



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 23 MAY 2023

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Minutes of an Ordinary Council Meeting

held on Tuesday 23 May 2023 at the Civic Centre, Dee Why

Commencing at 6:01pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)
David Walton (Deputy Mayor)
Kristyn Glanville
Candy Bingham
Miranda Korzy
Michael Gencher
Michael Regan (Remote) *left at 10:35pm*
Vincent De Luca OAM
Stuart Sprott
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Sarah Grattan
Georgia Ryburn

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
Azmeena Kelly	Acting Director Planning & Place
Eskil Julliard	Legal Counsel
Kath McKenzie	Executive Manager Community Engagement & Communications
Melissa Messina	Executive Manager Early Learning & Customer Services
Yianni Mentis	Executive Manager Environment & Climate Change
Anita Ugarkovic	Acting Executive Manager Environmental Compliance
Steven Lawler	Executive Manager Parks & Recreation
Campbell Pfeiffer	Executive Manager Property
Craig Sawyer	Executive Manager Transport & Civil Infrastructure
Sarah Dunstan	Executive Manager Governance & Risk
Liza Cordoba	Manager Strategic & Place Planning
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor Governance
Lauren Reti	Senior Advisor Governance
Michael Meadows	Team Leader, Service Desk
Don Morales	IT Officer Administration & Special Projects

Notes

The meeting commenced at 6:01pm, adjourned at 8:00pm, resumed at 8:10pm and concluded at 10:49pm

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, present and emerging

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

113/23 RESOLVED

Cr Ryburn / Cr Bingham

That in accordance with 6.26 of the Code of Meeting Practice, Councillor Regan be granted remote attendance to the May meeting due to competing work priorities.

VOTING

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

AGAINST: Cr Korzy

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 APRIL 2023

114/23 RESOLVED

Cr Crvelin / Cr De Luca

That the minutes of the Ordinary Council Meeting held 18 April 2023, 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

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 16 MAY 2023

115/23 RESOLVED

Cr De Luca / Cr Menano-Pires

That the minutes of the Extraordinary Council Meeting held 16 May 2023, copies of which were

previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting pending the inclusion of the following information:

Election of Mayor

3 valid nominations were received and accepted as follows:

- *Cr Bingham – nominated by Cr Regan and Cr Korzy*
- *Cr Heins – nominated by Cr Grattan and Cr Gencher*
- *Cr Walton - nominated by Cr Crvelin and Cr Ryburn*

Round 1 - Open voting to elect the Mayor was as follows:

Cr Bingham: Cr Bingham, Cr De Luca, Cr Glanville, Cr Korzy = 4

Cr Heins: Cr Heins, Cr Gencher, Cr Regan, Cr Robins, Cr Grattan, Cr Menano-Pires = 6

Cr Walton: Cr Walton, Cr Amon, Cr Sprott, Cr Crvelin, Cr Ryburn = 5

- *Cr Bingham, having the lowest number of votes, was excluded.*

Round 2 - An open vote for the remaining candidates was as follows:

Cr Heins: Cr Heins, Cr Gencher, Cr Menano-Pires, Cr Glanville, Cr Bingham, Cr Korzy, Cr Regan, Cr Robins, Cr Grattan = 9

Cr Walton: Cr Walton, Cr Amon, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Ryburn = 6

- *Cr Walton, having the lowest number of votes, was excluded.*

Cr Heins, having the majority of votes was declared the Mayor.

VOTING

FOR: Unanimous

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 Bingham declared a not significant non-pecuniary interest in relation to Item 15.3 Notice of Motion No 13/2023 - Hop Skip and Jump Bus Service Cancellation and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I'm a regular user of the Hop, Skip and Jump bus"

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 13.6 Proposed Road Reserve Closure and Sale of Council Land Adjoining 107 Clontarf Street, Seaforth and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I have met with the neighbour (107 Clontarf Street) a number of times"

- Councillor Regan declared a not significant non-pecuniary interest in relation to Item 12.3 Submission to Independent Pricing and Regulatory Tribunal - Frenchs Forest Town Centre

Contributions Plan 2022 and 15.4 Notice of Motion No 14/2023 - Graffiti - Intersection of Forest Way and Warringah Road and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“These items include writing to the Member for Wakehurst and I am now the Member for Wakehurst”

