



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 26 JULY 2022

Minutes of an Ordinary Council Meeting
held on Tuesday 26 July 2022
at the Civic Centre, Dee Why
Commencing at 6:02pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon (*via remote attendance*)
Bianca Crvelin
Vincent De Luca OAM
Michael Gencher
Kristyn Glanville
Sarah Grattan
Sue Heins
Miranda Korzy (*via remote attendance*)
Jose Menano-Pires
Ruth Robins
Georgia Ryburn
Stuart Sprott
David Walton

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 |
| Eskil Julliard | General Counsel |
| David Walsh | Chief Financial Officer |
| Phil Devon | Manager Transport Network |
| Steven Lawler | Executive Manager Parks & Recreation |
| Campbell Pfeiffer | Executive Manager Property |
| Eva Havenstein | Executive Manager Capital Projects |
| Sarah Dunstan | Executive Manager Governance and Risk |
| Lesley Milbourne | Manager Governance |
| Katie Kirwan | Senior Advisor Governance |
| Ximena Von Oven | Governance Officer |
| Dinesh Mishra | Information Management Technology Officer |
| Shaun Cleland | Information Management Technology Officer |

Notes

The meeting commenced at 6:02pm, adjourned at 8:14pm, resumed at 8:24pm, moved into closed session at 8:24pm, resumed in open session at 9:00pm and concluded at 9:01pm

Table of Contents

| | | |
|-------------|--|-----------|
| 1.0 | Acknowledgement of Country | 5 |
| 2.0 | Apologies and Applications for Leave Of Absence and Remote Attendance | 5 |
| 3.0 | Confirmation of Minutes | 5 |
| 4.0. | Disclosures of Interest | 6 |
| 5.0 | Public Forum and Public Address | 7 |
| 6.0 | Items Resolved by Exception | 8 |
| 9.2 | Audit, Risk and Improvement Committee Annual Report 2021 and Report of Confirmed Minutes of 12 April 2022 Committee Meeting | 8 |
| 9.3 | Outcome of Public Exhibition of Appointment of Committee Members Policy | 8 |
| 9.6 | Outcome of the Public Exhibition of the Draft Investment Policy | 9 |
| 11.1 | Public Exhibition Estuarine Planning Level Studies, North Harbour, Middle Harbour and Cowan Creek | 9 |
| 11.2 | Public Exhibition - Geotechnical Review, Geotechnical Planning Controls Northern Beaches Council | 9 |
| 11.3 | Public Exhibition of the draft Northern Beaches Stormwater Management Study | 10 |
| 11.4 | Selection of Two Replacement Cities Power Partnership Pledges..... | 10 |
| 7.0 | Mayoral Minutes | 11 |
| 7.1 | Mayoral Minute No 14/2022 - Vale Allan Hale OAM | 11 |
| 7.2 | Mayoral Minute No 15/2022Y - Vale Ray Mathieson | 11 |
| 9.0 | Corporate and Legal Division Reports | 12 |
| 9.1 | Outcome of Public Exhibition of Code of Conduct and Procedures for the Administration of the Code of Conduct..... | 12 |
| 9.4 | Strategic Reference Groups | 13 |
| 9.5 | Monthly Investment Report - June 2022 | 13 |
| 12.0 | Planning and Place Division Reports | 14 |
| 12.1 | Outcome of Public Exhibition of My Place: Avalon - Avalon Beach Place Plan..... | 14 |
| 15.0 | Notices of Motion | 15 |
| 15.1 | Notice of Motion No 23/2022 - Hop Skip & Jump..... | 15 |
| 15.2 | Notice of Motion No 24/2022 - Council Apprenticeships Strategy and Targets | 16 |
| 15.3 | Notice of Motion No 25/2022 - Safety Concerns at Oxford Falls Grammar School | 17 |
| 15.4 | Notice of Motion No 26/2022 - Dr Maurine Goldston-Morris OAM..... | 18 |
| 18.0 | Confidential Matters – Closed Session | 20 |
| 19.0 | Report of Confidential Resolutions | 22 |
| 18.1 | Approval for Undertaking Additional Works on Private Land at 21-47 Condoover Street, 6-12 Birrima Street and Condoover Reserve North Balgowlah | 22 |
| 18.2 | RFT 2022/029 - Design & Construct Fern Creek Pedestrian Bridge | 23 |
| 18.3 | RFT 2022/037 - Lease, Licence and Fitout of Café at Long Reef Beach | 24 |
| 18.4 | RFT 2021/234 - Construction Services for Porter Reserve Clubhouse Changespace | 24 |
| 18.5 | RFT 2022/046 - Lease of the Cafe at the Andrew Boy Charlton Aquatic Centre..... | 25 |

| | | |
|------|--|----|
| 18.6 | RFT 2022/047 - Construction Services for the NSW Rural Fire Service Building at Duffys Forest..... | 25 |
| 18.7 | RFT 2022/072 Turf Wicket and Sports Field Maintenance..... | 26 |

