



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 27 JUNE 2023 AND TUESDAY 1 AUGUST 2023

Minutes of an Ordinary Council Meeting
held on Tuesday 27 June 2023 and 1 August 2023
at the Civic Centre, Dee Why
Commencing at 6:02pm on 27 June 2023

ATTENDANCE – 27 JUNE 2023:

Councillors

Sue Heins (Mayor)
David Walton (Deputy Mayor)
Kristyn Glanville
Michael Regan (arrived 7:33pm)
Candy Bingham
Miranda Korzy
Michael Gencher
Karina Page
Vincent De Luca OAM
Stuart Sprott
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Sarah Grattan

Officers

Louise Kerr	Interim Chief Executive Officer
Eskil Julliard	Acting Director Corporate & Legal
Kylie Walshe	Acting Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Peter Robinson	Acting Director Planning & Place
Karen Twitchett	Director Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Sarah Dunstan	Executive Manager Governance & Risk
Craig Sawyer	Executive Manager Transport & Civil Infrastructure
Yianni Mentis	Executive Manager Environment & Climate Change
Caroline Foley	Executive Manager Financial Planning & Systems
Mark Jones	Executive Manager Strategy & Performance
Campbell Pfeiffer	Executive Manager Property
Eva Havenstein	Executive Manager Capital Projects
Steven Lawler	Executive Manager Parks & Recreation
Kath McKenzie	Executive Manager Community Engagement & Communications
Lisa Dowsett	Head, Events & Partnerships
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor - Governance
Lauren Reti	Senior Advisor – Governance
Mat Maish	Senior Advisor - Governance
Brendan Shaw	Service Delivery Analyst
Vicky Cheng	Service Delivery Trainee

NOTE: On 27 June 2023, the meeting commenced at 6:02pm, adjourned at 8:27pm, resumed at 8:39pm, moved into closed session at 9:59pm, resumed in open session at 10:34pm and was adjourned at 11:10pm to be reconvened at 6pm on 1 August 2023 in the Council Chambers, Dee Why.

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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, present and emerging

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

PROCEDURAL MOTION - APOLOGIES

154/23 RESOLVED

Cr De Luca / Cr Grattan

That the apologies from Councillors Ryburn and Sprott be accepted.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 MAY 2023

155/23 RESOLVED

Cr Bingham / Cr Crvelin

That the minutes of the Ordinary Council Meeting held 23 May 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 Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Walton, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 6 JUNE 2023

156/23 RESOLVED

Cr Grattan / Cr Robins

That the minutes of the Extraordinary Council Meeting held 6 June 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 Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Walton, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

AGAINST: Nil

ABSENT: Cr Regan

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 15.4 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I am president of the Good for Manly Association and will be facilitating a forum on "The Voice To Parliament - Yes or No?" on 19 July 2023."

- Councillor Grattan declared a pecuniary interest in relation to Item 8.2 and will leave the meeting for the discussion and voting on the item. The reason provided was:

"My daughter attended the Danexcel USA dance tour. A contribution to the dance school for dancers on this tour was provided from the discretionary fund. I did not accept any subsidy for my daughter but instead paid the full amount."

- Councillor Korzy declared a not significant non-pecuniary interest in relation to Item 15.4 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I am a member of Aboriginal support group Manly Warringah Pittwater"

- Councillor Robins declared a not significant non-pecuniary interest in relation to Item 18.2 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I am a member of the Warriewood Residents Association."

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 13.3 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“While employed as a solicitor at a previous employer, I did work for Frasers in relation to a different property. Frasers is the counter party to the proposed transaction. Frasers is not a current client, and I now work for a different employer.”

- Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 13.2 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I knew Mr Ray Cox.”

- Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 18.3 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I received emails for and against the matter.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

5.1 PUBLIC FORUM

- Anthony Ford addressed Council on mental health and practical solutions available to residents on the Northern Beaches.
- Keelah Lam, on behalf of the Friends of Manly Environment Centre, addressed Council on the Manly Environment Centre.
- Michael Syme addressed Council on honey bees on the Northern Beaches.
- Robert Steffan addressed Council on construction at 28 Abernethy Street, Seaforth.
- Gregory Hogan addressed Council on synthetic sports field maintenance and the NSW Chief Scientist’s final report.
- Mark Horton addressed Council on the Mona Vale Place Plan.