- Councillor Robins declared a pecuniary interest in relation to Item 12.2 Response to Notice of Motion No 9/2023 – Building and Development Compliance and will leave the meeting for the discussion and voting on the item. The reason provided was:

“I am a Director of a Company involved in the Private Certification Industry”

- Councillor Walton declared a not significant non-pecuniary interest in relation to Item 9.5 Procedural Report - Closure of Outstanding Items and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I personally know 3 of the people referred to in one of the procedural matters and I’m a member of the Liberal Party and have worked closely with the 4G & 5G network stakeholders relating to the other aspect of the procedural report and with them gaining the petition to conduct the forum”

- Councillor Regan declared a not significant non-pecuniary interest in relation to Item 11.1 Eco School Grants 2023 Program – Allocation of Funding and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I have two nephews who attend Dee Why Public School”

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 9.5 Procedural Report - Closure of Outstanding Items and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I’m a member of the Liberal Party and I know the people referred to in that motion”

- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 9.5 Procedural Report - Closure of Outstanding Items and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I know the people referred to in that motion and I’m a member of the Liberal Party”

- Councillor Menano-Pires declared a not significant non-pecuniary interest in relation to Item 9.5 Procedural Report - Closure of Outstanding Items and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I know the 3 people referred to in that motion”

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 12.2 Response to Notice of Motion No 9/2023 – Building and Development Compliance and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I’m an employed solicitor advising on this particular area of law”

- Councillor Crvelin declared a not significant non-pecuniary interest in relation to Item 9.5 Procedural Report - Closure of Outstanding Items and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I know Jean Hay AM and am a member of the Liberal Party”

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

NOTE: Councillor Regan left the meeting at 6:25pm

5.1 PUBLIC FORUM

- Robert Stefan addressed Council about an 'unlawful construction per a lapsed DA'.
- Conny Harris address Council about 'Traffic calming measures along Oxford Falls Rd and Morgan Rd, Belrose'.

5.2 PUBLIC ADDRESS

Item 9.5 Procedural Report – Closure of Outstanding Items

- Anna-Maria Monticelli addressed Council against this item.

Item 13.4 Response to NOM 10/23 – Warringah Aquatic Centre Adult Swim Classes

- Mark Norek addressed Council in support of this item.

Item 13.6 Proposed Road Reserve Closure and Sale of Council Land Adjoining 107 Clontarf Street, Seaforth

- Lin Lu addressed Council against this item.

PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME

116/23 **RESOLVED**

Cr Menano-Pires / Cr De Luca

That Lin Lu be granted an extension of one minute to address the meeting.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

Item 15.1 Notice of Motion No 11/2023 – Weed Control and Ecological Restoration

- Jayden Walsh addressed Council in support of this item.
- Marita Macrae addressed Council in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION**117/23 RESOLVED*****Cr Robins / Cr Glanville***

That:

1. Items 9.1, 9.3, 9.4, 13.3, 13.4 and 18.1 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The report for item 18.1 is to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as it relates to matters specified in section 10A (2) of the *Local Government Act 1993*.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

9.1 QUARTERLY REVIEW - MARCH 2023**118/23 RESOLVED*****Cr Robins / Cr Glanville***

That Council:

1. Note the March 2023 Quarterly Budget Review Statement.
2. Approve the following changes to the Current Forecast in the March 2023 Quarterly Budget Review Statement:
 - A. A decrease in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$6.455 million to \$41.900 million.
 - B. A decrease in capital expenditure by \$17.008 million to \$91.167 million.
3. Note the Quarterly Report on Service Performance for the period ended March 2023.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended March 2023.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - MARCH 2023

119/23 RESOLVED

Cr Robins / Cr Glanville

That Council note the Investment Report as at 31 March 2023, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.4 MONTHLY INVESTMENT REPORT - APRIL 2023

120/23 RESOLVED

Cr Robins / Cr Glanville

That Council note the Investment Report as at 30 April 2023, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

13.3 PROPOSED EASEMENT TO DRAIN WATER OVER ALLINGTON RESERVE, ELANORA HEIGHTS TO BENEFIT 51 KALANG ROAD, ELANORA HEIGHTS

121/23 RESOLVED

Cr Robins / Cr Glanville

That Council:

1. Authorise an Easement to Drain Water, one-metre-wide and approximately 19 metres in length, and associated Positive Covenant, by underground pipe within Lot 2 DP 513295 Allington Reserve, Elanora Heights in favour of 51 Kalang Road, Elanora Heights (Lot 2 DP 528120) for an amount in accordance with Council's adopted Fees and Charges.
2. Require the applicant to fund all costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in Item 1 of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works.
3. Delegate authority to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

13.4 RESPONSE TO NOTICE OF MOTION NO 10/2023 - WARRINGAH AQUATIC CENTRE ADULT SWIM CLASSES

122/23 RESOLVED

Cr Robins / Cr Glanville

That Council note the report.

RESOLVED BY EXCEPTION

18.1 EXEMPTION FROM TENDER PROCESS FOR STREET SWEEPING SERVICE (FORMER PITTWATER COUNCIL LGA AND MANLY COUNCIL LGA)

123/23 **RESOLVED**

Cr Robins / Cr Glanville

That Council:

1. Extend the existing Contract 2022/188 with All Sweeper Hire Pty Ltd to continue to provide street sweeping services in the former Manly Local Government Area for the period from 14 July 2023 to 31 December 2023, with options to extend up to a maximum of six additional months to 30 June 2024.
2. Extend the existing Contract 2022/119 with Specialised Pavement Services Pty Ltd to continue to provide street sweeping services in the former Pittwater Local Government Area for the period from 1 October 2023 to 31 December 2024, with options to extend up to a maximum of six additional months to 30 June 2025.
3. 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 contracts referred to in 1 and 2 because of extenuating circumstances by reason of the following:
 - A. The overall street sweeping service is being transitioned to an in-house service as part of Council's Service review process, which is a significant change and is not yet complete;
 - B. There is an ongoing need in terms of public amenity and environmental protection to provide street sweeping services;
 - C. The short-term nature of the proposed contracts would limit the utility and competitiveness of a tender process;
 - D. The proposed contractors have appropriate experience and a history of providing the services in a satisfactory manner;
 - E. While Council's overall approach to its street sweeping service is changing, it is appropriate to extend the existing arrangements for a short-term to allow for the complete implementation of Council's newly agreed in-house street sweeping model.
4. Authorise the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of any required documentation.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 4/2023 - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

124/23 RESOLVED

Cr Heins

That Council:

1. Write, again, to: the Treasurer, Daniel Mookhey MLC; the Minister for Emergency Services, Jihad Dib MP; the Minister for Local Government, Ron Hoenig MP; the Shadow Treasurer, Damien Tudehope MLC, Shadow Minister for Emergency Services, Gurmeh Singh MP, Shadow Minister for Local Government; Wendy Tuckerman MP; all members of the cross bench and local State Member(s):
 - A. To reiterate Council's strong opposition to the NSW Government's last minute decision to impose a significant Emergency Services Levy cost increase on councils for 2023/24 by scrapping the Emergency Services Levy subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - B. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - C. Advising that the Government's decision may lead to a reduction in important local services and the deferral of necessary infrastructure projects;
 - D. Calling on the NSW Government to take immediate action to:
 - a. restore the ESL subsidy in 2023/24
 - b. urgently introduce legislation to decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost
 - c. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Write to the Chair of the Independent Pricing and Regulatory Tribunal advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Write to the President of Local Government NSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Council's emergency services contribution.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 ELECTION OF DEPUTY MAYOR

NOTE: The Interim Chief Executive Officer, as Returning Officer, advised she had received valid nominations from Councillor Korzy (nominated by Councillors Glanville and Korzy) and Councillor Walton (nominated by Councillors Ryburn and Sprott). Voting occurred in alphabetical order with results as follows:

- Korzy – Glanville, Korzy, De Luca (3)
- Walton – Walton, Bingham, Gencher, Glanville, Ryburn, Grattan, Menano-Pires, Robins, Crevlin, Sprott, Heins (11)

NOTE: The Returning Officer declared Councillor Walton elected as Deputy Mayor

125/23 **RESOLVED**

Cr De Luca / Cr Crevlin

That Council:

1. Determine to elect a Deputy Mayor for the term ending September 2023.
2. Determine the method of voting for the election of the Deputy Mayor as open voting.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

Cr De Luca / Cr Bingham

That the order of business be changed so items 15.1, 15.3 and 15.4 be brought forward and dealt with immediately.

