



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 MARCH 2023

Minutes of an Ordinary Council Meeting
held on Tuesday 28 March 2023
at the Civic Centre, Dee Why
Commencing at 6:01pm

ATTENDANCE:

Councillors

Michael Regan (Mayor) (from 6:26pm)
Sue Heins (Deputy Mayor)
Kristyn Glanville
David Walton
Candy Bingham
Miranda Korzy (remote)
Michael Gencher
Rory Amon
Vincent De Luca OAM (remote)
Stuart Sprott (from 7:17pm)
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Sarah Grattan

Officers

Louise Kerr	Interim Chief Executive Officer
Jeff Smith	Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Karen Twitchett	Director, Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Peter Robinson	Acting Director Planning & Place
Sarah Dunstan	Executive Manager Governance & Risk
Craig Sawyer	Executive Manager Transport & Civil Infrastructure
Kylie Walshe	Executive Manager Community, Arts & Culture
Andrew Pigott	Executive Manager Strategic & Place Planning
Lesley Milbourne	Manager Governance
Claudia Brodtke	Senior Advisor – Governance
Mat Maish	Senior Advisor – Governance
Greg Karageuzian	IT Network Support Officer
Brendan Shaw	Service Delivery Associate

Notes

The meeting commenced at 6:01pm, adjourned at 8:00pm, resumed at 8:11pm, moved into closed session at 9:47pm, resumed in open session at 9:59pm and concluded at 10:12pm

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1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE 1: In accordance with 7.1 of the Code of Meeting Practice the Deputy Mayor assumed the Chair

NOTE 2: The Chair 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

PROCEDURAL MOTION - APOLOGY

038/23 **RESOLVED**

Cr Bingham / Cr Crvelin

That the apology from Councillor Ryburn be accepted.

VOTING

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

ABSENT: Cr Regan and Cr Sprott

CARRIED

PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

039/23 **RESOLVED**

Cr Crvelin / Cr Robins

That in accordance with 6.26 of the Code of Meeting Practice, Councillor Korzy, Councillor De Luca and Councillor Sprott be granted remote attendance to the March meeting.

VOTING

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

ABSENT: Cr Regan and Cr Sprott

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2023

040/23 RESOLVED

Cr Bingham / Cr Crvelin

That the minutes of the Ordinary Council Meeting held 28 February 2023, 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 Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

ABSENT: Cr Regan and Cr Sprott

CARRIED

4.0 DISCLOSURES OF INTEREST

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

- Councillor Gencher declared a not significant non-pecuniary interest in relation to Item 12.1 Planning Proposal 10-12 Boondah Road, Warriewood PEX2022/001 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I have an historic relationship with Mr Daniel Maurici - who I understand is employed as a Senior Development Manager for HenRoth P/L. Daniel Maurici worked for me more than 24 years ago when he was a student. I have no regular contact with him, and have seen him very infrequently over years. I have not sustained a close friendship or relationship with Daniel Maurici for many years now.”

- Councillor Heins declared a not significant non-pecuniary interest in relation to Item 10.2 Funding Review of the Social Services Sector and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“Whilst I am involved with the Women’s Shelter, this item is about the social sector more broadly. I will remain in the meeting.”

- Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 10.2 Funding Review of the Social Services Sector and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“Whilst I am involved with Community Northern Beaches and the Northern Beaches Women’s Shelter, this item is about the social sector more broadly. I will remain in the meeting.”

- Councillor Korzy declared a not significant non-pecuniary interest in relation to the proposed motion of urgency on the late Bob Graham and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I am a member of the Protect Pittwater organisation.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Chair requested that each speaker acknowledge that they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made

NOTE 2: Councillor Regan joined the meeting at 6:26pm

5.1 PUBLIC FORUM

- Rick Atkinson addressed Council on planning and enforcement of development rules.
- Jane Prior, on behalf of Canopy Keepers, addressed Council on the tree canopy plan.

5.2 PUBLIC ADDRESS

Item 12.1 Planning Proposal 10-12 Boondah Road, Warriewood, PEX2022/0001

- Daniel Maurici, on behalf of Henroth, addressed Council against this item.

Item 15.9 Notice of Motion 10/2023 – Warringah Aquatic Centre Adult Swim Classes

- Mark Norek addressed Council in support of this item.

PROCEDURAL MOTION - 1 MOTION OF URGENCY

041/23 **RESOLVED**

Cr Korzy / Cr Robins

That as a matter of urgency Council consider a motion in relation to the passing of a former Pittwater councillor.