5.2 PUBLIC ADDRESS

Item 9.4 Response to Notice of Motion No 5/2023 - Australia Day Citizenship Ceremonies - Newport Beach

- Peter Middleton, on behalf of Newport Residents Association, addressed Council in support of this item.
- David Murray addressed Council in support of this item.

Item 13.1 Review of The Strand Streets as Shared Spaces Project

- Richard Buzas addressed Council against this item.

Item 13.2 Public Exhibition of the Proposal to Name the Viewing Deck on Curl Curl Lagoon at John Fisher Park the Ray Cox Viewing Deck

- Deborah Moffat addressed Council in support of this item.

Item 15.1 Notice of Motion No 16/2023 - Proposal to Declare Bongin Bongin Bay a 'No Take' Aquatic Reserve

- Ellia Buhagiar, on behalf of Friends of Bongin Bongin Bay, addressed Council in support of this item.
- Gregory Pride, on behalf of Friends of Bongin Bongin Bay, addressed Council in support of this item.
- Marcus Lincoln-Smith addressed Council against this item.

PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME

157/23 RESOLVED

Cr Robins / Cr De Luca

That Mr Smith be granted an extension of one minute to address the meeting.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

- Justin Duggan, on behalf of fishing and diving clubs, addressed Council against this item.

Item 15.3 Notice of Motion No 18/2023 - Traffic Calming Measures Oxford Falls

- Dr Conny Harris, on behalf of Garigal Landcare, addressed Council in support of this item.

NOTE: Councillor Walton left the chamber at 7:08pm and returned at 7:11pm

Item 15.4 Notice of Motion No 19/2023 - Promoting Community Discussion on "The Voice"

- Christa McCauley addressed Council in support of this item.

Item 15.6 Notice of Motion No 20/2023 - Housing Affordability on the Northern Beaches

- Rachael Jackson addressed Council in support of this item.
- Stafford Sanders, on behalf of Sydney Alliance Northern Beaches, addressed Council in support of this item.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

158/23 RESOLVED

Cr De Luca / Cr Robins

That the order of business be changed so items 13.1 and 15.1 be brought forward and dealt with immediately after 6.0 Items resolved by exception.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy

ABSENT: Cr Regan

CARRIED

6.0 ITEMS RESOLVED BY EXCEPTION

159/23 RESOLVED

Cr Robins / Cr Crvelin

That items 8.2, 9.3, 9.5, 9.7, 10.1, 10.6, 11.1, 12.2 and 13.2 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

Councillor Grattan left the chamber at 7:32pm due to a disclosure of interest.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan and Cr Grattan

CARRIED

8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

160/23 RESOLVED

Cr Robins / Cr Crvelin

That Council note payments totalling \$9,809.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 22 March 2023 to 20 June 2023.

RESOLVED BY EXCEPTION

9.3 INTERNAL AUDIT CHARTER

161/23 RESOLVED

Cr Robins / Cr Crvelin

That Council adopt the Internal Audit Charter.

RESOLVED BY EXCEPTION

9.5 MONTHLY INVESTMENT REPORT - MAY 2023

162/23 RESOLVED

Cr Robins / Cr Crvelin

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

RESOLVED BY EXCEPTION

9.7 POWER OF ATTORNEY ARRANGEMENTS FOR CHIEF EXECUTIVE OFFICER

163/23 RESOLVED

Cr Robins / Cr Crvelin

That Council:

1. Revoke the Power of Attorney Book 4811 No 445, registered on 3 May 2023 effective from 23 July 2023.
2. Affix the Common Seal of Council to the Revocation of Power of Attorney (Attachment 1).
3. Grant Power of Attorney to Mr Scott Phillips, Chief Executive Officer effective on and from 24 July 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 4811 No 445 and the new Power of Attorney to Mr Scott Phillips.

RESOLVED BY EXCEPTION

10.1 PUBLIC EXHIBITION OF THE DRAFT LIBRARY STRATEGIC PLAN 2023-2028

164/23 **RESOLVED**

Cr Robins / Cr Crvelin

That:

1. Council place the draft Library Strategic Plan 2023-2028 on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Library Strategic Plan 2023-2028 be reported to Council.

