.
 - Objective 13 – Environmental Heritage is identified, conserved and enhanced.
 - B. Direction for Sustainability:
 - Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
 - Objective 30 – Urban Tree Canopy cover is increased.
 - Objective 31 – Public Open Space is accessible, protected and enhanced.
11. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Planning Priorities of the North District Plan:
 - A. Direction for Livability:
 - Planning Priority N3 – Providing Services and social infrastructure to meet people's changing needs.

B. Direction for Sustainability:

Planning Priority N16 – Protecting and enhancing bushland and biodiversity.

Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections.

Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change.

Planning Priority N23 – Preparing local strategic planning statements informed by local strategic planning.

12. The development of sports fields at 6 Jacksons Road as envisaged under the 2019 Planning Proposal is considered to be inconsistent with Clause 6.1(4) of the Pittwater LEP 2014 as it does not provide for the rehabilitation of aquatic and riparian vegetation habitats and ecosystems within the Narrabeen Creek Line Corridor within the full extent of the creek line corridor as shown on the Urban Release Area Map of the LEP.

VOTING

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

AGAINST: Cr Heins and Cr De Luca

ABSENT: Cr Amon

CARRIED

12.4 PLANNING PROPOSAL - HERITAGE LISTING OF 21 WHISTLER STREET, MANLY

NOTE 1: Councillor Regan left the chamber at 10:01pm having declared an interest in this item and Councillor Bingham assumed the Chair.

NOTE 2: Councillor Amon returned to the chamber at 10:01pm.

NOTE 3: Councillor Heins left the chamber at 10:03pm and returned at 10:05pm.

NOTE 4: Councillor White left the chamber at 10:09pm and returned at 10:10pm.

NOTE 5: Councillor Sprott left the chamber at 10:14pm and returned at 10:16pm.

Cr De Luca / Cr Amon

That Council defer this item to the February 2020 Council meeting.

AMENDMENT

Cr Bingham / Cr Grattan

That Council resolve to submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

VOTING

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

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

ABSENT: Cr Regan

CARRIED

The amendment was CARRIED and became the motion

439/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council resolve to submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

VOTING

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

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

ABSENT: Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE MANLY RESIDENT PARKING PERMIT SCHEME

NOTE 1: Councillor Regan returned to the chamber at 10:18pm and resumed the Chair.

NOTE 2: Councillor Daley left the chamber at 10:21pm

440/19 **RESOLVED**

Cr Grattan / Cr Bingham

That:

1. Council note the feedback received during the public exhibition period for the Draft Manly Parking Permit Scheme Framework and the Manly Parking Permit Scheme – Revised Framework.
2. Council adopt the Manly Parking Permit Scheme – Revised Framework:
 - A. Enabling the number of Residential Permits to be two per eligible residential property with a third permit to be assessed in extenuating circumstances under the delegation of the Chief Executive Officer.
 - B. Enabling the number of Residential Permits to be 1 per bedroom in eligible Boarding Houses.
 - C. Introduce a single Multi-use Parking Permit linked to the property to facilitate trades, visitors, etc.
 - D. Introduce a Business Parking Permit with an eligibility of one per business.
 - E. Introduce a Support Worker Permit to eligible support worker vehicles.
 - F. Introduce a Car Share Permit to eligible car share vehicles.
 - G. Introduce a Special Issue Parking Permit to eligible charities, schools, volunteers and not for profit services at the discretion of the Chief Executive Officer.

3. The fees for the Parking Permit Scheme for Manly as printed in the Fees and Charges 2019/20 which was adopted by Council on 25 June 2019 be amended as follows:
 - A. The existing fees applied from 1 July 2019 continue in operation until 17 December 2019.
 - B. The New Parking Permit Scheme (Table 1 in financial considerations) fees commence operation on 18 December 2019.
 - C. The current fees are included inside (or alongside) the scheme documentation.
4. The amended fees for Parking Permit Scheme for Manly (Table 2 in Financial Considerations) be place on exhibition for a minimum of 28 days and be reported back to Council along with any submission.
5. Review the operation of the:
 - A. Multi-use Parking Permit after the first 12 months of implementation.
 - B. Residential Permit scheme prior to the expiry of the first 3-year cycle.