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Korzy, Cr De Luca, Cr Sprott and Cr Crevlin

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

ABSENT: Cr Regan

LOST

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2023

126/23 RESOLVED

Cr Heins / Cr Robins

That Council nominate Councillor Bingham to vote on motions at the Australian Local Government Association's 2023 National General Assembly of Local Government.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

9.5 PROCEDURAL REPORT - CLOSURE OF OUTSTANDING ITEMS

NOTE: Councillor Glanville left the chamber at 7:21pm and returned at 7:23pm

Cr Gencher / Cr Korzy

That Council:

1. Note the report provided with regards to resolution 232/19.
2. Consider resolution 232/19 closed with no further action required.
3. Facilitate a community forum with a panel of scientific experts to address community concerns in relation to 4G and 5G infrastructure.

AMENDMENT

Cr De Luca / Cr Ryburn

That Council:

1. Note the report.
2. Subject to consultation with former Manly Mayor Jean Hay AM, proceed with the naming of the playground adjacent to the North Steyne Surf Life Saving Club after former Manly Mayor Jean Hay AM in recognition of her work to achieve the playground and over 50 years of service to the people of Manly.
3. Not proceed with Item A and B in the Resolution of 23 July 2019 (232/19) and the matter be closed.
4. In relation to the Resolution of 23 November 2021 (347/21), forward all past resolutions submitted on the motion of Cr De Luca to the Federal Members for Mackellar and Warringah and call upon them to seek amendment to the relevant legislation to ensure greater community and Local Government involvement in the consideration and determination of

applications for telecommunications infrastructure.

5. Facilitate a community forum with a panel of scientific experts to address community concerns in relation to 4G and 5G infrastructure.
6. Write to the Federal Members for Mackellar and Warringah noting concerns that ARPANSA has not properly responded to Council and the community's request and ask that they address this.

127/23 RESOLVED – AMENDMENT BE DEALT WITH IN SERIATIM

Cr Ryburn / Cr Walton

That the amendment for item 9.5 be dealt with in seriatim.

VOTING

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

AGAINST: Nil

ABSENT: Cr Glanville and Cr Regan

CARRIED

128/23 RESOLVED - AMENDMENT 1

Cr De Luca / Cr Ryburn

That Council:

1. Note the report.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

AMENDMENT 2

That Council:

2. Subject to consultation with former Manly Mayor Jean Hay AM, proceed with the naming of the playground adjacent to the North Steyne Surf Life Saving Club after former Manly Mayor Jean Hay AM in recognition of her work to achieve the playground and over 50 years of service to the people of Manly.

VOTING

FOR: Cr Walton, Cr Bingham, Cr De Luca, Cr Sprott, Cr Grattan and Cr Ryburn

AGAINST: Cr Glanville, Cr Korzy, Cr Gencher, Cr Heins, Cr Crvelin, Cr Robins, Cr Menano-Pires

ABSENT: Cr Regan

LOST

129/23 RESOLVED – AMENDMENT 3

Cr De Luca / Cr Ryburn

That Council:

3. Not proceed with Item A and B in the Resolution of 23 July 2019 (232/19) and the matter be closed.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

130/23 RESOLVED – AMENDMENT 4

Cr De Luca / Cr Ryburn

That Council:

4. In relation to the Resolution of 23 November 2021 (347/21), forward all past resolutions submitted on the motion of Cr De Luca to the Federal Members for Mackellar and Warringah and call upon them to seek amendment to the relevant legislation to ensure greater community and Local Government involvement in the consideration and determination of applications for telecommunications infrastructure.

VOTING

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

AGAINST: Cr Heins

ABSENT: Cr Regan

CARRIED

131/23 RESOLVED – AMENDMENT 5

Cr De Luca / Cr Ryburn

That Council:

5. Facilitate a community forum with a panel of scientific experts to address community concerns in relation to 4G and 5G infrastructure.