RESOLVED BY EXCEPTION

10.6 PUBLIC EXHIBITION OF COMMUNITY SERVICES AWARD POLICY

165/23 **RESOLVED**

Cr Robins / Cr Crvelin

That:

1. Council place the draft Community Services Award Policy on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the draft Community Services Award Policy be reported to Council.

RESOLVED BY EXCEPTION

11.1 CONFIRMED MINUTES OF THE ENVIRONMENT STRATEGIC REFERENCE GROUP MEETING - JUNE 2022 AND APRIL 2023

166/23 **RESOLVED**

Cr Robins / Cr Crvelin

That Council note the minutes of the Environment Strategic Reference Group meetings held on 27 April 2023 and 2 June 2022.

RESOLVED BY EXCEPTION

12.2 OUTCOME OF THE PUBLIC EXHIBITION OF PLANNING AGREEMENT FOR 321-331 CONDAMINE STREET MANLY VALE

167/23 **RESOLVED**

Cr Robins / Cr Crvelin

That Council:

1. Note the outcomes of the public exhibition of the draft Planning Agreement.
2. Agree to enter into the Planning Agreement.
3. Delegate authority to the Interim Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
4. Advise the submitter of Council's decision regarding the Planning Agreement.

RESOLVED BY EXCEPTION**13.2 PUBLIC EXHIBITION OF THE PROPOSAL TO NAME THE VIEWING DECK ON CURL CURL LAGOON AT JOHN FISHER PARK THE RAY COX VIEWING DECK**

168/23 RESOLVED

Cr Robins / Cr Crvelin

That:

1. Council place the proposal to name the viewing deck on Curl Curl Lagoon at John Fisher Park, the Ray Cox Viewing Deck on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition be reported back to Council.

RESOLVED BY EXCEPTION**13.1 REVIEW OF THE STRAND STREETS AS SHARED SPACES PROJECT***NOTE 1: Councillor Grattan returned to the chamber at 7:33pm**NOTE 2: Councillor Regan joined the meeting at 7:33pm***Cr Glanville / Cr Bingham**

That Council:

1. Note the ongoing benefit to the overall community and businesses along the Dee Why beachfront of the current arrangements.
2. Note the impacts of the changes on the residents in adjoining streets.
3. Endorse the Streets as Shared Spaces infrastructure remain in place.
4. Seek grant funding to allow the installation of permanent infrastructure along the extent of The Strand, noting that the project is currently not a funded project and will be part of future consideration with the long-term financial plan.

AMENDMENT**Cr Crvelin / Cr Page**

That:

1. Council note the ongoing benefit to the overall community and businesses along the Dee Why beachfront of the current arrangements.

2. Pending the outcome of the review referred to in point 4, the status quo continue.
3. Council note the impacts of the changes on the residents in adjoining streets.
4. Council staff undertake a desktop review including community consultation and a financial impact study of the following 3 options:
 - A. Close the Dee Why Strand from Oaks Avenue to Dee Why Parade to all public use vehicles
 - B. Re-fit Dee Why Strand as it was originally prior to the infrastructure being put there
 - C. Status Quo
5. A report on the outcome of the review at point 4 be reported to Council within 6 months.

VOTING

FOR: Cr Page, Cr Walton, Cr De Luca and Cr Crvelin

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

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION**169/23 RESOLVED - MOTION BE PUT*****Cr Menano-Pires***

That the motion be now put.

VOTING

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

AGAINST: Cr Page, Cr Walton, Cr De Luca, Cr Crvelin

CARRIED**170/23 RESOLVED*****Cr Glanville / Cr Bingham***

That Council:

1. Note the ongoing benefit to the overall community and businesses along the Dee Why beachfront of the current arrangements.
2. Note the impacts of the changes on the residents in adjoining streets.
3. Endorse the Streets as Shared Spaces infrastructure remain in place.
4. Seek grant funding to allow the installation of permanent infrastructure along the extent of The Strand, noting that the project is currently not a funded project and will be part of future consideration with the long-term financial plan.
5. Undertake community meetings and other consultation to engage Dee Why residents and other Dee Why visitors, in a preferred infrastructure outcome at the Strand when project funding is obtained.