VOTING

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

AGAINST: Cr Amon, Cr De Luca, Cr Walton and Cr Sprott

ABSENT: Cr Daley

CARRIED

13.3 WESTERN FORESHORE PARKING AND SCOTLAND ISLAND ACCESS PERMIT FEES AND CHARGES

NOTE 1: Councillor Bingham left the chamber at 10:23pm.

NOTE 2: Councillor Daley returned to the chamber at 10:23pm.

441/19 **RESOLVED**

Cr Heins / Cr Regan

That:

1. Council place the draft fees and charges on public exhibition for a minimum of 28 days for:
 - A. Western Foreshore Parking Permits (Pittwater Park North).
 - B. Scotland Island Access Permits.
2. The outcome of the public exhibition be reported to Council.

VOTING

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

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

ABSENT: Cr Bingham

CARRIED

13.4 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION FOR THE TRIAL USE OF MCCARRS CREEK RESERVE BY CASTLE TRIBE INC.

NOTE 1: Councillor Bingham returned to the chamber at 10:25pm.

NOTE 2: Councillor Grattan left the chamber at 10:26pm and returned at 10:28pm.

NOTE 3: Councillor Heins left the chamber at 10:26pm and returned at 10:30pm.

442/19 RESOLVED

Cr Heins / Cr Philpott

That:

1. Council note the community feedback received during the public exhibition period for the proposed use of McCarrs Creek Reserve by Castle Tribe Inc.
2. Council approve Castle Tribe Inc's use of McCarrs Creek Reserve for 12 months on a trial basis as outlined in this report.
3. The outcomes of the trial be reported to Council.
4. Given the current fire conditions and RFS advice, no open fires are permitted at this site until Council has received further advice from the Rural Fire Service (RFS).

VOTING

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

AGAINST: Cr Daley, Cr Amon, Cr De Luca and Cr Walton

CARRIED

13.5 STATION BEACH DOG ON-LEASH AREA TRIAL

443/19 RESOLVED

Cr Amon / Cr Walton

That Council:

1. Allow dogs on-leash at Station Beach, Palm Beach as outlined in the report (including as to specified location, days and times).
2. Note that this resolution and Council Resolution 267/19 have the effect of amending the former Pittwater Council Dog Control Policy (N^o 30).
3. Authorise the Chief Executive Officer to do all things necessary to give effect to this resolution including to erect and remove signage.

VOTING

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

AGAINST: Cr Heins, Cr Harrison and Cr Warren

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS444/19 **RESOLVED****Cr Regan / Cr Ferguson**

That the order of business be changed so items 17.1, Matter of Urgency - NSW Bushfire Action, Matter of Urgency - Appreciation of Storm Response, 14.9, 14.8 and 14.10 be brought forward and dealt with immediately.

VOTING

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

AGAINST: Cr Amon, Cr De Luca, Cr Walton and Cr Sprott

CARRIED**17.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

NOTE: Council moved into closed session at 10:44pm.

445/19 **RESOLVED****Cr Regan / Cr Bingham**

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 17.1 RFT 2019/113 - Public Art Artist Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses commercial tenders. 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 result in the release of commercial in confidence information.
2. The resolutions made by the Council in closed session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

VOTING

FOR: Unanimous

CARRIED

18.0 REPORT OF CONFIDENTIAL RESOLUTIONS

NOTE: At 10:51pm the Council resumed in open session and the Chief Executive Officer reported the following resolutions passed in closed session and by exception at item 6.0 - Items Resolved by Exception.

17.1 RFT 2019/113 - PUBLIC ART ARTIST PANEL

446/19 **RESOLVED**

Cr Philpott / Cr Regan

That:

1. Council accept the tender offers received from the 27 top-ranked service providers as listed in Appendix A, for inclusion on Council's Public Art Artist Panel for an initial period of three years with two optional extensions of one year each based on satisfactory performance. CPI may apply to the schedule of rates after the first 12 months on request by the panel member.