VOTING

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

AGAINST: Cr Regan and Cr Menano-Pires

ABSENT: Cr Sprott

CARRIED

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE: Councillor De Luca left the meeting at 6:37pm

042/23 RESOLVED

Cr Heins / Cr Grattan

That items 8.1, 9.1, 9.3, 9.4, 9.5, 10.1, 12.1, 12.3, 12.4, 13.2, 13.3 and 13.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

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

ABSENT: Cr De Luca and Cr Sprott

CARRIED

8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

043/23 RESOLVED

Cr Heins / Cr Grattan

That Council note payments totalling \$5,600.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 7 December 2022 to 21 March 2023.

RESOLVED BY EXCEPTION

9.1 POWER OF ATTORNEY ARRANGEMENTS FOR INTERIM CHIEF EXECUTIVE OFFICER

044/23 RESOLVED

Cr Heins / Cr Grattan

That Council:

1. Revoke the Power of Attorney Book 4751 No 832, registered on 30 October 2018
2. Affix the Common Seal of Council to the Revocation of Power of Attorney (Attachment 1)
3. Grant Power of Attorney to Ms Louise Kerr, Interim Chief Executive Officer effective on and from 29 March 2023 to execute documents, dealings and instruments relating to the matters detailed in the draft instrument provided at Attachment 2 to this report
4. Affix the Common Seal of Council to the Power of Attorney
5. Attend to the registration of the Revocation of Power of Attorney Book 4751 No 832 and the new Power of Attorney to Ms Louise Kerr.

RESOLVED BY EXCEPTION

9.3 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD ON 6 DECEMBER 2022

045/23 RESOLVED

Cr Heins / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee ordinary meeting held on 6 December 2022.

RESOLVED BY EXCEPTION

9.4 SUSPENSION OF ALCOHOL FREE ZONE FOR TASTE OF MANLY 2023

046/23 RESOLVED

Cr Heins / Cr Grattan

That Council:

1. Suspend operation of the Alcohol Free Zone and Alcohol Prohibited Area for the Taste of Manly 2023 event only within the designated festival area in Manly on Saturday 27 and Sunday 28 May 2023 between the hours of 11.30am and 5.30pm daily.
2. Provide appropriate notice of the suspension of the Alcohol Free Zone and Alcohol Prohibited Area, in accordance with s645(i) of the *Local Government Act 1993*.
3. Events staff continue to liaise with Police from the Northern Beaches Local Area Command in relation to safe management of the area during the suspensions.

RESOLVED BY EXCEPTION

9.5 MONTHLY INVESTMENT REPORT - FEBRUARY 2023

047/23 RESOLVED

Cr Heins / Cr Grattan

That Council note the Investment Report as at 28 February 2023, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

10.1 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 24 NOVEMBER 2022 MEETING

048/23 RESOLVED

Cr Heins / Cr Grattan

That Council note the Minutes of the Community Safety Advisory Committee meeting held on 24 November 2022.

RESOLVED BY EXCEPTION**12.1 PLANNING PROPOSAL 10-12 BOONDAH ROAD, WARRIEWOOD PEX2022/0001**049/23 **RESOLVED****Cr Heins / Cr Grattan**

That:

1. Council reject the proponent's Planning Proposal and not forward it to the Minister for Planning for a Gateway determination for the following reasons:
 - A. The Planning Proposal has not demonstrated sufficient strategic merit or site-specific merit, and is inconsistent with the following elements of the strategic planning framework:
 - i. Greater Sydney Region Plan:
 - Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
 - Objective 36: People and places adapt to climate change and future shocks and stresses.
 - Objective 37: Exposure to natural and urban hazards is reduced.
 - ii. North District Plan:
 - Planning Priority N16: Protecting and enhancing bushland and biodiversity
 - Planning Priority N22: Adapting to the impacts of urban and natural hazards and climate change
 - iii. Towards 2040 Local Strategic Planning Statement for the Northern Beaches:
 - Priority 1: Healthy and valued coast and waterways
 - Priority 2: Protected and enhanced bushland and biodiversity
 - Priority 8: Adapted to the impacts of natural and urban hazards and climate change
 - Priority 15: Housing supply, choice, and affordability in the right locations
 - iv. Warriewood Valley Strategic Review Addendum Report adopted 17 November 2014 and amended 19 December 2017 by Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.
 - v. Local Planning Directions issued by the Minister for Planning:
 - Local Planning Direction 4.1: Flood Prone Land
 - Local Planning Direction 4.2 Coastal Management
 - Local Planning Direction 4.4: Planning for Bushfire Protection.
 - B. The NSW State Emergency Service (SES) has raised significant concerns in relation to flood risk, and has indicated it does not support rezonings to enable development on the floodplain with risk management strategies that rely on early evacuation, private alarm systems, shelter in place, and transfer of residual risk in terms of emergency response to the SES, thereby increasing demands on SES resourcing and capabilities and potentially increasing risk to life, health and property for both existing and future communities.
 - C. The Planning Proposal seeks to rezone land within the flood planning area and insufficient information has been provided to demonstrate that the proposed