VOTING

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

AGAINST: Cr Grattan (Abstained)

ABSENT: Cr Regan

CARRIED

132/23 RESOLVED – AMENDMENT 6

Cr De Luca / Cr Ryburn

That Council:

6. Write to the Federal Members for Mackellar and Warringah noting concerns that ARPANSA has not properly responded to Council and the community's request and ask that they address this.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

5 OUT OF THE 6 POINTS OF THE AMENDMENT HAVE BEEN CARRIED AND BECAME THE MOTION

133/23 RESOLVED

Cr De Luca / Cr Ryburn

That Council:

1. Note the report.
2. Not proceed with Item A and B in the Resolution of 23 July 2019 (232/19) and the matter be closed.
3. In relation to the Resolution of 23 November 2021 (347/21), forward all past resolutions submitted on the motion of Cr De Luca to the Federal Members for Mackellar and Warringah and call upon them to seek amendment to the relevant legislation to ensure greater community and Local Government involvement in the consideration and determination of applications for telecommunications infrastructure
4. Facilitate a community forum with a panel of scientific experts to address community concerns in relation to 4G and 5G infrastructure
5. Write to the Federal Members for Mackellar and Warringah noting concerns that ARPANSA has not properly responded to Council and the community's request and ask that they address this.

VOTING

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

AGAINST: Nil
ABSENT: Cr Regan
CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 AVALON CUSTOMER CONTACT CENTRE

NOTE: Councillor Sprott left the chamber at 7:54pm

134/23 RESOLVED – PROCEDURAL MOTION - DEFERMENT OF MATTER

Cr Gencher / Cr Korzy

That item 10.1 be deferred to the first meeting following the third Pittwater Councillor being declared.

VOTING

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

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 ECO SCHOOLS GRANTS 2023 PROGRAM - ALLOCATION OF FUNDING

NOTE: Councillor Sprott returned to the chamber at 7:58pm

135/23 RESOLVED

Cr Glanville / Cr Ryburn

That Council allocate funding under the 2023 Eco Schools Grants Program as follows:

1. Dee Why Public School – Closed Loop Orchard project - \$2,000
2. Arranounbai School - Bush Tucker Native Garden project - \$1,902

VOTING

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

PROCEDURAL MOTION - ADJOURN THE MEETING**136/23 RESOLVED****Cr Bingham / Cr Korzy**

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

NOTE: At 8:10pm the meeting resumed with all councillors present except Councillors Regan, Ryburn and Sprott

12.0 PLANNING AND PLACE DIVISION REPORTS**12.1 ADMINISTRATIVE REVIEW OF COMPLIANCE AND ENFORCEMENT POLICY**

NOTE: Councillors Sprott and Ryburn returned to the meeting at 8:12pm

NOTE: Councillor Regan returned to the meeting at 8:14pm

137/23 RESOLVED**Cr De Luca / Cr Bingham**

That:

1. Council place the draft amended Compliance and Enforcement Policy on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition be reported to Council.

VOTING

FOR: Unanimous

CARRIED

12.2 RESPONSE TO NOTICE OF MOTION NO 9/2023 - BUILDING AND DEVELOPMENT COMPLIANCE

NOTE: Due to a declared pecuniary interest in this item Councillor Robins left the chamber at 8:18pm

138/23 **RESOLVED**

Cr Glanville / Cr Korzy

That Council:

1. Note the contents of the report.
2. Defer sending the letters in Attachment 1 (to the Minister to Planning and Public Spaces, the Minister for Better Regulation and Fair Trading, the Minister for Local Government, and Local Government NSW) until after the councillor briefing on 6 June 2023 where there will be a discussion on compliance matters.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

12.3 SUBMISSION TO INDEPENDENT PRICING AND REGULATORY TRIBUNAL - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN 2022

NOTE: Councillor Robins returned to the chamber at 8:32pm

139/23 **RESOLVED**

Cr Sprott / Cr Heins

That Council:

1. Make a submission, as provided at Attachment 1 of this report, to the Independent Pricing and Regulatory Tribunal for its consideration ahead of finalisation of its report on the Frenchs Forest Contributions Plan for the Minister for Planning and Public Spaces.
2. Write to the NSW Minister for Planning and Public Spaces, Minister for Local Government, and Member for Wakehurst seeking an exemption for Northern Beaches Council to enable the essential infrastructure list to include community facility floorspace, to enable Northern Beaches Council to collect funds for the construction of facilities which benefit the community as part of the Frenchs Forest Town Centre Contributions Plan, and to advocate for the Government's 'essential works' list to be amended to include community facility floorspace in all future contributions plan.
3. Be advised of the NSW Minister for Planning and Public Spaces' final determination on the Frenchs Forest Town Centre Contributions Plan.