- 1 Windeal Pty Ltd
ABN:39 003 527 026
- 2 Milne and Stonehouse Pty Ltd
ABN:19 117 734 166
- 3 S.G. Cordeiro and C.J. Healy
ABN: 78 591 090 823
- 4 Louis Pratt
ABN:22 717 931 215
- 5 Suzanne Davey
ABN: N/A
- 6 James Voller Studio Pty Ltd
ABN:30 628 804 553
- 7 Paul Owen John Selwood
ABN:29 451 807 657
- 8 Tilt Industrial Design Pty Ltd
ABN: 66 600 600 897
- 9 Vivienne Bambridge T/A: Vivienne Lowe Sculptures
ABN:99 461 692 698
- 10 Artscape Pty Ltd
ABN: 52 615 243 162
- 11 Haydn Wilson
ABN:83 459 498 968
- 12 Artlandish Incorporated
ABN:85 801 992 039
- 13 Graham James Chalcroft T/A: Vertebrae
ABN:87 436 287 335

- 14 Frame, Set & Match Pty Ltd
ABN: 78 002 739 951
- 15 Stephen Glassborrow & Linda Dry-Parker
ABN:64 237 487 155
- 16 Daniel William Dominguez
ABN: 28 727 434 842
- 17 Fintan Scott Magee
ABN: 84 820 490 421
- 18 Leesa Knights
ABN:29 537 231 877
- 19 B.O. Blackman & C. Blackman T/A: Blackman Arts Studio
ABN:76 503 738 540
- 20 Urban Sculpture Aboriginal Corporation
ABN:31 328 087 375
- 21 Red Dust Designs Pty Ltd
ABN:17 002 121 502
- 22 Amanda Jane Reynolds T/A: Stella Stories
ABN:95 155 063 935
- 23 Gaye Carolyn Porter
ABN:23 776 831 034
- 24 Helen Leete T/A: The Sculpture Garden Gallery
ABN: 86 323 320 060
- 25 Sallie Ann Portnoy T/A: The Glass Gallery Spot
ABN:51 776 923 613
- 26 Heidi Warta T/A: Art by Heidi Lee
ABN: 49 725 574 717
- 27 Michael Maxwell Glasheen
ABN:76 158 024 373

2. The Chief Executive Officer be delegated authority to execute the deeds of agreement as listed, subject to a satisfactory induction process.
3. The Chief Executive Officer be delegated authority to exercise Council's discretionary option to extend the panel agreements for up to two further consecutive terms of up to one year each.

VOTING

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

ABSENT: Cr Amon, Cr De Luca, Cr Sprott and Cr Harrison

CARRIED

17.2 RFT 2019/060 - LANDSCAPE WORKS FOR A NEW PATHWAY, RETAINING WALLS AND STORMWATER DRAINAGE AT PITTWATER STATE PARK, CURRAWONG BEACH.

447/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the tender of GJ's Landscapes Pty Ltd for RFT 2019/060 – Landscape Works Package for a new pathway, retaining walls and drainage at Pittwater State Park, Currawong Beach for the sum of \$470,151.00 excluding GST.
2. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.3 RFT 2019/280 - MAJOR BUILDING AND RESTORATION WORKS AT PITTWATER STATE PARK, CURRAWONG BEACH NSW

448/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. In accordance with cl178 (1)(a) of the Local Government (General) Regulation 2005 Council accepts the tender of Carfax Pty Ltd for RFT 2019/280 – Major Building and Restoration Works at Pittwater State Park, Currawong Beach for the sum of \$1,686,915.01 excluding GST for the 'Option 1' scope of 4 buildings including building number 1 (holiday cabin 'Kookaburra'), building number 2 (holiday cabin 'Goanna'), building number 9 (holiday cabin 'Blue Tongue') and building number 11 (Games Room).
2. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

**17.4 RFT 2019/118 - ARCHITECTURAL SERVICES - WARRIEWOOD VALLEY
COMMUNITY CENTRE**

449/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the tender of Terroir Pty Ltd for RFT 2019/118 – Architectural Services - Warriewood Valley Community Centre for the sum of two hundred and eighty five thousand dollars (\$285,000) excluding GST.
2. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.5 RFT 2019/088 - NORTHERN BEACHES COUNCIL CONSULTANCY SERVICES PANEL

450/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accept the Tenders received from top five ranked service providers for each sub-panel as listed in the report, for inclusion on Council's Consultancy Services Panel for the period 10 April 2020 to 9 April 2023 with two options to extend the term subject to satisfactory performance.