- development will not:
- i. result in a net loss of flood storage in the floodplain;
 - ii. result in significant adverse impacts to other properties;
 - iii. result in an increased requirement for government spending on emergency management services, flood mitigation and emergency response measures;
 - iv. adversely affect the safe occupation and efficient evacuation of people; and
 - v. place people and property at unacceptable risk in the event of a major flood.
- D. The Planning Proposal is inconsistent with the objectives of Clause 5.21 Flood Planning of *Pittwater Local Environmental Plan 2014*.
- E. The Planning Proposal is likely to result in unacceptable impacts on biodiversity, particularly in respect of:
- i. failure to site and design development to avoid and minimise impacts to biodiversity;
 - ii. impacts on the remnant Bangalay Sand Forest, an Endangered Ecological Community of significant biodiversity value, as well as impacts to threatened species habitats, reduction in local wildlife connectivity, and potential for altered flow regimes to impact groundwater dependent ecosystems;
 - iii. uncertainty with regards to Biodiversity Certification and, given that offset obligations are not available in the Northern Beaches, the likelihood of a net loss of local biodiversity;
 - iv. failure to exclude from development all the mapped Coastal Wetland;
 - v. failure to provide an adequate 15-metre-wide landscaped buffer, exclusive of the bushfire asset protection zone, to protect the adjacent wetlands; and
 - vi. inadequate groundwater investigation and water quality monitoring to demonstrate adequate management of impacts on the downstream environment and the wetland.
- F. The Planning Proposal does not comply with Council's Affordable Housing Policy as it only offers dwellings as affordable housing for a period of 10 years, and it fails to include a suitable mechanism to include the site in the Northern Beaches Affordable Housing Contributions Scheme.
- G. The proposed C2 zoning of land could trigger acquisition obligations for Council, noting that this matter may be able to be clarified if the Planning Proposal were to progress.

RESOLVED BY EXCEPTION**12.3 PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT AT 321-331 CONDAMINE STREET, MANLY VALE****050/23 RESOLVED****Cr Heins / Cr Grattan**

That:

1. Council place the draft Planning Agreement and supporting documentation on public

exhibition for a minimum of 28 days.

2. The outcomes of the public exhibition of the draft Planning Agreement be reported to Council.

RESOLVED BY EXCEPTION

12.4 ADOPTION OF DRAFT COUNCIL- RELATED DEVELOPMENT APPLICATIONS POLICY

051/23 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council adopt the draft Council-related Development Applications Policy, to commence on 3 April 2023.
2. The implementation of the new policy be monitored for 6 months with feedback sought from the community, and a report on the implementation and review presented to Council in October 2023.

RESOLVED BY EXCEPTION

13.2 PROPOSED EASEMENT TO DRAIN WATER OVER FOX RESERVE, COLLAROY TO BENEFIT 41 AND 43 BEACH ROAD, COLLAROY

052/23 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Note that it has considered all submissions in respect of the proposed easement referred to in Item 3 below (proposed easement) and endorse the position in relation to the objections received as set out in the report for this item.
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, authorise a one-metre-wide Easement to Drain Water and associated Positive Covenant, by underground pipe within Lot 2 DP 566490 Fox Reserve, Collaroy in favour of 41 and 43 Beach Road, Collaroy (Lot 1 DP 300846 and Lot 2 Sec 7 DP 7391) for an amount in accordance with Council's adopted Fees and Charges.
4. Require the applicant to fund all costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in Item 3 of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage work.
5. Delegate authority to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

13.3 PUBLIC EXHIBITION OF A PROPOSAL FOR A NEW COMMUNITY GARDEN AT ANNAM ROAD RESERVE, BAYVIEW

053/23 RESOLVED

Cr Heins / Cr Grattan

That:

1. Council place the proposal for a new community garden at Annam Road Reserve, Bayview on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported back to Council.

RESOLVED BY EXCEPTION

13.4 OUTCOME OF COMMUNITY ENGAGEMENT - MARKET LANE WASTE FACILITY ACCESS FEE

054/23 RESOLVED

Cr Heins / Cr Grattan

That:

1. Council note the community feedback from the public exhibition of the draft Market Lane Waste Facility Access Fee.
2. Council approve the new proposed Market Lane Waste Facility Access Fee.

RESOLVED BY EXCEPTION

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 RECRUITMENT OF INDEPENDENT MEMBER OF AUDIT, RISK AND IMPROVEMENT COMMITTEE

055/23 **RESOLVED**

Cr Grattan / Cr Crvelin

That:

1. Council endorse a panel to provide recommendations to Council following its assessment and evaluation of the Expressions of Interest for independent membership of the Audit, Risk and Improvement Committee.
2. The panel is to comprise the Interim Chief Executive Officer, the Chair of the Audit, Risk and Improvement Committee and Councillor Glanville.