VOTING

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

AGAINST: Cr Page, Cr De Luca, Cr Crvelin

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The meeting adjourned at 8:27pm and resumed at 8:39pm with all councillors present.

171/23 RESOLVED***Cr Menano-Pires / 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 Regan, Cr Bingham, Cr Korzy, Cr Page, Cr Heins, Cr Crvelin, Cr Menano-Pires and Cr Grattan

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

CARRIED

15.1 NOTICE OF MOTION NO 16/2023 - EXPLORE THE MERITS OF BONGIN BONGIN BAY BECOMING AN AQUATIC RESERVE

NOTE: The mover and seconder updated the title of this notice of motion from Proposal to Declare Bongin Bongin Bay a 'No Take' Aquatic Reserve to the current title

Cr Bingham / Cr Gencher

That:

1. Council seek the views of the NSW Department of Fisheries in relation to the community-led proposal that the Intertidal Protected Area at Mona Vale Headland be reclassified as an Aquatic Reserve and this reserve is to include Bongin Bongin Bay and its adjacent rock platforms.
2. The relevant Ministers being, the Hon Tara Moriarty MLC, Minister for Agriculture and the Hon Penny Sharpe MLC, Minister for the Environment also be notified of this enquiry.
3. A report be brought back to Council outlining the outcome of this investigation, and what steps would be required to progress the proposal.

AMENDMENT***Cr De Luca / Cr Menano-Pires***

1. That the petitions and any other correspondence received from the community by Council be forwarded to the Hon Tara Moriarty MLC, Minister for Agriculture and the Hon Penny Sharpe

MLC, Minister for the Environment for consideration.

2. That Council seek the views of NSW Department of Fisheries on the proposal.
3. That any correspondence from either Minister be forwarded to all councillors.

VOTING

FOR: Cr Regan, Cr Bingham, Cr Gencher, Cr Page, Cr Heins, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

AGAINST: Cr Glanville, Cr Korzy, Cr Walton

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

172/23 RESOLVED

Cr De Luca / Cr Menano-Pires

That:

1. The petitions and any other correspondence received from the community by Council be forwarded to the Hon Tara Moriarty MLC, Minister for Agriculture and the Hon Penny Sharpe MLC, Minister for the Environment for consideration.
2. Council seek the views of NSW Department of Fisheries on the proposal.
3. Any correspondence received from either Minister be forwarded to all councillors.

VOTING

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

AGAINST: Cr Walton

CARRIED

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 6/2023 - RECOGNITION OF ACHIEVEMENTS AT THE 2023 NSW LOCAL GOVERNMENT EXCELLENCE AWARDS

173/23 RESOLVED

Cr Heins

That Council:

1. Formally acknowledge the outstanding achievements at the 2023 NSW Local Government Excellence Awards for the *Withstand. Adapt. Thrive* Resilience Strategy, the Mona Vale Surf Life Saving Club project, and the Forestville Library 24/7 initiative.
2. Acknowledge the efforts of our staff who competed in this year's Australasian Management Challenge.
3. Acknowledge the efforts of all the staff who were responsible for delivering these award-winning projects and initiatives for the community.

VOTING**FOR:** Unanimous**CARRIED****8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS****8.1 OATH OR AFFIRMATION OF OFFICE**174/23 **RESOLVED*****Cr De Luca / Cr Crvelin***

That:

1. Council note the taking of an oath or affirmation of office by Councillor Karina Page.
2. At the next meeting of Council, Councillor Page be given the opportunity to make a speech of up to 5 minutes as a newly inaugurated councillor.

