



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 SEPTEMBER 2022

Minutes of an Ordinary Council Meeting
held on Tuesday 27 September 2022
at the Civic Centre, Dee Why
Commencing at 6:02pm

ATTENDANCE:

Councillors

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

| | |
|------------------|---|
| Ray Brownlee PSM | Chief Executive Officer |
| Jeff Smith | Director Corporate and Legal |
| David Kerr | Director Community and Belonging |
| Todd Dickinson | Director Environment and Sustainability |
| Jorde Frangoples | Director Transport and Assets |
| Karen Twitchett | Director Workforce and Technology |
| Kylie Walshe | Executive Manager, Community, Arts and Culture |
| Eva Havenstein | Executive Manager Capital Projects |
| Sarah Dunstan | Executive Manager Governance and Risk |
| Lesley Milbourne | Manager Governance |
| Tamara Lukic | Acting Senior Advisor Governance |
| Katie Kirwan | Community Engagement Officer – Capital Projects |
| Sylwia Stafford | Information Management Technology Officer |
| Don Morales | Information Management Technology Officer |

Notes

The meeting commenced at 6:02pm, adjourned at 8:15pm, resumed at 8:27pm, moved into closed session at 9:55pm, resumed in open session at 10:38pm and concluded at 10:41pm

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1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Mayor acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 AUGUST 2022

272/22 RESOLVED

Cr Heins / Cr Crvelin

That the minutes of the Ordinary Council Meeting held 23 August 2022, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

FOR: Unanimous

CARRIED

4.0 DISCLOSURES OF INTEREST

Nil

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 Sprott left the chamber at 6:24pm and returned at 6:26pm

5.1 PUBLIC FORUM

- Patrick Daley addressed Council to thank staff who operate Manly Boy Charlton Swim Centre.
- Malcolm Fisher on behalf of Save Manly Dam Catchment Committee addressed Council about Manly Dam Link Trail Boardwalk.
- Catherine Kerr addressed Council requesting postponement of the Conservation Zones Paper Consultation deadline.
- Marita Macrae on behalf of Pittwater Natural Environment Association addressed Council requesting postponement of the Conservation Zones Paper Consultation deadline.

5.2 PUBLIC ADDRESS

Item 11.1 Outcome of Public Exhibition of Narrabeen Lagoon Entrance Management Strategy

- Jason Gribble addressed Council in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

273/22 RESOLVED

Cr Grattan / Cr Crvelin

That

1. Items 8.2, 9.2, 9.3, 9.5, 11.2, 18.2 and 18.3 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 18.2 and 18.3 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

VOTING

FOR: Unanimous

CARRIED

8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

274/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council note payments totalling \$7,050.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 23 June 2022 to 21 September 2022.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - AUGUST 2022

275/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council note the Investment Report as at 31 August 2022, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.3 COUNCILLOR EXPENSES 2021/22

276/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council note Councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July 2021 to 30 June 2022.

RESOLVED BY EXCEPTION

9.5 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 7 JUNE 2022

277/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 7 June 2022.

RESOLVED BY EXCEPTION

11.2 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 1 MARCH 2022

278/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council note the Minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 1 March 2022.

RESOLVED BY EXCEPTION

18.2 RFT 2022/007 - PARKING SERVICES AND TECHNOLOGY

279/22 RESOLVED

Cr Grattan / Cr Crvelin

That Council:

1. Accept the tender of Reino International Pty Ltd trading as Duncan Solutions for the Pilot Project in the Manly Ward for the total amount of \$334,485.22 excluding GST and the project contingency noted in the confidential evaluation report.
2. Accept the inclusion of Reino International Pty Ltd trading as Duncan Solutions on Council's Parking infrastructure and Service Panel for the period of 3 years with 2 twelve-month options, subject to satisfactory performance.
3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

4. Delegate authority to the Chief Executive Officer to exercise Council's option to extend the master agreement for up to 2 additional twelve-month periods.