VOTING

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

ABSENT: Cr De Luca and Cr Sprott

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.2 FUNDING REVIEW OF THE SOCIAL SERVICES SECTOR

NOTE 1: Councillor Regan left the chamber at 6:42pm

Cr Robins / Cr Menano-Pires

That Council:

1. Consider the options for funding social service organisations and determine to proceed with option 2 for implementation.
2. Delegate authority to the Chief Executive Officer as required to implement the decision of Council including any provision of financial assistance under Section 356 of the *Local Government Act, 1993*.
3. Note the proposed change to the annual Community Development Grants Program to include a Small Grants Program within existing operational budget.

AMENDMENT

Cr Amon / Cr Glanville

That Council:

1. Consider the options for funding social service organisations and determine to proceed with option 1 for implementation.
2. Delegate authority to the Chief Executive Officer as required to implement the decision of Council including any provision of financial assistance under Section 356 of the *Local Government Act, 1993*.
3. Note the proposed change to the annual Community Development Grants Program to include a Small Grants Program within existing operational budget.

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Korzy, Cr Amon and Cr Crvelin

AGAINST: Cr Walton, Cr Gencher, Cr Heins, Cr Robins, Cr Menano-Pires and Cr Grattan

ABSENT: Cr Regan, Cr De Luca and Cr Sprott

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

056/23 **RESOLVED**

Cr Robins / Cr Menano-Pires

That Council:

1. Consider the options for funding social service organisations and determine to proceed with option 2 for implementation.
2. Delegate authority to the Chief Executive Officer as required to implement the decision of Council including any provision of financial assistance under Section 356 of the *Local*

Government Act, 1993.

3. Note the proposed change to the annual Community Development Grants Program to include a Small Grants Program within existing operational budget.

VOTING

FOR: Cr Walton, Cr Gencher, Cr Amon, Cr Heins, Cr Robins, Cr Menano-Pires and Cr Grattan

AGAINST: Cr Glanville, Cr Bingham, Cr Korzy and Cr Crvelin

ABSENT: Cr Regan, Cr De Luca and Cr Sprott

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.2 PLANNING PROPOSAL FOR 6 MITCHELL ROAD, PALM BEACH - PEX2022/0003

NOTE 1: Councillor Glanville left the chamber at 7:04pm

NOTE 2: Councillor Robins left the chamber at 7:06pm

057/23 **RESOLVED**

Cr Gencher / Cr Amon

That Council:

1. Submit the Planning Proposal for 6 Mitchell Road, Palm Beach to the Minister for Planning for Gateway Determination.
2. Publicly exhibit the Planning Proposal in accordance with any Gateway determination by the Minister for Planning.

VOTING

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

AGAINST: Cr Korzy

ABSENT: Cr Glanville, Cr Regan, Cr De Luca, Cr Sprott and Cr Robins

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE 1: Councillor Glanville returned to the chamber at 7:11pm

NOTE 2: Councillor Robins returned to the chamber at 7:11pm

058/23 **RESOLVED**

Cr Amon / Cr Gencher

That the order of business be changed so items 15.9 be brought forward and dealt with immediately.

VOTING

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

ABSENT: Cr Regan, Cr De Luca and Cr Sprott

CARRIED

15.9 NOTICE OF MOTION NO 10/2023 - WARRINGAH AQUATIC CENTRE ADULT SWIM CLASSES

NOTE 1: Councillor De Luca returned to the meeting at 7:12pm

NOTE 2: Councillor Sprott joined the meeting at 7:17pm

059/23 RESOLVED

Cr Amon / Cr Menano-Pires

That:

1. An options report be prepared and presented to the May 2023 Council meeting that outlines options available to Council to re-establish the Swim Fit squads with a suitable staff member or temporary hire to run the squads until such time that the Warringah Aquatic Centre can find suitable and more permanent coaching replacements. The options report is to include consideration of the following matters:
 - A. Options available to offer an attractive remuneration in line with the Local Government (State) Award for a suitably qualified candidate.
 - B. Options to explore all available avenues, including commercial organisations, to identify a longer-term coaching solution.
 - C. Options available for Council to run the squads with other staff when the regular coach is sick or unavailable.
2. Council, when conducting future expressions of interest/ tender for swimming squads with Warringah pool and other pools, includes both children and adult swim squads.