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 AND REMOTE ATTENDANCE

REQUEST FOR REMOTE ATTENDANCE

206/22 **RESOLVED**

Cr Ryburn / Cr Bingham

That in accordance with 6.26 of the Code of Meeting Practice:

1. Councillor Miranda Korzy be granted remote attendance to the 26 July 2022 meeting.
2. Councillor Rory Amon be granted remote attendance to the 26 July 2022 meeting for compassionate reasons.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 JUNE 2022

NOTE: Councillor Bingham left the chamber at 6:04pm

207/22 **RESOLVED**

Cr Heins / Cr Robins

That the minutes of the Ordinary Council Meeting held 28 June 2022, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Bingham

CARRIED

4.0 DISCLOSURES OF INTEREST

Designated persons returns were tabled in accordance with sections 4.25 and 4.26 of the Code of Conduct.

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 11.4 Selection of Two Replacement Cities Power Partnership Pledges and will leave the meeting for the discussion and voting on the item. The reason provided was:

“I am a director and shareholder in a solar energy cooperative.”

- Councillor Korzy declared a not significant non-pecuniary interest in relation to Item 12.1 Outcome of Public Exhibition of My Place: Avalon - Avalon Beach Place Plan and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I am an Avalon (Clareville) resident and have participated in consultation on the Avalon Beach Place Plan.”

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 15.3 Notice of Motion No 25/2022 – Safety Concerns at Oxford Falls Grammar School and will leave the meeting for the discussion and voting on the item. The reason provided was:

“My father is the principal of Oxford Falls Grammar School and already in discussions with Council staff about this matter of which I am privy to.”

NOTE: The following disclosures were made at the item of business

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 15.2 Notice of Motion No 24/2022 – Council Apprenticeship Strategy and Targets and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“In my work at PWC I work around apprenticeship and trainee strategies.”

- Councillor Regan declared a significant non-pecuniary interest in relation to Item 15.2 Notice of Motion No 24/2022 – Council Apprenticeship Strategy and Targets and will leave the meeting for the discussion and voting on this item. The reason provided was:

“One of my sons is doing an apprenticeship, and the other is seeking an apprenticeship.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: 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

5.1 PUBLIC FORUM

NOTE: Councillor Bingham returned to the chamber at 6:06pm, left the chamber at 6:11pm and returned at 6:12pm.

- David Couatts addressed Council about the footpath outside the unit complex at 59-63 Old Pittwater Road, Brookvale.
- Justin Bonsey addressed Council about his opposition to DA Mod2021/0996 at 16 Wyatt Ave, Belrose.
- Margaret Hogge addressed Council requesting the upcoming Manly Jazz Festival to be declared both smoke-free AND vape-free for the safety and comfort of all, and that performers are promoted with re-usable signage or name-plates at the front of the stage.
- Deborah Collins addressed Council about Council's Tree Canopy Strategy.

PUBLIC ADDRESS

Item 12.1 Outcome of Public Exhibition of My Place: Avalon - Avalon Beach Place Plan

- Catherine Kerr addressed Council on this item.

6.0 ITEMS RESOLVED BY EXCEPTION

208/22 RESOLVED

Cr Grattan / Cr Heins

That items 9.2, 9.3, 9.6, 11.1, 11.2, 11.3 and 11.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2021 AND REPORT OF CONFIRMED MINUTES OF 12 APRIL 2022 COMMITTEE MEETING

209/22 RESOLVED

Cr Grattan / Cr Heins

That Council:

1. Note the Audit, Risk and Improvement Committee Annual Report for 2021.
2. Note the confirmed minutes of the Audit, Risk and Improvement Committee 12 April 2022.