A. Sub-Panel 1 - Coastal Engineering

Haskoning Australia Pty Ltd
Manly Hydraulics Lab
GHD Pty Ltd
Advisian Pty Ltd
Rhelm Pty Ltd

B. Sub-Panel 2 - Geotechnical Engineering

GHD Pty Ltd
Advisian Pty Ltd
Cardno (NSW/ACT) Pty Ltd
Douglas Partners Pty Ltd
Alliance Geotechnical Pty Ltd

C. Sub-Panel 3 - Surveyors

Utility Mapping (Aust) Pty Ltd
CMS Surveyors Pty Ltd
Craig & Rhodes Pty Ltd
Cardno (NSW/ACT) Pty Ltd
Byrne & Associates Pty Ltd

D. Sub-Panel 4 - Civil Engineering

van der Meer (NSW) Pty Ltd
GHD Pty Ltd
Group Development Services Pty Ltd
Cardno (NSW/ACT) Pty Ltd
SCP Consulting Pty Ltd

E. Sub-Panel 5 - Heritage Consultants

Extent Heritage Pty Ltd
NBRS & Partners Pty Ltd
GML Heritage Pty Ltd
Navin Officer Heritage Consultants Pty Ltd
NGH Pty Ltd

F. Sub-Panel 6 - Environmental Consultants

Niche Environment and Heritage Pty Ltd
Rhelm Pty Ltd
GHD Pty Ltd
Molino Stewart Pty Ltd
Cardno (NSW/ACT) Pty Ltd

G. Sub-Panel 7 - Irrigation Designers

Rex Sullings t/a Aqueduct Consultancy
Peter Bruek t/a Water Wise Consulting
The Trustee for IRRIGATION CONSULTANTS UNIT TRUST t/a HydroPlan

H. Sub-Panel 8 - Planning Consultants

Ethos Urban Pty Ltd
Elton Consulting Group Pty Ltd
RPS Australia East Pty Ltd

I. Sub-Panel 9 - Road Design Engineering

GHD Pty Ltd
Group Development Services Pty Ltd
W S PARTNERS UNIT TRUST t/a Warren Smith Partners Pty Ltd
Advisian Pty Ltd
van der Meer (NSW) Pty Ltd

J. Sub-Panel 10 - Fire Engineers

AE&D Fire Pty Ltd
Newsound Fire Services Pty Ltd

K. Sub-Panel 11 - BCA Consultants

AE&D Pty Ltd
Philip Chun & Associates Pty Ltd
DP Property Consulting Pty Ltd
Northwest Professional Services Pty Ltd t/a Northwest Services

L. Sub-Panel 12 - Access Consultants

Philip Chun & Associates Pty Ltd
AE&D Pty Ltd
DP Property Consulting Pty Ltd
Northwest Professional Services Pty Ltd t/a Northwest Services

M. Sub-Panel 13 - Hydraulic Consultants

MGP Building and Infrastructure Services Pty Ltd
W S PARTNERS UNIT TRUST t/a Warren Smith Partners Pty Ltd
Meinhardt Australia Pty Ltd
SCP Consulting Pty Ltd
Jones Nicholson Pty Ltd

N. Sub-Panel 14 - Electrical Engineering & Lighting Design

Meinhardt Australia Pty Ltd
B&G Consulting Pty Ltd
Lighting Art & Science Pty Ltd
ACOR Consultants Pty Ltd

O. Sub-Panel 15 - Mechanical Consultants

EPES Pty Ltd
Integral Group Consulting Engineers Pty Ltd
Wood & Grieve Engineers Limited

P. Sub-Panel 16 - Lift Consultants

Wood & Grieve Engineers Limited
ACOR Consultants Pty Ltd
Building Services Engineers Pty Ltd

Q. Sub-Panel 17 - Traffic Engineers

GHD Pty Ltd
ACOR Consultants Pty Ltd
The Trustee for THE BITZIOS FAMILY TRUST t/a Bitzios Consulting
Cardno (NSW/ACT) Pty Ltd
Barker Ryan Stewart Pty Ltd

R. Sub-Panel 18 - Quantity Surveyors

Donald Cant Watts Corke (NSW) Pty Ltd
Rider Levett Bucknall NSW Pty Ltd
Project Services and Advisory Group Pty Ltd as trustee for PSAG Trust Number 1
Mitbrand NSW ACT Pty Ltd

S. Sub-Panel 19 - Utility Engineers

ACOR Consultants Pty Ltd
Utility Mapping (Aust) Pty Ltd
Pressure System Solutions Pty Ltd
Cardno (NSW/ACT) Pty Ltd
W S PARTNERS UNIT TRUST t/a Warren Smith Partners Pty Ltd