VOTING

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

ABSENT: Cr Regan

CARRIED

12.5 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS

NOTE 1: Councillor Bingham left the chamber at 7:27pm and returned at 7:29pm

NOTE 2: Councillor Gencher left the chamber at 7:31pm

060/23 **RESOLVED**

Cr Grattan / Cr Bingham

That Council note the Development Applications approved with variations to development standards during the period 1 October 2022 to 31 December 2022.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Bingham, Cr Heins, Cr Crvelin, Cr Robins and Cr Grattan

AGAINST: Cr Korzy, Cr Amon, Cr De Luca, Cr Sprott and Cr Menano-Pires

ABSENT: Cr Gencher and Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 RESPONSE TO NOTICE OF MOTION NO 36/2022 - POTHoles ON LOCAL ROADS

NOTE 1: Councillor Amon left the chamber at 7:33pm and returned at 7:39pm

NOTE 2: Councillor Gencher returned to the chamber at 7:33pm

NOTE 3: Councillor Walton left the chamber at 7:33pm and returned at 7:35pm

NOTE 4: Councillor Sprott left the chamber at 7:35pm

NOTE 5: Councillor Grattan left the chamber at 7:35pm and returned at 7:39pm

061/23 **RESOLVED**

Cr Korzy / Cr Glanville

That Council note the information provided in this report.

VOTING

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

ABSENT: Cr Regan and Cr Sprott

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 1/2023 - PARKING RESTRICTIONS REQUEST, PITTWATER ROAD, COLLAROY

NOTE 1: Councillor Sprott returned to the chamber at 7:49pm

NOTE 2: Councillor Amon left the chamber at 7:52pm and returned at 7:56pm

062/23 **RESOLVED**

Cr De Luca / Cr Robins

That Council:

1. Formally write to Transport for NSW requesting that Transport for NSW conduct a safety audit on the formal "car yard" at Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy.
2. Undertake public consultation through exhibition on the Council YourSay page and meeting with the community to understand their concerns and possible solutions regarding the sale of vehicles along Pittwater Road from the intersection of Anzac Parade and Pittwater Road to Hadleigh Avenue, Collaroy. Stakeholders to include residents, relevant local sporting clubs, shop owners and other identified stakeholders.
3. Staff to provide a report back to Council within 3 months on the results and possible solutions that would then be outlined in further correspondence to the NSW Minister and Shadow Minister for Roads.

VOTING

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

ABSENT: Cr Regan

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

063/23 **RESOLVED**

Cr Glanville / Cr Bingham

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 Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

ABSENT: Cr Regan

CARRIED

15.2 NOTICE OF MOTION NO 2/2023 - BEACH SAFETY SIGNS

NOTE 1: Councillor Glanville left the chamber at 8:12pm and returned at 8:13pm

Cr Gencher / Cr Amon

That:

1. In an ongoing effort to reduce the drowning toll, Council work with local Surf Life Saving Clubs, Surf Life Saving Northern Beaches, and Surf Life Saving (SLS) NSW to identify, investigate and participate in available innovative projects and programs that specifically target high risk locations/user groups and to further improve public awareness.
2. Council consider the installation of improved, prominent beach safety signs as permanent installations at beach entrances, and in the general proximity of coastal areas – to complement the temporary warning signage, services and information currently provided by local Surf Life Saving Clubs and coastal lifeguard services.
3. Council consider the installation of improved permanent and prominent beach safety signage at identified blackspot locations throughout the Northern Beaches. A blackspot location is one that, historically, has had a high number of coastal safety-related incidents including preventions, rescues, emergency call outs and drownings – or being an unpatrolled beach – or area of beach.
4. Council consider the production and installation of permanent and prominent beach safety signage and translations of key beach safety messages in multiple languages - as is currently standard practice for several Councils.
5. An agreed action plan be prepared, and Council briefed by July 2023 – with the above actions to be funded from relevant operational budgets (if adopted), and if adopted, to be ready for implementation by September 2023 – to coincide with the start of summer and the SLS Patrol Season.

AMENDMENT***Cr Korzy / Cr Glanville***

That:

1. Council record the number of drownings throughout NSW and separately on the Northern Beaches over the last 10 years.
2. Noting that any drowning is tragic, assess whether any change in the numbers is statistically significant and reasons for any trends.
3. Identify from research what actions are the most effective in reducing drownings.
4. In an ongoing effort to reduce the drowning toll, Council work with local Surf Life Saving Clubs, Surf Life Saving Northern Beaches, and Surf Life Saving (SLS) NSW to identify and investigate and participate in available innovative projects and programs that specifically target high risk locations/user groups and to further improve public awareness.
5. Council consider the installation of improved, prominent beach safety signs as permanent installations at beach entrances, and the general proximity of coastal areas – to complement the temporary warning signage, services and information currently provided by local Surf Life Saving Clubs and coastal Lifeguard services.
6. Council consider the installation of improved permanent and prominent beach safety signage

at identified blackspot locations throughout the Northern Beaches. A blackspot location is one that, historically, has had a high number of coastal safety-related incidents including preventions, rescues, emergency call outs and drownings – or being an unpatrolled beach – or area of beach.