RESOLVED BY EXCEPTION

9.3 OUTCOME OF PUBLIC EXHIBITION OF APPOINTMENT OF COMMITTEE MEMBERS POLICY

210/22 RESOLVED

Cr Grattan / Cr Heins

That Council:

1. Note the outcome of the public exhibition of the draft Appointment of Committee Members Policy.
2. Adopt the Appointment of Committee Members Policy provided at Attachment 1.

RESOLVED BY EXCEPTION

9.6 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT INVESTMENT POLICY

211/22 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

1. Note the outcomes of the public exhibition of the Draft Investment Policy
2. Adopt the Investment Policy provided at Attachment 1.

RESOLVED BY EXCEPTION

11.1 PUBLIC EXHIBITION ESTUARINE PLANNING LEVEL STUDIES, NORTH HARBOUR, MIDDLE HARBOUR AND COWAN CREEK

212/22 **RESOLVED**

Cr Grattan / Cr Heins

That:

1. Council place the draft Cowan Creek Estuarine Planning Levels Study on public exhibition for a minimum of 28 days.
2. Council place the draft North and Middle Harbour Estuarine Planning Levels Study on public exhibition for a minimum of 28 days.
3. The outcome of the public exhibition of both studies be reported back to Council.

RESOLVED BY EXCEPTION

11.2 PUBLIC EXHIBITION - GEOTECHNICAL REVIEW, GEOTECHNICAL PLANNING CONTROLS NORTHERN BEACHES COUNCIL

213/22 **RESOLVED**

Cr Grattan / Cr Heins

That:

1. Council place the Geotechnical Review – Geotechnical Planning Controls report and associated mapping on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the report and mapping be reported back to Council.

RESOLVED BY EXCEPTION

11.3 PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES STORMWATER MANAGEMENT STUDY

214/22 **RESOLVED**

Cr Grattan / Cr Heins

That Council:

1. Place the draft Northern Beaches Stormwater Management Study on public exhibition for a minimum of 28 days.
2. Use the outcome of the public exhibition of the draft Northern Beaches Stormwater Management Study to inform the development of stormwater quality and quantity targets for the new Northern Beaches Local Environment Plan and Development Control Plan.

RESOLVED BY EXCEPTION

11.4 SELECTION OF TWO REPLACEMENT CITIES POWER PARTNERSHIP PLEDGES

215/22 **RESOLVED**

Cr Grattan / Cr Heins

That Council write to Cities Power Partnership advising:

1. That Council has completed the following existing pledges:
 - A. Work Together and Influence: Set city-level renewable energy or emissions reduction targets and sustainable energy policies to provide a common goal and shared expectations for local residents and businesses.
 - B. Renewable Energy: Provide council resources to educate and support the uptake of renewable energy, such as by hiring an internal renewable energy support officer or establishing an independent body (such as the Moreland and Yarra Energy Foundations).
2. That Council will now progress the following new pledges:
 - A. Work Together and Influence: Revise procurement documents, policies and procedures to ensure that suppliers align with Council's sustainability goals.
 - B. Renewable Energy: Provide incentive and/or remove barriers to encourage local businesses to take up solar power and battery storage.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 14/2022 - VALE ALLAN HALE OAM

216/22 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the enormous contribution made by the late Allan Hale OAM.
2. Send our condolences to the family of the late Allan Hale and to Kaddy Transport.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 15/2022Y - VALE RAY MATHIESON

217/22 **RESOLVED**

Cr Regan

That Council:

1. Acknowledge the enormous contribution made by the late Ray Mathieson.
2. Send our condolences to the family of the late Ray Mathieson and to the Manly Community Forum.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION – MOTION OF URGENCY

NOTE: Councillor Amon left the chamber at 6:39pm

218/22 **RESOLVED**

Cr De Luca / Cr Glanville

That as a matter of urgency Council considers a motion in relation to the Manly Warringah Sea Eagles becoming the first club in rugby league history to wear a LGBTQIA jersey.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Korzy, Cr Gencher, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Grattan

AGAINST: Cr Heins, Cr Regan, Cr Menano-Pires and Cr Ryburn

ABSENT: Cr Amon

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS**9.1 OUTCOME OF PUBLIC EXHIBITION OF CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

219/22 **RESOLVED**

Cr Grattan / Cr Menano-Pires

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct.
2. Adopt the Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon

CARRIED

9.4 STRATEGIC REFERENCE GROUPS

NOTE: Councillor Amon returned to the chamber at 6:40pm

220/22 **RESOLVED**

Cr Glanville / Cr Regan

That:

1. Council conclude the Travel & Transport and Economic & Smart Communities Strategic Reference Groups (SRG) and thank all previous members for their contribution.
2. Staff conduct a process to renew the community and stakeholder members of the Environment SRG in accordance with the Environment SRG Charter and the Appointment of Committee Members Policy.