T. Sub-Panel 20 - Aquatic Ecology Consultants

Cardno (NSW/ACT) Pty Ltd
BIO-ANALYSIS Pty Ltd
Advisian Pty Ltd
EMM Consulting Pty Limited
NGH Pty Ltd

U. Sub-Panel 21 - Historical Archaeology Consultants

Navin Officer Heritage Consultants Pty Ltd
AMBS Ecology & Heritage Pty Ltd
Extent Heritage Pty Ltd
Niche Environment and Heritage Pty Ltd
Urbis Pty Ltd

V. Sub-Panel 22 - Arborist Specialist Consultants

Mara Consulting Pty Ltd

W. Sub-Panel 23 - Structural Engineering

van der Meer (NSW) Pty Ltd
Enstruct Group Pty Ltd
Taylor Thomson Whitting Pty Ltd
Northern Beaches Consulting Engineers Pty Ltd
Meinhardt Australia Pty Ltd

X. Sub-Panel 24 - Architects and Drafting Services

Carter Williamson Architects Pty Ltd
NBRS & Partners Pty Ltd
Studio Hollenstein Pty Ltd
Adriano Pupilli Architects Pty Ltd

Y. Sub-Panel 25 - Private Certifiers

AE&D Pty Ltd
Philip Chun & Associates Pty Ltd
DP Property Consulting Pty Ltd
Northwest Professional Services Pty Ltd t/a Northwest Services

Z. Sub-Panel 26 - Civil Stormwater Engineering

Cardno (NSW/ACT) Pty Ltd
Haskoning Australia Pty Ltd
GHD Pty Ltd
Optimal Stormwater Pty Ltd
H&H Consulting Engineers Pty Ltd

AA. Sub-Panel 27 - Floodplain Engineering

Catchment Simulation Solutions Pty Ltd
Cardno (NSW/ACT) Pty Ltd
BMT Eastern Australia Pty Ltd
WMA Water Pty Ltd
Manly Hydraulics Lab

BB. Sub-Panel 28 - Communications and Community Engagement Consultants

Ethos Urban Pty Ltd
Sanbrah Pty Ltd t/a Parkland Planners
Mara Consulting Pty Ltd
Urbis Pty Ltd
GHD Pty Ltd

CC. Sub-Panel 29 - Social and Marketing Research Consultants

Micromex Systems Pty Ltd
The Behavioural Architects Australia Pty Ltd
Patternmakers Pty Ltd
Sparrowly Group Pty Ltd
@leisure Planners Pty Ltd

DD. Sub-Panel 30 - Landscape Architects

Newscape Design Pty Ltd
The Trustee for Scape Design Unit Trust
DEM (Aust) Pty Ltd
ASPECT Studios Pty Ltd

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

RESOLVED BY EXCEPTION

17.6 RFT 2019/266 - SPORTSFIELD AND CAR PARK WORKS - 3 BOONDAH ROAD, WARRIEWOOD

451/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the tender of Statewide Civil Pty Ltd for RFT 2019/266 – Sports Courts and Carpark Works 3 Boondah Road Warriewood for the sum of \$1,670,067.00 excluding GST.
2. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.7 RFT 2019/279 - CLONTARF RESERVE SEAWALL AND BLEACHERS WORKS

452/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the Tender of Lloyd Drilling Constructions Pty Ltd for RFT2019/279 - Clontarf Reserve Seawall and Bleachers Works for the sum of \$719,990 excluding GST.
2. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.8 RFT 2019/274 - LM GRAHAM RESERVE SPORTS AMENITIES

453/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the Tender of Westbury Constructions Pty Ltd for RFT 2019/274 – LM Graham Reserve Sports Amenities for the sum of five hundred and forty five thousand, six hundred and fifty eight dollars (\$545,658.00) excluding GST.
2. 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 Confidential Evaluation Report.

RESOLVED BY EXCEPTION

17.9 RFT 2019/184 - LITTLE MANLY TIDAL POOL RENEWAL

454/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the tender from GPM Marine Pty Ltd for RFT 2019/281 – Little Manly Tidal Pool for the sum of \$322,124 (ex GST).
2. Council allocate a contingency of 15% (\$50,000) to cover potential latent conditions, design omissions and changes during the construction period.
3. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.10 RFT 2019/281 - FORTY BASKETS TIDAL POOL RENEWAL

455/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. Council accepts the tender from SMC Marine Pty Ltd for RFT 2019/281 – Forty Baskets Tidal Pool for the sum of \$462,745 (ex GST).
2. A contingency of 15% (\$70,000) is required to cover potential of latent conditions, design omissions and changes during the construction period.
3. 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 confidential evaluation report.