RESOLVED BY EXCEPTION

18.3 RFT 2022/052 - STAGE 2 AIR CONDITIONING SYSTEM UPGRADE AT GLEN STREET THEATRE

280/22 **RESOLVED**

Cr Grattan / Cr Crvelin

That Council:

1. In accordance with clause 178(3)(b) Local Government (General) Regulation 2021 decline to accept any of the tenders received for RFT 2022/052 – Stage 2 Air Conditioning System Upgrade at Glen Street Theatre and invite, in accordance with section 167, 168 or 169 fresh tenders based on the same or different details.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 22/2022 - PASSING OF HER MAJESTY, QUEEN ELIZABETH II

281/22 **RESOLVED**

Cr Regan

That:

1. Council provide a message on behalf of the Northern Beaches Community via the official condolence online book expressing our deepest sympathies to the Royal Family.
2. All persons attending this meeting of Council observe one minute's silence to commemorate the life and service of Her Majesty Elizabeth II, Queen of Australia.

VOTING

FOR: Unanimous

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 ELECTION OF DEPUTY MAYOR

NOTE 1: The Returning Officer advised a valid nomination for the office of Deputy Mayor was received and accepted by Councillors Heins, Korzy and Crvelin

NOTE 2: The Returning Officer declared Councillor Heins as Deputy Mayor for the term of the office

resolved by Council

282/22 RESOLVED

Cr Regan / Cr Walton

That Council:

1. Elect a Deputy Mayor in accordance with Clause 3, Schedule 7 of the Local Government (General) Regulation 2021, for the term of office until the ordinary Council meeting of September 2023.
2. Resolve that should there be more than one candidate nominated for election as Deputy Mayor, the election of Deputy Mayor proceed by open voting (show of hands) in accordance with Clause 3, Schedule 7 of the Local Government (General) Regulation 2021.

VOTING

FOR: Unanimous

CARRIED

8.3 OUTCOME OF PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES COUNCIL DISCRETIONARY FUND POLICY

283/22 RESOLVED

Cr Heins / Cr Crvelin

That Council:

1. Note the outcomes of the public exhibition of the draft Northern Beaches Council Discretionary Fund Policy
2. Adopt the Northern Beaches Council Discretionary Fund Policy provided at Attachment 1.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 DRAFT 2021/22 FINANCIAL STATEMENTS

284/22 RESOLVED

Cr Crvelin / Cr Grattan

That:

1. Council resolve in its opinion that the Financial Statements for the year ended 30 June 2022:
 - A. have been properly drawn up in accordance with the provisions of the *Local Government Act 1993* and the regulations made thereunder, the Australian Accounting

Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;

- B. to the best of the Council's knowledge and belief, the Financial Statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
 - C. the Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
2. The Mayor, Councillor Crvelin, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for the Financial Statements.
3. The Financial Statements for the year ended 30 June 2022 be referred to the Council's Auditor for audit.
4. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's Reports, to:
- A. forward a copy of the Financial Statements and Auditor's Reports to the Office of Local Government;
 - B. arrange for public notice to be given, in the required format on Council's website, of the Council Meeting for presentation of the audited 2021/22 Financial Statements;
 - C. arrange for the Council's audited Financial Statements and Auditor's Reports to be made available for public inspection on Council's website and in printed format at Council's Customer Service Centres and Libraries; and
 - D. list the audited Financial Statements and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.
5. In accordance with the wishes of the ARIC committee to note for the ordinary council meeting, that ARIC holds in great esteem the quality of the Finance Team, the high standard of papers in relation to financial reporting and congratulates the Council on the dramatic turnaround of the surplus results.

VOTING

FOR: Unanimous

CARRIED

9.4 CHANGE TO OCTOBER 2022 MEETING AND ORDINARY COUNCIL MEETING SCHEDULE - 2023

Cr Regan / Cr Menano-Pires

That Council:

1. Adopt the 2023 ordinary Council meeting schedule:

| Date 2023 | Day | Time | Location |
|--------------|---------|--------|---|
| 28 February | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 March | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 18 April | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 23 May | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 27 June | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 22 August | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 26 September | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 24 October | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 November | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 19 December | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |

2. Move the October 2022 ordinary Council meeting from 25 October to Tuesday 18 October 2022 at 6.00pm at Council Chambers, Civic Centre, Dee Why.