7. Council consider the production and installation of permanent and prominent beach safety signage and translations of key beach safety messages in multiple languages - as is currently standard practice for several Councils.
8. Investigate the cost of Council providing swimming and water safety lessons for migrants and adults who can't swim.
9. An agreed action plan be prepared, and Council briefed by July 2023 – with the above actions to be funded from relevant operational budgets (if adopted), and if adopted, to be ready for implementation by September 2023 – to coincide with the start of summer and the SLSA Patrol Season.

VOTING

FOR: Cr Glanville and Cr Korzy

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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

064/23 RESOLVED

Cr Amon / Cr Heins

That the motion be now put.

VOTING

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

AGAINST: Cr Glanville

CARRIED

065/23 RESOLVED

Cr Gencher / Cr Amon

That:

1. In an ongoing effort to reduce the drowning toll, Council work with local Surf Life Saving Clubs, Surf Life Saving Northern Beaches, and Surf Life Saving (SLS) NSW to identify, investigate and participate in available innovative projects and programs that specifically target high risk locations/user groups and to further improve public awareness.
2. Council consider the installation of improved, prominent beach safety signs as permanent installations at beach entrances, and in the general proximity of coastal areas – to complement the temporary warning signage, services and information currently provided by local Surf Life Saving Clubs and coastal lifeguard services.
3. Council consider the installation of improved permanent and prominent beach safety signage at identified blackspot locations throughout the Northern Beaches. A blackspot location is

one that, historically, has had a high number of coastal safety-related incidents including preventions, rescues, emergency call outs and drownings – or being an unpatrolled beach – or area of beach.

4. Council consider the production and installation of permanent and prominent beach safety signage and translations of key beach safety messages in multiple languages - as is currently standard practice for several Councils.
5. An agreed action plan be prepared, and Council briefed by July 2023 – with the above actions to be funded from relevant operational budgets (if adopted), and if adopted, to be ready for implementation by September 2023 – to coincide with the start of summer and the SLS Patrol Season.

VOTING

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

ABSENT: Cr Regan

CARRIED

15.3 NOTICE OF MOTION NO 3/2023 - CASHLESS GAMING CARD REFORM

Cr Amon / Cr Crvelin

That Council

1. Support, in principle, the former NSW Government-announced cashless gaming card policy.
2. Write to the NSW Premier and the Leader of the Opposition informing each of Council's position.
3. Reaffirm its commitment to its Gambling and Poker Machine Harm Management Policy.
4. Write to the Premier, Leader of the Opposition, Member for Sydney and Greens Spokesperson requesting that an enquiry be conducted into problem gambling and the influence of lobby groups on problem gambling.

AMENDMENT

Cr Korzy / Cr Glanville

That Council:

1. Reaffirm its commitment to its Gambling and Poker Machine Harm Management Policy.
2. Write to the Premier, Leader of the Opposition, Member for Sydney and Greens Spokesperson requesting that an enquiry be conducted into problem gambling and the influence of lobby groups on problem gambling.

VOTING

FOR: Cr Glanville, Cr Korzy and Cr Grattan

AGAINST: Cr Walton, Cr Bingham, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Menano-Pires

ABSENT: Cr Regan

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

066/23 **RESOLVED**

Cr Amon / Cr Crvelin

That Council:

1. Support, in principle, the former NSW Government-announced cashless gaming card policy.
2. Write to the NSW Premier and the Leader of the Opposition informing each of Council's position.
3. Reaffirm its commitment to its Gambling and Poker Machine Harm Management Policy.
4. Write to the Premier, Leader of the Opposition, Member for Sydney and Greens Spokesperson requesting that an enquiry be conducted into problem gambling and the influence of lobby groups on problem gambling.

VOTING

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

AGAINST: Cr Korzy

ABSENT: Cr Regan

CARRIED

15.4 NOTICE OF MOTION NO 6/2023 - BREWARRINA SISTER CITY YOUTH PROGRAM

NOTE: Councillor Regan returned to the chamber at 8:43pm

Cr Heins / Cr Robins

That Council:

1. Investigate future options for supporting our Sister City relationship with Brewarrina in supporting youth from both Brewarrina and the Northern Beaches LGA.
2. Staff prepare a report to come back within 3 months outlining future possible options to continue this support, including the financial cost for consideration in the 2023/24 Budget.