VOTING

FOR: Unanimous

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 PUBLIC EXHIBITION OF PROPOSAL TO NAME A LOOKOUT AT WEST STREET, BALGOWLAH, GUGANAGINA (KOOKABURRA) LOOKOUT

140/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That:

1. Council place the proposal to name the lookout at the corner of West Street, Balgowlah, as Guganagina (Kookaburra) Lookout on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition be reported to Council.

VOTING

FOR: Unanimous

CARRIED

13.2 PUBLIC EXHIBITION OF DRAFT NORTHERN BEACHES TREE CANOPY PLAN

141/23 **RESOLVED**

Cr Glanville / Cr Korzy

That:

1. Council place the Draft Northern Beaches Tree Canopy Plan on public exhibition for a minimum of 28 days.
2. The outcome of public exhibition of the Draft Northern Beaches Tree Canopy Plan be reported to Council.

VOTING

FOR: Unanimous

CARRIED

13.5 RESPONSE TO NOTICE OF MOTION NO 2/2022 - ACKNOWLEDGEMENT OF COMMUNITY SERVICE TO THE PEOPLE OF THE NORTHERN BEACHES

142/23 **RESOLVED**

Cr Ryburn / Cr Bingham

That Council note the report.

VOTING

FOR: Unanimous

CARRIED

13.6 PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJOINING 107 CLONTARF STREET, SEAFORTH

NOTE: Councillor Regan left the chamber at 8:57pm

143/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That the matter be deferred until August 2023 to allow for an investigation of alternative options for the Subject Land.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 11/2023 - WEED CONTROL AND ECOLOGICAL RESTORATION

144/23 **RESOLVED**

Cr Korzy / Cr Glanville

That Council:

1. Update the website to make the section on weed management more accessible, engaging and comprehensive, detailing all local priority weeds.
2. Reconsider the service review program of works to re-assess the timing and prioritisations of service reviews and the possible inclusion of “weed control and management”.
3. In preparation for (2), Staff provide a report within 4 months outlining matters to be included:
 - A. Opportunities for engaging more bushcare volunteers, especially young people, and particularly high school students, to increase the volunteer base and enable transfer of important local knowledge from older and more experienced volunteers;
 - B. Any current activities aimed at preventing the sale of weed species by plant nurseries and at community markets;

- C. Strategies employed by other councils to prevent the sale of weed species by plant nurseries and at community markets;
- D. Recommendations for ways Council could discourage the sale of weeds species by local plant nurseries and community markets;
- E. Identify ways to increase community awareness of local priority weeds, their impact, means of control, and opportunities for involvement with volunteer bushcare activities, eg. a public information campaign, regular community workshops;
- F. Consider the weed potential of native plant species and ways to control their spread.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

15.2 NOTICE OF MOTION NO 12/2023 - AUSTRALIA DAY CITIZENSHIP CEREMONIES - NEWPORT BEACH

NOTE: Councillor Regan returned to the chamber at 9:14pm

Cr Gencher / Cr Ryburn

That:

1. Council officers prepare a proposal for trialing a citizenship ceremony in Newport on Australia Day in 2024.
2. The proposal be brought to Council's June 2023 meeting for further consideration.

PROCEDURAL MOTION - AMENDMENT TO BE DEALT WITH IN SERIATIM

Cr Korzy / Cr Glanville

That the amendment be dealt with in seriatim.

VOTING

FOR: Cr Glanville and Cr Korzy

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

LOST

Cr Korzy / Cr Glanville

AMENDMENT

That:

1. Council officers prepare a proposal for trialling a citizenship ceremony in Newport in 2024.
2. Council staff investigate options for citizenship ceremonies in all wards at appropriate venues for significant dates throughout the year and if a local Aboriginal resident could be invited to carry out an acknowledgement of country at citizenship ceremonies.
3. The proposal be brought to Council's August 2023 meeting for further consideration.