VOTING

FOR: Unanimous

CARRIED

9.5 MONTHLY INVESTMENT REPORT - JUNE 2022

NOTE 1: Councillor Glanville left the chamber at 6:46pm

NOTE 2: Councillor Sprott left the chamber at 6:46pm

221/22 **RESOLVED**

Cr Crvelin / Cr Heins

That Council note the Investment Report as at 30 June 2022, including the certification by the Responsible Accounting Officer.

VOTING

FOR: Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Glanville and Cr Sprott

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 OUTCOME OF PUBLIC EXHIBITION OF MY PLACE: AVALON - AVALON BEACH PLACE PLAN

NOTE 1: Councillor Glanville returned to the chamber at 6:48pm

NOTE 2: Councillor Sprott returned to the chamber at 6:50pm

Cr Gencher / Cr Amon

That Council:

1. Note the outcomes of the public exhibition of the draft Avalon Beach Place Plan.
2. Adopt the Avalon Beach Place Plan (as amended).
3. Endorse further community consultation in relation to:
 - A Action item 52, with such consultation to be when that item comes to be implemented/considered further by Council.
 - B. Cycleways within Avalon Beach village, with such consultation to be within the next 12 months.

AMENDMENT

Cr Korzy / Cr Glanville

That Council:

1. Note the outcome of the public exhibition of the draft Avalon Beach Place Plan.
2. Remove the proposal for terracing of the hill behind Avalon Beach (described as "the embankment") from the Avalon Beach Draft Place Plan. This includes references on page 73, under "Beach Gateway" and Action item 52 on page 93.
3. Adopt the Avalon Beach Place Plan (as amended).

VOTING

FOR: Cr Glanville, Cr Heins, Cr Korzy and Cr De Luca

AGAINST: Cr Walton, Cr Gencher, Cr Amon, Cr Regan, Cr Bingham, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

222/22 RESOLVED - MOTION

Cr Gencher / Cr Amon

That Council:

1. Note the outcomes of the public exhibition of the draft Avalon Beach Place Plan.
2. Adopt the Avalon Beach Place Plan (as amended).

3. Endorse further community consultation in relation to:
- A. Action item 52, with such consultation to be when that item comes to be implemented/considered further by Council.
 - B. Cycleways within Avalon Beach village, with such consultation to be within the next 12 months.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

223/22 **RESOLVED**

Cr De Luca / Cr Bingham

That the order of business be changed so that the Motion of Urgency in relation to the Manly Warringah Sea Eagles be dealt with after Item 15.4.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Grattan

AGAINST: Cr Amon, Cr Regan, Cr Menano-Pires and Cr Ryburn

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 23/2022 - HOP SKIP & JUMP

NOTE: In accordance with Clause 11.3 of the Code of Meeting Practice, this Notice of Motion was withdrawn

15.2 NOTICE OF MOTION NO 24/2022 - COUNCIL APPRENTICESHIPS STRATEGY AND TARGETS

NOTE 1: Councillor Regan left the chamber at 7:20pm, due to a disclosure of interest

NOTE 2: In the absence of Councillor Regan, Councillor Bingham assumed the Chair

NOTE 3: Councillor Amon left the meeting at 7:34pm

224/22 RESOLVED

Cr Glanville / Cr Sprott

That staff provide a report to Council within three months, addressing the following:

1. Identify any existing formal strategies, informal practices, or targets already in place promoting hiring of higher apprentices, apprentices and trainees by Council.
2. If such targets or strategies exist, whether they are currently being met, and if not, reasons why.
3. If there are any teams/operations within Council that currently have staff with appropriate trade skills able to train a higher apprentice or apprentice in that trade.
4. If there are any teams/operations within Council that are currently outsourced, but if brought in house would then have staff with appropriate trade skills able to train a higher apprentice or apprentice in that trade.
5. If there are barriers to Council hiring more higher apprentices and apprentices/trainees, and how might those barriers be overcome.
6. If no targets exist, what would be an achievable target for higher apprentices and apprentices hired by Council each year.
7. If Council imposes any KPIs on its trade contractors relating to whether those contractors hire higher apprentices and apprentices, and if it is feasible for Council to impose such a KPI, what would a reasonable KPI be.
8. If, when requesting tenders from contractors for trade work, does Council ask tenderers to provide any information about whether they hire higher apprentices and apprentices, and what weight is given to this information. If not, could it be feasible to require this information be provided by tenderers moving forward.
9. Identify any state or federal incentives or grants which Council could apply for to offset the costs of hiring higher apprentices and apprentices.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Regan