RESOLVED BY EXCEPTION

17.11 LAND PURCHASE - 265 WHALE BEACH ROAD, WHALE BEACH

456/19 **RESOLVED**

Cr Philpott / Cr Grattan

That Council:

1. Authorise the acquisition of approximately 30 square metres of land being part of 265 Whale Beach Road (part Lot 2 DP 814793) for an amount in accordance with independent qualified valuation advice received by Council.
2. Upon acquisition of the land identified in item A of this resolution, give public notice in accordance with the Local Government Act 1993 of the proposal that the land be classified as Community Land under the Local Government Act 1993.
3. Delegate authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.

RESOLVED BY EXCEPTION

17.12 MAYORAL MINUTE NO 23/2019 - ANNUAL PERFORMANCE REVIEW OF THE CHIEF EXECUTIVE OFFICER OCTOBER 2018 - SEPTEMBER 2019

457/19 **RESOLVED**

Cr Philpott / Cr Grattan

That:

1. The report and outcomes in the Performance Review of the Chief Executive Officer October 2018/September 2019 be adopted.
2. In accordance with Section 7 of the Chief Executive Officer's employment contract, Council send a written report setting out its conclusions to the Chief Executive Officer advising him of his performance.

3. The Performance Agreement developed by the Performance Review Panel on behalf of Council for the 2019/2020 performance period be adopted.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - EXTENSION OF MEETING

NOTE 1: Councillor Philpott left the chamber at 10:53pm and returned at 10:56pm.

NOTE 2: Councillor Heins left the chamber at 10:54pm and returned at 10:56pm.

459/19 **RESOLVED**

Cr De Luca / Cr Regan

That in accordance with clause 19.3 of the Code of Meeting Practice the meeting close time be extended by 30 minutes.

VOTING

FOR: Unanimous

CARRIED

MATTER OF URGENCY – NSW BUSHFIRE ACTION

NOTE 1: Councillors Amon and White left the chamber at 10:54pm having declared an interest in this item.

NOTE 2: Councillor Daley left the chamber at 11:03pm.

460/19 **RESOLVED**

Cr Warren / Cr Regan

That Council:

1. Acknowledges the huge commitment shown by the Northern Beaches district rural fire brigades, who have sent crews and trucks to some part of NSW every day since 1st August to fight bushfires. There has been no break and many days there have been 120 local volunteers in the field, meaning thousands of hours committed from this district alone.
2. Acknowledges that since August the NSW bushfires have destroyed nearly 3million hectares of bushland, killed 6 people and many thousands of native animals including an estimated 2000 koalas, destroyed more than 700 homes and emitted 250m tonnes of CO₂, half of Australia's usual annual carbon emissions.
3. Calls on the State Government to review relevant legislation so that volunteers are not financially disadvantaged as a result of volunteering from prolonged fire fighting, and writes to the Premier and appropriate ministers to advise as such
4. Calls for a LGNSW Bushfire summit with all relevant stakeholders to be held as soon as practicable, and writes to LGNSW to advise as such:
 - A. Request the Northern Beaches Rural Fire Service Chief for a position on whether they see value in a summit specifically for metropolitan fires.

5. Request that the Chief Executive Officer consider formally offering the Special Leave provisions of the Local Government Award to employees called up by the SES and RFS for the current bushfire season.
6. Commends NSW Environment Minister Matt Kean for his recent leadership on the climate emergency and reducing emissions within NSW and writes to him as such.
7. Writes to the Prime Minister and Environment Minister to inform them of the actions of this Council.

VOTING

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

ABSENT: Cr White, Cr Daley and Cr Amon

CARRIED

MATTER OF URGENCY – APPRECIATION OF STORM RESPONSE

NOTE: Councillors Amon, Daley and White returned to the chamber at 11:08pm.