VOTING

FOR: Cr Glanville and Cr Korzy

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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

145/23 RESOLVED**Cr Gencher / Cr Ryburn**

That:

1. Council officers prepare a proposal for trialing a citizenship ceremony in Newport on Australia Day in 2024.
2. The proposal be brought to Council's June 2023 meeting for further consideration.

VOTING

FOR: Cr Walton, Cr Korzy, Cr Gencher, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Ryburn

AGAINST: Cr Glanville, Cr Bingham, Cr Regan, Cr Robins, Cr Menano-Pires, Cr Grattan

CARRIED**15.3 NOTICE OF MOTION NO 13/2023 - HOP SKIP AND JUMP BUS SERVICE CANCELLATION**

NOTE: Councillor Glanville left the chamber at 9:36pm and returned at 9:37pm

NOTE: Councillor Sprott left the chamber at 9:37pm and returned at 9:37pm

NOTE: Councillor Regan left the meeting at 9:38pm

NOTE: Councillor Heins left at 9:57 and returned at 9:58pm

Cr Menano-Pires / Cr Walton

That:

1. Council note:
 - A. The total cost budgeted for financial year 2023/24 for the Hop, Skip and Jump bus service is \$1.661 million.
 - B. Considering the latest available utilisation figures (2021/22) of 151,054, the cost per passenger / trip to our ratepayers would be \$10.99.

2. Council resolve to cancel the Hop, Skip and Jump bus service effective 30 June 2023.
3. Both the capital and operational savings be retained by the Transport and Assets Division to be used for:
 - A. Building new footpaths to reduce the backlog.
 - B. Road resurfacing (not fixing potholes) to minimise the costs of temporary fixing potholes.

AMENDMENT

Cr Grattan / Cr Ryburn

That Council:

1. Note that:
 - A. The operating cost budgeted for FY23/24 for the Hop, Skip, Jump bus service is \$0.76 million.
 - B. Four buses, upgraded for accessibility, are required at a total capital cost of \$885,000, of which \$605,000 has been set aside in the plant reserve.
 - C. Considering the latest available utilisation figures (to March 2023) of 191,000, the cost per passenger / trip to our ratepayers is \$4.07.
 - D. No public consultation has been undertaken regarding any changes to, or cancellation of, the Hop, Skip, Jump bus service.
2. Retain the existing bus service.
3. Employ strategies to improve the financial sustainability of the bus including, but not limited to:
 - A. Acquire mobile payment readers to enable the provision of 'donations to ride' from passengers, from operational budgets.
 - B. Undertake a local awareness and education campaign as to the service, its benefits and to encourage donations and patronage (eg signage, pamphlets available in the bus or at bus stops).
 - C. Explore alternative funding mechanisms and business models which may include a subscription pass, support from local businesses via advertising or sponsorship.
 - D. Explore grant opportunities to cover the capital cost of new buses.
4. Work with local MPs and the new NSW Government to put a case to Transport for NSW for funding this service and/or permitting Northern Beaches Council to charge a fare.
5. Undertake a full business case to enable thorough assessment of the Hop, Skip, Jump bus service benefits and costs, including consideration of:
 - A. The strategic, economic, social and environmental benefits.
 - B. The costs of service withdrawal.
 - C. Costs and benefits of extending the service to other areas.

VOTING

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

Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Grattan and Cr Ryburn

AGAINST: Cr Menano-Pires

ABSENT: Cr Regan

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

146/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That Council:

1. Note that:
 - A. The operating cost budgeted for FY23/24 for the Hop, Skip, Jump bus service is \$0.76 million.
 - B. Four buses, upgraded for accessibility, are required at a total capital cost of \$885,000, of which \$605,000 has been set aside in the plant reserve.
 - C. Considering the latest available utilisation figures (to March 2023) of 191,000, the cost per passenger / trip to our ratepayers is \$4.07.
 - D. No public consultation has been undertaken regarding any changes to, or cancellation of, the Hop, Skip, Jump bus service.
2. Retain the existing bus service.
3. Employ strategies to improve the financial sustainability of the bus including, but not limited to:
 - A. Acquire mobile payment readers to enable the provision of 'donations to ride' from passengers, from operational budgets.
 - B. Undertake a local awareness and education campaign as to the service, its benefits and to encourage donations and patronage (eg signage, pamphlets available in the bus or at bus stops).
 - C. Explore alternative funding mechanisms and business models which may include a subscription pass, support from local businesses via advertising or sponsorship.
 - D. Explore grant opportunities to cover the capital cost of new buses.
4. Work with local MPs and the new NSW Government to put a case to Transport for NSW for funding this service and/or permitting Northern Beaches Council to charge a fare.
5. Undertake a full business case to enable thorough assessment of the Hop, Skip, Jump bus service benefits and costs, including consideration of:
 - D. The strategic, economic, social and environmental benefits.
 - E. The costs of service withdrawal.
 - F. Costs and benefits of extending the service to other areas.

VOTING

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

Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Grattan and Cr Ryburn

AGAINST: Cr Menano-Pires

ABSENT: Cr Regan

CARRIED

15.4 NOTICE OF MOTION NO 14/2023 - GRAFFITI - INTERSECTION OF FOREST WAY AND WARRINGAH ROAD

147/23 RESOLVED

Cr Sprott / Cr De Luca

That Council write to the Member for Wakehurst requesting he make representations to the NSW Government and have the safety concerns and graffiti problem addressed at the intersection of Forest Way and Warringah Road, Frenchs Forest.

VOTING

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

AGAINST: Cr Menano-Pires

ABSENT: Cr Regan

CARRIED

15.5 NOTICE OF MOTION NO 15/2023 - LEARN2SWIM WORKING GROUP

NOTE: Councillor Regan left the meeting at 10:35pm

NOTE: Councillor Walton left the chamber at 10:39pm and returned at 10:41pm

148/23 RESOLVED

Cr Gencher / Cr Korzy

That:

1. Council form a swimming centre working group, consisting of Pittwater Ward Councillors, relevant members of staff.
2. Council invite Warringah Amateur Swimming Association, swimming clubs, swim schools and residents who are regular swimmers to participate in the working group.
3. The working group settle its Terms of Reference at its first meeting, including giving consideration to possible sites for a public Aquatic Centre in the Pittwater Ward and facilities including for swimming lessons, squad training, water aerobics, seniors swim meets and general recreation.

VOTING

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

Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Cr Heins

ABSENT: Cr Regan

CARRIED

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 EXEMPTION FROM TENDER PROCESS FOR STREET SWEEPING SERVICE (FORMER PITTWATER COUNCIL LGA AND MANLY COUNCIL LGA)

123/23RESOLVED

Cr Robins / Cr Glanville

That Council:

1. Extend the existing Contract 2022/188 with All Sweeper Hire Pty Ltd to continue to provide street sweeping services in the former Manly Local Government Area for the period from 14 July 2023 to 31 December 2023, with options to extend up to a maximum of six additional months to 30 June 2024.
2. Extend the existing Contract 2022/119 with Specialised Pavement Services Pty Ltd to continue to provide street sweeping services in the former Pittwater Local Government Area for the period from 1 October 2023 to 31 December 2024, with options to extend up to a maximum of six additional months to 30 June 2025.
3. 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 contracts referred to in 1 and 2 because of extenuating circumstances by reason of the following:
 - A. The overall street sweeping service is being transitioned to an in-house service as part of Council's Service review process, which is a significant change and is not yet complete;
 - B. There is an ongoing need in terms of public amenity and environmental protection to provide street sweeping services;
 - C. The short-term nature of the proposed contracts would limit the utility and competitiveness of a tender process;
 - D. The proposed contractors have appropriate experience and a history of providing the services in a satisfactory manner;
 - E. While Council's overall approach to its street sweeping service is changing, it is appropriate to extend the existing arrangements for a short-term to allow for the complete implementation of Council's newly agreed in-house street sweeping model.
4. Authorise the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of any required documentation.

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 11.

The meeting concluded at 10:49pm

This is the final page of the minutes comprising 29 pages numbered 1 to 29 of the Ordinary Council Meeting held on Tuesday 23 May 2023 and confirmed on Tuesday 27 June 2023

Mayor

Interim Chief Executive Officer