VOTING**FOR:** Unanimous**CARRIED****9.0 CORPORATE AND LEGAL DIVISION REPORTS****9.1 OUTCOME OF PUBLIC EXHIBITION - DRAFT DELIVERY PROGRAM 2023-2027, OPERATIONAL PLAN 2023/24 AND LONG-TERM FINANCIAL PLAN 2023-2033**175/23 **RESOLVED*****Cr Walton / Cr Grattan***

That Council:

1. Note the Community and Stakeholder Engagement Report at Attachment 1.
2. Note the changes to the documents following exhibition at Attachment 2.
3. Adopt the revised Delivery Program 2023-2027 and Operational Plan 2023/24 at Attachment 3.
4. Adopt the revised Fees and Charges 2023/24 applying from 1 July 2023 to 30 June 2024 at Attachment 4 as the fixed fees in accordance with Part 10 of Chapter 15 of the *Local Government Act 1993* (the Act).
5. Adopt the revised Long-Term Financial Plan 2023-2033 at Attachment 5.
6. Make the following rates and charges:
 - A. In accordance with sections 494 and 495 of the Act, Ordinary and Special Rates are made as shown in Table 4 in the report for this Item.

- B. In accordance with section 496 of the Act, Domestic Waste Management Charges are made as shown in Table 5 in the report for this Item.
 - C. In accordance with section 496A of the Act, Stormwater Management Service Charges are made as shown in Table 6 in the report for this Item.
 - D. In accordance with section 67 of the Act, set the fee for works on private land carried out by Council to be charged at the appropriate commercial rate (being cost of the works and standard on-costs, to provide full cost recovery plus a return to Council).
 - E. In accordance with section 611 of the Act, a charge on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.
7. Adopt an interest rate of 9% on overdue rates and charges, in accordance with section 566(3) of the Act.
8. Authorise an internal cash allocation from the 'Mona Vale Cemetery Reserve' of \$4,600,000 towards funding the Enterprise Resource Planning (ERP) Replacement Project. These funds are to be returned to the 'Mona Vale Cemetery Reserve' from general revenue inclusive of the interest the reserve would have otherwise earned on these funds by 30 June 2029.
9. Authorise the Chief Executive Officer to negotiate and accept loan/s for a period of 10 years from the lending market, and that the Seal of the Council be affixed to all relevant documents, in order to refinance the following loans:
- A. \$2,500,000 (Westpac Bank – Former Manly Loan 47)
 - B. \$2,400,000 (Commonwealth Bank of Australia – Former Manly Loan 48)

VOTING

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

AGAINST: Cr Korzy and Cr De Luca

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

176/23 **RESOLVED**

Cr Menano-Pires / Cr Robins

That the order of business be changed so Confidential Matters can be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

177/23 RESOLVED

Cr Menano-Pires / 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 RFT 2022/205 - For Lease Cafe and/or Restaurant at Avalon Beach Surf Life Saving Club 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 RFT 2023/001 - Design and Construction Services for the Warriewood Valley Community Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - C. Item 18.3 RFT 2023/063 - Synthetic Sportsfield Maintenance on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - D. Item 18.4 RFT 2022/241 - Bayview Seawall and Path Renewal Works on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
 - E. Item 18.5 RFQ 2023/024 and 2023/025 Enterprise Resource Planning (ERP) Platform

Licence and Project Implementation 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.

2. The resolutions made by the Council in Closed Session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

VOTING

FOR: Unanimous

CARRIED

NOTE: The meeting moved into closed session at 9:59pm and resumed in open session at 10:31pm

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 2022/205 - FOR LEASE CAFE AND/OR RESTAURANT AT AVALON BEACH SURF LIFE SAVING CLUB

178/23 RESOLVED

Cr Korzy / Cr Grattan

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2022/205 – For Lease Café and/or Restaurant at Avalon Beach Surf Life Saving Club.
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) with a view to entering into a lease of the café for the reasons as outlined below.
3. Decline all tenders for the restaurant and hold the proposed lease of the restaurant in abeyance for 6 months from the date of the lease for the café while the operation of the café is evaluated. After 6 months, enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) for the lease of the restaurant. If those negotiations are unsuccessful, invite fresh tenders for the lease of the restaurant.
4. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section

178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:

- A. Given the processes undertaken, inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including in light of the reasons in point 5 below; and
 - B. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.
5. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with Aimelie Pty Ltd trading as Guinguette Café Bistro Francais (Emilie Mathel) are:
- A. The tender from Emilie Mathel demonstrated strong industry experience and the capability to deliver the desired tender outcomes; and
 - B. The tender from Emilie Mathel demonstrated a thorough understanding of the project risks through the submitted methodology.
6. Delegate authority to the Chief Executive Officer to enter into agreements with Aimelie Pty Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution subject to the Chief Executive Officer being satisfied with the outcome of the negotiations detailed in points 1-5.