CARRIED

15.3 NOTICE OF MOTION NO 25/2022 - SAFETY CONCERNS AT OXFORD FALLS GRAMMAR SCHOOL

NOTE 1: Councillor Ryburn left the chamber at 7:36pm due to a disclosure of interest

NOTE 2: Councillor Regan returned to the chamber at 7:36pm and resumed the Chair

NOTE 3: Councillor Glanville left the chamber at 7:37pm and returned at 7:38pm

Cr Robins / Cr Crvelin

That Council:

1. Note with concern safety issues raised by parents at Oxford Falls Grammar School (OFGS) and residents along Dreadnought and Oxford Falls Roads.
2. Request the Chief Executive Officer to ensure staff undertake a pedestrian safety and vehicle assessment of the area and report the findings to Council within three months.
3. Request the Chief Executive Officer explore funding options to carry out works to ensure safety of the area and report to Council within three months.

AMENDMENT

225/22 RESOLVED

Cr Regan / Cr Menano-Pires

That Council:

1. Note with concern safety issues raised by parents at Oxford Falls Grammar School (OFGS) and residents along Dreadnought and Oxford Falls Roads.
2. Request a briefing on the progress of the Safer Schools program and how this project could be incorporated into a future program of works that is addressing similar concerns.

VOTING

FOR: Cr Glanville, Cr Heins, Cr Korzy, Cr Regan, Cr Bingham, Cr Sprott, Cr Menano-Pires and Cr Grattan

AGAINST: Cr Walton, Cr Gencher, Cr De Luca, Cr Crvelin and Cr Robins

ABSENT: Cr Amon and Cr Ryburn

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

226/22 RESOLVED

Cr Regan / Cr Menano-Pires

That Council:

1. Note with concern safety issues raised by parents at Oxford Falls Grammar School (OFGS) and residents along Dreadnought and Oxford Falls Roads.
2. Request a briefing on the progress of the Safer Schools program and how this project could be incorporated into a future program of works that is addressing similar concerns.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham,

Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

ABSENT: Cr Amon and Cr Ryburn

CARRIED

15.4 NOTICE OF MOTION NO 26/2022 - DR MAURINE GOLDSTON-MORRIS OAM

NOTE 1: Councillor Ryburn returned to the chamber at 7:54pm

NOTE 2: Councillor Grattan left the chamber at 7:56pm

227/22 RESOLVED

Cr De Luca / Cr Ryburn

1. That Council note:
 - A. The recent passing of the eminent local academic and female trail blazer, Dr Maurine Goldston-Morris, 98 years.
 - B. Maurine was a proud 5th generation Australian and noted historian, writing papers and lecturing on Captain Arthur Phillip across the world.
 - C. Maurine was a President of the Arthur Phillip Society, The Women's Pioneer Society and The Women's Club amongst many others as well as being the sponsor of the Geography Teachers Association (NSW) Arthur Phillip Fieldwork Citizenship and Teachers Awards.
 - D. In honour of her outstanding contribution to society she was conferred the Freedom of the City of London Award in 1990, the Medal of the Order of Australia in 1991, and appointed a Lazo Dame Order Isabel Catolica in 1993.
2. That Council acknowledge and commend the outstanding contribution of Dr Maurine Goldston-Morris and extend its sympathy to her family on their loss.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Ryburn

ABSENT: Cr Amon and Cr Grattan

CARRIED

MATTER OF URGENCY - MANLY WARRINGAH SEA EAGLES BECOMING THE FIRST CLUB IN RUGBY LEAGUE HISTORY TO WEAR A LGBTQIA JERSEY

NOTE 1: Councillor Grattan returned to the chamber at 7:59pm

NOTE 2: Councillor Crvelin left the chamber at 8:02pm

228/22 RESOLVED

Cr De Luca / Cr Glanville

That this Council:

1. Note:
 - A. That on Thursday night (28 July 2022), the Manly Warringah Sea Eagles will become the first club in rugby league history to wear a LGBTQIA jersey.
 - B. Coach, Des Hasler's statements to the media:

"The intent of the rainbow colour application of our jersey was to represent diversity and inclusion for all, utilising the symbolic colours of pride to embrace all groups who feel marginalised and faced discrimination and have a suppressed share of voice.