AMENDMENT

Cr Korzy/ Cr Walton

That Council:

1. Adopt the 2023 ordinary Council meeting schedule:

| Date 2023 | Day | Time | Location |
|--------------|---------|--------|---|
| 28 February | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 March | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 18 April | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 23 May | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 27 June | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 25 July | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 22 August | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 26 September | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 24 October | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 November | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |

| | | | |
|-------------|---------|--------|---|
| 19 December | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
|-------------|---------|--------|---|

2. Move the October 2022 ordinary Council meeting from 25 October to Tuesday 18 October 2022 at 6:00pm at Council Chambers, Civic Centre, Dee Why.
3. Add a scheduled Council meeting to the list for Tuesday, 31 January 2023 at 6:00pm at Council chambers in Dee Why.
4. With the aim of improving council governance, the Chief Executive Officer instruct staff to investigate the pros and cons of introducing: a time limit on all meetings of 3 hours with a half hour extension; and an extra meeting each month between February and December each year. Staff should include references to:
 - A. Published research on the impact of meeting duration on participants' concentration and quality of decision-making.
 - B. The experience of other councils that meet or have met twice per month, including Parramatta, Woollahra, the former Pittwater and North Sydney's proposed change to this pattern.
 - C. Establishing a workable timetable for council briefings under this schedule.
 - D. Reduction in size of council agendas and attachments for each meeting.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Korzy, Cr Gencher and Cr De Luca

AGAINST: Cr Heins, 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 A FURTHER AMENDMENT

AMENDMENT

Cr Bingham / Cr Glanville

That Council:

1. Adopt the 2023 ordinary Council meeting schedule:

| Date 2023 | Day | Time | Location |
|--------------|---------|--------|---|
| 28 February | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 March | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 18 April | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 23 May | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 27 June | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 25 July | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 22 August | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 26 September | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |

| | | | |
|-------------|---------|--------|---|
| 24 October | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 November | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 19 December | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |

2. Move the October 2022 ordinary Council meeting from 25 October to Tuesday 18 October 2022 at 6:00pm at Council Chambers, Civic Centre, Dee Why.

VOTING

FOR: Cr Glanville, Cr Korzy, Cr Gencher, Cr Bingham and Cr De Luca

AGAINST: Cr Walton, Cr Heins, Cr Amon, Cr Regan, 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

285/22 RESOLVED

Cr Regan / Cr Menano-Pires

That Council:

1. Adopt the 2023 ordinary Council meeting schedule:

| Date 2023 | Day | Time | Location |
|--------------|---------|--------|---|
| 28 February | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 March | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 18 April | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 23 May | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 27 June | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 22 August | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 26 September | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 24 October | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 28 November | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |
| 19 December | Tuesday | 6:00pm | Council Chambers, Civic Centre, Dee Why |

2. Move the October 2022 ordinary Council meeting from 25 October to Tuesday 18 October 2022 at 6.00pm at Council Chambers, Civic Centre, Dee Why.

3. Staff undertake some research regarding other meeting options and brief Councillors on the results.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy, Cr Bingham and Cr De Luca

CARRIED

PROCEDURAL MOTION - MOTION BE PUT

286/22 **RESOLVED**

Cr Ryburn / Cr Regan

That the motion be now put.

VOTING

FOR: Unanimous

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 OUTCOME OF THE PUBLIC EXHIBITION OF PROPOSED MONA VALE ALCOHOL FREE ZONE

287/22 **RESOLVED**

Cr Gencher / Cr Heins

That Council:

1. Note the outcome of the public exhibition of the proposal to establish a new Alcohol Free Zone in Mona Vale, adjacent to the existing Alcohol Free Zone.
2. Establish a new Alcohol Free Zone in Mona Vale (as shown in Attachment 1) from 1 October 2022 to 30 November 2025.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

CARRIED

10.2 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 2 JUNE 2022 MEETING AND PROPOSED AMENDMENT TO TERMS OF REFERENCE

NOTE 1: Councillor Walton left the chamber at 7:39pm and returned at 7:41pm

NOTE 2: Councillor Glanville left the chamber at 7:40pm and returned at 7:43pm

288/22 **RESOLVED**

Cr Korzy / Cr Glanville

That Council:

1. Note the minutes of the Community Safety Advisory Committee meeting held on 2 June 2022.
2. Endorse the amended Community Safety Advisory Committee Terms of Reference, at Attachment 2, to include a seniors sector representative in the Committee membership.