AMENDMENT**Cr Korzy / Cr Glanville**

That Council:

1. Investigate future options for supporting our Sister City relationship with Brewarrina in consultation with the local First Nations People in Brewarrina to support youth from both Brewarrina and the Northern Beaches LGA.
2. Staff prepare a report to come back within 3 months outlining future possible options to continue this support, including the financial cost for consideration in the 2023/24 Budget.

VOTING

FOR: Cr Glanville and Cr Korzy

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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

067/23 RESOLVED**Cr Heins / Cr Robins**

That Council:

1. Investigate future options of supporting our Sister City relationship with Brewarrina in supporting youth from both Brewarrina and the Northern Beaches LGA.
2. Staff prepare a report to come back within 3 months outlining future possible options to continue this support, including the financial cost for consideration in the 2023/24 Budget.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 7/2023 - URGENT REQUEST FOR A SAFETY AUDIT OF ELECTRIC BIKE, ELECTRIC SCOOTER AND OTHER BIKE USAGE ON NORTHERN BEACHES SHARED PATHS, BIKE PATHS AND FOOTPATHS

068/23 **RESOLVED**

Cr Walton / Cr Sprott

That:

1. The Northern Beaches Council Local Traffic Committee, in partnership with the Northern Beaches Police Area Command, conduct an urgent safety audit of electric bike, electric scooter, electric rollerblades, electric skateboards and other bike usage, on Northern Beaches shared paths, bike paths, and footpaths. The safety audit should include consideration of, but not be limited to:
 - A. Speeding
 - B. Shared path design models and factors
 - C. Path separation versus segregation
 - D. Advisory speed signage
 - E. Education and communication campaign on electric bike, scooter and other bike legislative responsibilities
 - F. Regulatory factors, including Council Ranger and Police operations to target non-compliance with road rules applicable to electric bikes, scooters and other bikes
 - G. Review whether Council has appropriate regulatory powers to deal with unauthorised use of public space by cyclists/e-bikes (such as cycling on pedestrian footpaths).
2. The outcomes of the safety audit and the results of the Council's in NSW and ACT trials be reported back to Council as a matter of urgency, with recommendations to mitigate the increasing risks associated with these safety issues.

VOTING

FOR: Unanimous

CARRIED

15.6 NOTICE OF MOTION NO 4/2023 - DUFFYS FOREST COMMUNITY BRIDLE TRAIL***Cr Amon / Cr Gencher***

That:

1. In consultation with the Duffys Forest Residents Association and Terrey Hills Progress Association, Council Officers prepare a draft "Community Bridle Trail Action Plan" detailing the steps which need to be taken in the short, medium and long term, to repair and enhance the Community Bridle Trail.
2. A report be brought back to Council in 3 months providing a draft Action Plan and next steps for Council's consideration.

AMENDMENT***Cr Korzy / Cr Glanville***

That:

1. In consultation with the Duffys Forest Residents Association, Terrey Hills Progress Association and Local Environment Groups, Council Officers prepare a draft "Community Bridle Trail Action Plan" detailing the steps which need to be taken in the short, medium and long term, to repair and enhance the Community Bridle Trail.
2. A report be brought back to Council in 3 months providing a draft Action Plan and next steps for Council's consideration.

VOTING**FOR:** Cr Glanville, Cr Korzy, Cr De Luca and Cr Grattan**AGAINST:** Cr Walton, Cr Bingham, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr Sprott, Cr Crvelin, Cr Robins and Cr Menano-Pires**LOST*****THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION*****069/23 RESOLVED*****Cr Amon / Cr Gencher***

That:

1. In consultation with the Duffys Forest Residents Association and Terrey Hills Progress Association, Council Officers prepare a draft "Community Bridle Trail Action Plan" detailing the steps which need to be taken in the short, medium and long term, to repair and enhance the Community Bridle Trail.
2. A report be brought back to Council in 3 months providing a draft Action Plan and next steps for Council's consideration.

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

15.7 NOTICE OF MOTION NO 5/2023 - DAYDREAM STREET, WARRIEWOOD

NOTE: Councillor Regan left the chamber at 9:32pm

070/23 RESOLVED

Cr Amon / Cr Heins

That Council write to Transport for NSW seeking advice as to the detailed reasons why Daydream Street, Warriewood, is proposed to remain closed onto Mona Vale Road moving forward.