The jersey intent was to support the advocacy and human rights pertaining to gender, race culture, ability and LGBTQ rights."
 - C. Chair of the National Rugby League, Peter V'Landys' statement to the media that:

"one thing I take pride in, in rugby league, is we treat everyone the same, we're all human beings, it doesn't matter what your colour, doesn't matter what your sexual orientation is, doesn't matter what your race is, we're all equal and we'll never ever take a backward step in having our sport inclusive."
 - D. Acknowledge that this week the NRL will hold events to recognise the outstanding contribution of female participants in NRL and rugby league across Australia through its Women in League initiative.
2. That this Council:
 - A. Commend and congratulate the Manly Warringah Sea Eagles NRL team and those players who will wear the pride jersey on their efforts to promote diversity and inclusion.
 - B. Acknowledge the endeavours of all community and sporting organisations on the Northern Beaches, including administrators of Fusion Pride Northern Beaches, on their efforts to promote diversity and inclusion.
 - C. Acknowledge and commend the NRL and Women in League organisation for its service to rugby league and its promotion of diversity and inclusion in this sport.
 - D. Request Council's Chief Executive Officer forward this Resolution to the Manly Warringah Sea Eagles and the Northern Beaches World Pride Movement.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Sprott, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Crvelin

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

229/22 **RESOLVED**

Cr Regan / Cr Heins

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

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Sprott, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Crvelin

CARRIED

NOTE: Councillor Sprott left the meeting at 8:14pm

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE 1: Councillor Crvelin returned to the chamber at 8:24pm

230/22 **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 18.1 Approval for Undertaking Additional Works on Private Land at 21-47 Condover Street, 6-12 Birrima Street and Condover Reserve North Balgowlah 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/provides advice concerning works on private land and a public reserve. 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.

- B. Item 18.2 RFT 2022/029 - Design & Construct Fern Creek Pedestrian Bridge 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/provides advice concerning 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.

- C. Item 18.3 RFT 2022/037 - Lease, Licence and Fitout of Café at Long Reef Beach 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/provides advice concerning 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.

- D. Item 18.4 RFT 2021/234 - Construction Services for Porter Reserve Clubhouse Changespace 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/provides advice concerning 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.

- E. Item 18.5 RFT 2022/046 - Lease of the Cafe at the Andrew Boy Charlton Aquatic Centre 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/provides advice concerning 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.

- F. Item 18.6 RFT 2022/047 - Construction Services for the NSW Rural Fire Service Building at Duffys Forest 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/provides advice concerning 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.

- G. Item 18.7 RFT 2022/072 Turf Wicket and Sports Field Maintenance 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/provides advice concerning 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.

3. 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: Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon, Cr Robins, Cr Sprott, Cr Glanville

CARRIED

NOTE: The meeting moved into closed session at 8:24pm

PROCEDURAL MOTION – RESUME IN OPEN SESSION**238/22 RESOLVED*****Cr Heins / Cr Robins***

That Council resume in open session.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

NOTE: The meeting resumed in open session at 9:00pm

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 APPROVAL FOR UNDERTAKING ADDITIONAL WORKS ON PRIVATE LAND AT 21-47 CONDOVER STREET, 6-12 BIRRIMA STREET AND CONDOVER RESERVE NORTH BALGOWLAH**231/22 RESOLVED*****Cr Walton / Cr Grattan***

That Council:

1. In accordance with section 67 of the *Local Government Act 1993*, approve the carrying out of additional works on private land, being 21-47 Condover Street, and 6-12 Birrima Street North Balgowlah, to finalise removal, transport and disposal of material displaced from Condover

Reserve, North Balgowlah during the March 2022 storm event, including removal of additional historical material identified on private land, and associated stabilisation works (Additional Works).