VOTING

FOR: Unanimous

CARRIED

10.3 RESPONSE TO NOTICE OF MOTION NO 27/2022 - COUNCIL SUPPORT FOR SYDNEY WORLDPRIDE 2023 ACTIVITIES

NOTE 1: Councillor Regan left the chamber at 7:45pm

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

289/22 **RESOLVED**

Cr Glanville / Cr Korzy

That Council:

1. Support WorldPride 2023.
2. Implement the actions of Option 1 as described in the report.
3. Form a Working Party comprising Councillors Glanville, Korzy, Sprott, Bingham, Robins, De Luca and staff as delegated by the Chief Executive Officer to:
 - A. Prioritise the implementation of the actions in Option 2 of the report.
 - B. Explore and implement other opportunities to further participate in the WorldPride 2023 festival on the Northern Beaches within approved budgets, partnerships or external grant programs.
4. Nominate Councillors Glanville and De Luca to join a Grant Evaluation Panel established by the Chief Executive Officer with appropriate governance arrangements.
5. Ask the Chief Executive Officer to call out for volunteers to support Council's activations in response to WorldPride 2023.

VOTING

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

AGAINST: Cr Menano-Pires

ABSENT: Cr Regan

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

290/22 **RESOLVED**

Cr Grattan / 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 Amon, Cr Bingham, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Regan

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 OUTCOME OF PUBLIC EXHIBITION OF NARRABEEN LAGOON ENTRANCE MANAGEMENT STRATEGY

NOTE 1: Councillor Regan returned to the chamber at 8:28pm and resumed the Chair

NOTE 2: Councillor Bingham left the chamber at 8:51pm and returned at 8:51pm

291/22 **RESOLVED**

Cr Robins / Cr Heins

That Council:

1. Note the outcomes of the public exhibition of the draft Narrabeen Lagoon Entrance Management Strategy.
2. Adopt the Narrabeen Lagoon Entrance Management Strategy, August 2022.

VOTING

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

AGAINST: Cr De Luca and Cr Crvelin

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 PROPOSED EASEMENT TO DRAIN WATER OVER PARKES ROAD RESERVE, COLLAROY TO BENEFIT 136 ANZAC AVENUE, COLLAROY PLATEAU

292/22 **RESOLVED**

Cr Korzy / Cr Heins

That Council:

1. Note that it has considered all submissions in respect to the proposed easement referred to in Recommendation 3 below (easement).
2. Apply to the Minister for Local Government in accordance with section 47 of the *Local Government Act 1993* for consent to grant the proposed easement.
3. Subject to the consent of the Minister for Local Government, Council authorise an Easement to Drain Water, 1.2 metres wide and approximately 55 metres in length, with associated Positive Covenant, by underground pipe within Lot 7051 in DP 1051205 Parkes Road Reserve, Collaroy in favour of 136 Anzac Avenue, Collaroy Plateau (Lot 1 DP 235748) for an amount in accordance with Council's adopted Fees and Charges being \$39,400.00 excluding GST.
4. Require all costs associated with the granting of the proposed easement and associated positive covenant, including but not limited to, Council's reasonable legal costs, GST (if applicable), document registration and reinstatement of land, be funded by the applicant.
5. Delegate authority to the Chief Executive Officer to finalise the terms of the proposed easement and positive covenant on the basis that the site of the proposed easement will not be exclusively for the benefit of Lot 1 DP 235748, execute the necessary documentation and do all other things necessary in order to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 30/2022 - MANLY WEST ESPLANADE HERITAGE ACTIVATION PLAN

293/22 **RESOLVED**

Cr Bingham / Cr Grattan

That Council defer the following matter to a Councillor briefing:

"Following the release of the State Government's Consultation Summary Report in relation to the future of the former SeaLife Aquarium site, and further to resolution 404/19 (26 November 2019) regarding the feasibility of reinstating the boardwalk/harbour pool at Manly Cove that Council:

1. *Meet with Transport NSW staff to consult on future steps with regards to the department's concept plan for West Esplanade/Manly Cove.*
2. *Consider how the feasibility of the reinstatement of a boardwalk linking Manly Wharf to Federation Point (while also creating a harbour pool), which includes community consultation and any environmental impact studies, could be progressed.*
3. *Consider other options to rehabilitate the area and bring to life a celebration of our indigenous heritage."*

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 31/2022 - VALIDITY AND AUTHENTICITY REGARDING ONLINE SUBMISSIONS THROUGH THE NORTHERN BEACHES COUNCIL 'YOUR SAY' PLATFORM

NOTE 1: Councillor Glanville left the chamber at 9:44pm and returned at 9:46pm

NOTE 2: Councillor Sprott left the chamber at 9:44pm and did not return for the remainder of the meeting

294/22 **RESOLVED**

Cr Gencher / Cr Robins

That the Chief Executive Officer provide a briefing to Councillors regarding Online Submissions (ie. 'Your Say' platform and digital submissions) addressing the following, including but not limited to:

1. How are online submissions taken into consideration in the assessment of any application?
2. What constitutes a valid and properly made online submission?
3. Define 'stakeholder' – who is considered to be stakeholder in regard to online submissions?
4. How is Council assured that online submissions are rightful and legal?
5. By what system are IP address locations confirmed and recorded?
6. Confirm the number of submissions from a single IP address permitted/allowed.
7. How does Northern Beaches Council confirm the identity of those behind online submissions?
8. What weighting is considered in the decision-making process from online submissions?
9. By what process does Northern Beaches Council consider or challenge the validity of an online submission?
10. Has Northern Beaches Council considered or examined the possibility for corruption, fraudulent behaviour, or exploitation from online submissions?
11. Does Northern Beaches Council include submissions from outside the local government area?
12. Is there a difference in consideration of an online submission between an individual, organisation or community group?
13. Could online submissions be processed as soon as practicable and then exhibited online, giving residents the opportunity to read them as they come in and before the public exhibition closes? Those making submissions could be given the choice to keep their submissions anonymous and not to have them exhibited at all.

VOTING

FOR: Cr Glanville, 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 Sprott

CARRIED

15.3 NOTICE OF MOTION NO 32/2022 - AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

295/22 **RESOLVED**

Cr Bingham / Cr Heins

That:

1. Council consider submitting an expression of interest to host the Australian Local Government Women's Association Conference in Manly in 2024.
2. A councillor briefing be held within 3 months to outline the viability of submitting an expression of interest.

VOTING

FOR: Cr Glanville, 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 Sprott

CARRIED

15.4 NOTICE OF MOTION NO 33/20222 - SALE OF GOVERNMENT OWNED LAND

296/22 **RESOLVED**

Cr Amon / Cr Regan

That Council:

1. Write to the Hon. Brad Hazzard MP, the Hon. Rob Stokes MP, the Hon. Jonathan O'Dea MP, the Hon. James Griffin MP requesting advice /information from State Government in relation to the Northern Beaches local government area:
 - A. Regarding State Government owned land sold or transferred to third parties since 1 January 2021, including details of the street address, suburb, Lot details.
 - B. Regarding State Government owned land which is being considered for sale in the next three years and on an ongoing basis, including details of the street address, suburb, Lot details, excluding road reserves which could be sold/transferred in circumstances of council's involvement.
 - C. Requesting that State Government continue to provide details of State Government owned land being considered for sale on an ongoing basis.
 - D. Requesting that before considering land for release for sale, that State Government undertake all relevant environmental, traffic and other relevant studies as to that

land's suitability for the intended changed land use before it is sold and such reports to be made these public.

2. Request that State Government and its agencies introduce a policy of consulting all local residents within a 250 metre radius before the sale of any State Government owned land.