VOTING

FOR: Cr Walton, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Grattan

AGAINST: Cr Glanville, Cr Bingham, Cr Korzy and Cr Menano-Pires

ABSENT: Cr Regan

CARRIED

15.8 NOTICE OF MOTION NO 9/2023 - BUILDING AND DEVELOPMENT COMPLIANCE

NOTE: Councillor Regan returned to the chamber at 9:44pm

071/23 **RESOLVED**

Cr Glanville / Cr Korzy

That:

1. Council note:
 - A. The leadership role Council plays in fostering a strong compliance culture within the community with regards to compliance with building and development controls.
 - B. Resourcing of compliance staff dealing with development and building control, and other areas of compliance, are being prioritised for review through the ongoing service levels review being undertaken by Council staff.
 - C. Council's Compliance and Enforcement Policy is being currently reviewed by staff, and draft amendments for exhibition will be reported to the May 2023 council meeting.
2. The Chief Executive Officer prepare a report to Council at the May 2023 meeting concerning the following points regarding the private certification scheme:
 - A. Any issues identified by staff or residents regarding the efficacy of this scheme
 - B. Any recommendations for improving state legislation dealing with oversight of development and compliance
 - C. Prepare a letter to the NSW Government, Shadow Planning Spokesperson, Department of Fair Trading, Office of Local Government, and Local Government NSW, highlighting the matters identified in A - B.
3. The Chief Executive Officer prepare a workshop by May 2023 for the Councillors concerning any innovative ideas for improving compliance by the community with building and development regulations. This could include, for example:
 - A. Proactive and random inspections of building sites
 - B. Joint inspection 'blitzes' with co-regulators such as the NSW EPA
 - C. Use of new technology to identify illegal development such as clearing of trees
 - D. Education campaigns to improve a culture of compliance.
4. The Chief Executive Officer report back to Council at the May 2023 meeting with options for resourcing a specialised compliance team responsible for dealing with allegations of unauthorised tree or vegetation clearing.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

072/23 RESOLVED

Cr Menano-Pires / Cr Robins

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 RFT 2022/125 - Lease of Cafe/Restaurant - Flying Fox Cafe 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.
 - B. Item 18.2 Exemption from Tendering for Provision of Maintenance of Parking Equipment and Software for the Manly Pay Stations 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 Exemption from Tendering. 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: Cr Glanville, Cr Walton, Cr Bingham, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Spratt, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

AGAINST: Cr Korzy

CARRIED

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

NOTE 2: Councillor Regan returned to the chamber at 9:59pm

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 RFT 2022/125 - LEASE OF CAFE/RESTAURANT - FLYING FOX CAFE

073/23 **RESOLVED**

Cr Regan / Cr Crvelin

That Council:

1. In accordance with cl 178 (3)(b) of the Local Government (General) Regulation 2021 decline to accept any of the tenders received for RFT2022/125 – Lease, Licence and Fitout of Flying Fox Café and invite, in accordance with cl 167 or cl 168, fresh tenders based on the same or different details.

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Korzy, Cr Gencher, Cr Regan, Cr Heins, Cr De Luca, Cr Crvelin and Cr Grattan

ABSENT: Cr Walton, Cr Amon, Cr Sprott, Cr Robins and Cr Menano-Pires

CARRIED

18.2 EXEMPTION FROM TENDERING FOR PROVISION OF MAINTENANCE OF PARKING EQUIPMENT AND SOFTWARE FOR THE MANLY PAY STATIONS

074/23 **RESOLVED**

Cr Menano-Pires / Cr Grattan

That Council:

1. Enter a contract with Skidata Australasia Pty Ltd for the maintenance of parking equipment and software, commencing 1 May 2023 for a 5 year term.
2. Resolves 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 in 1 because of extenuating circumstances by reason of the following:
 - A. All parts must be purchased from Skidata Australasia Pty Ltd.
 - B. Software upgrades are required throughout the life of the equipment and no other contractor has the licensing rights to make changes to and/or update the software.
 - C. The service requires technicians with comprehensive knowledge of Skidata equipment and software and currently Skidata does not train other companies to service its equipment.
 - D. Skidata offers remote support which other contractors would not be able to offer as the Skidata software may only be accessed by Skidata.

E. Council has a critical need for the services.

3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of all necessary documentation.

VOTING

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

AGAINST: Cr De Luca

CARRIED

PROCEDURAL MOTION - 2 MATTER OF URGENCY -

NOTE 1: Councillor Sprott left the chamber at 10:11pm

076/23 **RESOLVED**

Cr Korzy / Cr Robins

That Council:

1. Acknowledge the enormous contribution the late Bob Grace made to the Pittwater community.
2. Send our condolences to Mr Grace's family, friends and the wider Pittwater community, for whom he was a steadfast champion.

VOTING

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

ABSENT: Cr Sprott

CARRIED

NOTE 1: The meeting resumed in open session at 9:59pm

The meeting concluded at 10:12pm

This is the final page of the minutes comprising 35 pages numbered 1 to 35 of the Ordinary Council Meeting held on Tuesday 28 March 2023 and confirmed on Tuesday 18 April 2023

Chair

Interim Chief Executive Officer