2. Carry out the Additional Works referred to in 1 at Council's cost, with no fee for the work charged to the owners of the private land.
3. Enter into a contract with the current contractor (RARE Environmental Pty Ltd) (whether by variation to the existing contract ALT2022/092 or otherwise) to undertake the Additional Works in accordance with the amounts specified in Table 1 of this confidential report.
4. 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 contract referred to at 3 because of extenuating circumstances by reason of the following:
 - A. Council has an immediate and critical need for the services
 - B. Undertaking a tender process would delay the provision of the services and the carrying out of the Additional Works.
 - C. There are potential environmental and other risks associated with delays to the provision of the services and the carrying out of the works
 - D. Council has undertaken a market testing process to seek the best value for money outcome for Council
 - E. The proposed contractor has the experience, expertise and equipment to satisfy Council's requirements.
5. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution, including to execute documentation and to approve contract payments up to the amount specified in Table 1 of the confidential report for this item.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon, Cr Crvelin and Cr Sprott

CARRIED

18.2 RFT 2022/029 - DESIGN & CONSTRUCT FERN CREEK PEDESTRIAN BRIDGE

232/22 **RESOLVED**

Cr Ryburn / Cr Grattan

That Council:

1. Accept the tender of Steelworks Engineering Pty Ltd for RFT 2022/029 – Design & Construct Fern Creek Pedestrian Bridge for the sum of \$618,310.51 excluding GST.
2. Delegate authority 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.
3. Increase the budget for CN01211 at first quarter review by an additional \$213,108 excluding GST.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

18.3 RFT 2022/037 - LEASE, LICENCE AND FITOUT OF CAFÉ AT LONG REEF BEACH

233/22 **RESOLVED**

Cr Heins / Cr Gencher

That Council:

1. Accept the tender from Martin Arrisueno trading as The Pocket Freshwater (ABN 36820908494) for RFT 2022/037 – Lease, Licence and Fit-out of the Cafe at Long Reef Beach for the amount of \$40,000 per annum (excl. GST) subject to annual CPI rent adjustments for an initial period of 5 years with a further period of 5 years at the lessees discretion.
2. Delegate authority to the Chief Executive Officer to carry out all things necessary to give effect to this resolution, including execution of any required documentation under delegated authority.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

18.4 RFT 2021/234 - CONSTRUCTION SERVICES FOR PORTER RESERVE CLUBHOUSE CHANGESPACE

234/22 **RESOLVED**

Cr Robins / Cr Crvelin

That Council:

1. Accept the tender of TCM Construction Group Pty Ltd for RFT 2021/234 – Construction Services for Porter Reserve Clubhouse Changespace for the sum of \$800,511.44 excluding GST.
2. Delegate authority 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.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

18.5 RFT 2022/046 - LEASE OF THE CAFE AT THE ANDREW BOY CHARLTON AQUATIC CENTRE

235/22 **RESOLVED**

Cr Ryburn / Cr Grattan

That Council:

1. Accept the tender of Silo (Kiosk) Pty Ltd as the Trustee for Silo (Kiosk) Unit Trust for RFT 2022/046 – Lease of the Cafe at Andrew Boy Charlton Aquatic Centre for the sum of \$70,000 per annum (excl. GST) or 10% of takings (whichever is greater) for an initial period of 3 years with a further period of 2 years at the lessees discretion.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

18.6 RFT 2022/047 - CONSTRUCTION SERVICES FOR THE NSW RURAL FIRE SERVICE BUILDING AT DUFFYS FOREST

236/22 **RESOLVED**

Cr Regan / Cr Ryburn

That Council:

1. Accept the tender of Carfax Commercial Constructions Pty Ltd for RFT 2022/047 – Construction Services for NSW Rural Fire Service Building at Duffys Forest for the sum of \$1,938,195.00 excluding GST.
2. Delegate authority 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.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

18.7 RFT 2022/072 TURF WICKET AND SPORTS FIELD MAINTENANCE**237/22 RESOLVED****Cr Regan / Cr Robins**

That Council:

1. Accept the tender of Green Options Pty Limited for RFT 2022/072 – Turf Wicket and Sports field Maintenance for the initial annual amount of \$427,259 ex GST for existing turf wickets and an annual allowance of \$99,517 ex GST for a proposed additional wicket table anticipated to be constructed within the contract period (total of \$526,776 ex GST) subject to cost adjustment by CPI for each year thereafter, for the period 1/8/2022 to 1/8/2025 with two twelve-month options to extend subject to satisfactory performance.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer to exercise Council's options to extend the contract term.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Amon and Cr Sprott

CARRIED

The meeting concluded at 9:01pm

This is the final page of the minutes comprising 26 pages numbered 1 to 26 of the Ordinary Council Meeting held on Tuesday 26 July 2022 and confirmed on Tuesday 23 August 2022

Mayor

Chief Executive Officer