VOTING

FOR: Cr Glanville, 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 Sprott

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

297/22 **RESOLVED**

Cr Regan / Cr Heins

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 RFQ 2022/083 - Coast Walk Public Art - Robert Dunn Reserve (South Mona Vale Headland) 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 quotations. 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 18.4 RFT 2022/107 - Manly Dam Link Trail Boardwalk 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 18.5 RFT 2022/117 - Cromer Depot Asbestos Roof Replacement 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 18.6 Response to Question With Notice No 10/2022 - Cultural Review on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) *Local Government Act 1993*]; and 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*].

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: Cr Glanville, 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 Sprott

CARRIED

NOTE: *The meeting moved into closed session at 9:55pm*

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 RFQ 2022/083 - COAST WALK PUBLIC ART - ROBERT DUNN RESERVE (SOUTH MONA VALE HEADLAND)

298/22 **RESOLVED**

Cr Gencher / Cr Heins

That Council defer the item to a briefing from staff on alternative locations.

VOTING

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

AGAINST: Cr Walton and Cr Grattan

ABSENT: Cr Sprott

CARRIED

18.2 RFT 2022/007 - PARKING SERVICES AND TECHNOLOGY

279/22RESOLVED

Cr Grattan / Cr Crvelin

That Council:

1. Accept the tender of Reino International Pty Ltd trading as Duncan Solutions for the Pilot Project in the Manly Ward for the total amount of \$334,485.22 excluding GST and the project contingency noted in the confidential evaluation report.
2. Accept the inclusion of Reino International Pty Ltd trading as Duncan Solutions on Council's Parking infrastructure and Service Panel for the period of 3 years with 2 twelve-month options, subject to satisfactory performance.
3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
4. Delegate authority to the Chief Executive Officer to exercise Council's option to extend the master agreement for up to 2 additional twelve-month periods.

RESOLVED BY EXCEPTION

Note: *This is a copy of the resolution that was resolved by exception in open session in section 6.0-Items Resolved by Exception on page 7.*

18.3 RFT 2022/052 - STAGE 2 AIR CONDITIONING SYSTEM UPGRADE AT GLEN STREET THEATRE

280/22RESOLVED

Cr Grattan / Cr Crvelin

That Council:

1. In accordance with clause 178(3)(b) Local Government (General) Regulation 2021 decline to accept any of the tenders received for RFT 2022/052 – Stage 2 Air Conditioning System Upgrade at Glen Street Theatre and invite, in accordance with section 167, 168 or 169 fresh tenders based on the same or different details.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution

RESOLVED BY EXCEPTION

Note: *This is a copy of the resolution that was resolved by exception in open session in section 6.0-Items Resolved by Exception on page 8.*

18.4 RFT 2022/107 - MANLY DAM LINK TRAIL BOARDWALK

299/22 RESOLVED

Cr Heins / Cr Ryburn

That Council:

1. In accordance with section 178(3)(b) Local Government (General) Regulation 2021 decline to accept any of the tenders received for RFT 2022/107 – Manly Dam Link Trail Boardwalk and invite, in accordance with section 167, 168 or 169 fresh tenders based on the same or different details.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy and Cr De Luca

ABSENT: Cr Sprott

CARRIED

18.5 RFT 2022/117 - CROMER DEPOT ASBESTOS ROOF REPLACEMENT

300/22 **RESOLVED**

Cr Amon / Cr Regan

That Council:

1. Accept the tender of Murphy's Remedial Builders Pty Ltd for RFT 2022/117 – Cromer Depot Asbestos Roof Replacement for the sum of \$602,067.45 excluding GST and the project contingency noted in the confidential evaluation report.
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 Amon, Cr Regan, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION – RESUME IN OPEN SESSION

301/22 **RESOLVED**

Cr Regan / Cr Heins

That Council resume in open session.

VOTING

FOR: Cr Glanville, 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 Sprott

CARRIED

NOTE: The meeting resumed in open session at 10:38pm

The meeting concluded at 10:41pm

This is the final page of the minutes comprising 24 pages numbered 1 to 24 of the Ordinary Council Meeting held on Tuesday 27 September 2022 and confirmed on Tuesday 25 October 2022

Mayor

Chief Executive Officer