461/19 **RESOLVED**

Cr Sprott / Cr Regan

That Council:

1. Recognises the excellent preparation and clean up work by staff in safe guarding the community in the recent storms including the first catastrophic rated event that this council has had to deal with and in the recent storm damage where downed trees left some residents without power for long periods of time.
2. Recognises the compassion and professionalisms shown by staff in organising text messages, free showers, and checking on our most vulnerable during these times of danger.

VOTING

FOR: Unanimous

CARRIED

14.9 NOTICE OF MOTION NO 51/2019 - SAFETY REVIEW OF JUMP ROCK

PROCEDURAL MOTION - MOTION BE PUT

462/19 **RESOLVED**

Cr Harrison / Cr Regan

That the motion be now put.

VOTING

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

AGAINST: Cr Sprott

CARRIED

463/19 **RESOLVED**

Cr Bingham / Cr Grattan

That Council undertake a complete safety review of Jump Rock and related jump sites at Collins Beach.

VOTING

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

AGAINST: Cr Sprott

CARRIED

14.8 NOTICE OF MOTION NO 50/2019 - CHILD SAFEGUARDING

464/19 **RESOLVED**

Cr Grattan / Cr Ferguson

That Council prioritise the development of a policy position in respect of Child Safeguarding and report back to Council in April 2020 with a progress report.

VOTING

FOR: Unanimous

CARRIED

14.10 NOTICE OF MOTION NO 52/2019 - POWDERWORKS ROAD SPEED CAMERA REQUEST

465/19 **RESOLVED**

Cr Amon / Cr Regan

That Council write to the Centre for Road Safety and the Hon. Rob Stokes MP in support of the Council staff application for a camera assessment in the section of Powderworks Road, between Lesley Close and Cooleena Road.

VOTING

FOR: Unanimous

CARRIED

14.0 NOTICES OF MOTION

14.1 NOTICE OF MOTION NO 43/2019 - BIKE PARKING RACKS

NOTE: With the acknowledgement of the Chair, Councillor Walton withdrew this item.

14.2 NOTICE OF MOTION NO 44/2019 - ZERO WASTE TO OUR WATERWAYS

466/19 **RESOLVED**

Cr Sprott / Cr Walton

That Council:

1. Acknowledges the great work that staff have already done in installing gross pollutant traps in the Local Government Area.
2. Becomes the first council to set a Zero Waste to Ocean target noting both Ryde and Burwood Councils Zero Litter to River Strategy by 2030.
3. Include a commitment in the Environment and Climate Change Strategy that Council investigates the latest technologies and procedures to eliminate waste from our stormwater and waterways.
4. Staff brief the Environment Strategic Reference Group at the next meeting and consult with them to develop a "Zero Waste to Ocean" Charter.
5. Report the final Charter to Council for adoption.

VOTING

FOR: Unanimous

CARRIED

14.7 NOTICE OF MOTION NO 49/2019 - VOLLEYFEST FUNDING

NOTE: With the acknowledgement of the Chair, Councillor Amon withdrew this item.

14.12 NOTICE OF MOTION NO 54/2019 - MANLY WHARF


NOTE: With the acknowledgement of the Chair, Councillor Bingham withdrew this item.

NOTE 1: In accordance with clause 19.3 of the Code of Meeting Practice the meeting concluded at 11:39pm.

NOTE 2: The following items were deferred to the ordinary Council meeting of 25 February 2020 in accordance with clause 19.4(a) of the Code of Meeting Practice:

- 14.3 Notice of Motion No 45/2019 - Wakehurst Parkway Tree Management
- 14.4 Notice of Motion No 46/2019 - Warriewood Development Control Plan Breaches
- 14.5 Notice of Motion No 47/2019 - Bike Share Operations Expression of Interest
- 14.6 Notice of Motion No 48/2019 - Recognition for Netball and Community Contribution
- 14.11 Notice of Motion No 53/2019 - Australia Day Citizenship Ceremonies
- 14.13 Notice of Motion No 55/2019 - 5G on the Northern Beaches
- 14.14 Notice of Motion No 56/2019 - The Dunny Door Campaign
- 14.15 Notice of Motion No 57/2019 - Network of Recycling Centres
- 14.16 Notice of Motion No 58/2019 - Honouring State Emergency Service and Rural Fire Service

This is the final page of the minutes comprising 40 pages
numbered 1 to 40 of the Ordinary Council Meeting
held on Tuesday 17 December 2019 and confirmed on Tuesday 25 February 2020



Mayor



Chief Executive Officer