VOTING

FOR: Unanimous

CARRIED

18.2 RFT 2023/001 - DESIGN AND CONSTRUCTION SERVICES FOR THE WARRIEWOOD VALLEY COMMUNITY CENTRE

179/23 RESOLVED

Cr Korzy / Cr Grattan

That:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2023/001– Design and Construction Services for the Warriewood Community Centre.
2. In accordance with section 178(3)(e) of *Local Government (General) Regulation 2021*, enter into negotiations with Belmadar Pty Ltd and Kane Constructions Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the *Local Government (General) Regulation 2021*, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021* are that:
 - A. Inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including considering the reasons in 4 below; and
 - B. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.

4. In accordance with section 178(4)(b) of the *Local Government (General) Regulation 2021*, Council's reasons for determining to enter into negotiations with Belmadar Pty Ltd and Kane Constructions Pty Ltd are:
 - A. Negotiating with two highest ranked entities is considered to provide a successful outcome whilst maintaining a competitive process;
 - B. The tenders from Belmadar Pty Ltd and Kane Constructions Pty Ltd were the two highest ranked tenders;
 - C. The tenders from Belmadar Pty Ltd and Kane Constructions Pty Ltd demonstrated that these entities have the capability to undertake the works; and
 - D. The tenders from Belmadar Pty Ltd and Kane Constructions Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
5. Delegate authority to the Chief Executive Officer to enter into negotiations with Belmadar Pty Ltd and Kane Constructions Pty Ltd, and the outcome of those negotiations to be reported back to Council for resolution on the next steps to be taken in relation to the matter.

VOTING

FOR: Unanimous

CARRIED

18.3 RFT 2023/063 - SYNTHETIC SPORTSFIELD MAINTENANCE

180/23 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

1. Accept the tender of Sports Clean Pty Ltd for RFT 2023/063 – Synthetic Sports Field Maintenance Services for the initial annual amount of \$176,896.25 per annum (ex GST) subject to cost adjustment by CPI for each year thereafter, for an initial period of 3 years, with two 12 month options to extend at Council's discretion.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to extend the contract term.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy

CARRIED

18.4 RFT 2022/241 - BAYVIEW SEAWALL AND PATH RENEWAL WORKS**181/23 RESOLVED*****Cr Korzy / Cr Glanville***

That:

1. In accordance with section 178 (3) of the Local Government (General) Regulation 2021 Council decline to accept any of the tenders received for RFT 2022/241 – Bayview Seawall and Path Renewal Works.
2. In accordance with section 178 (3) (e) of the Local Government (General) Regulation 2021, Council enter into negotiations with Enter Building Group Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - A. The submissions received were deemed non-compliant following clarification as the tenderers did not comply with the sandstone specification
 - B. Following feedback from tenderers and the design engineers an alternate specification will be utilised
 - C. Given the processes undertaken, inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including in light of the reasons in point 4 below.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with Enter Building Group Pty Ltd are:
 - A. The tender from Enter Building Group Pty Ltd demonstrated that the entity has the capability to undertake the works
 - B. The tender from Enter Building Group Pty Ltd demonstrated a clear understanding of the key project risks and provided a sound methodology
 - C. The tender from Enter Building Group Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
5. Delegate authority to the Chief Executive Officer to enter into negotiations with Enter Building Group Pty Ltd, and subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with Enter Building Group Pty Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

18.5 RFQ 2023/024 AND 2023/025 ENTERPRISE RESOURCE PLANNING (ERP) PLATFORM LICENCE AND PROJECT IMPLEMENTATION

182/23 RESOLVED

Cr Glanville / Cr Page

That Council:

1. Decline to accept any of the quotations received for RFQ 2023/025 (“ERP project implementation”) and RFQ 2023/024 (“platform license”)
2. Enter into negotiations with Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and with Civica Pty Ltd with a view to entering into a contract in relation to the subject matter of the quotation.
3. Council’s reasons for declining to invite fresh quotations are that:
 - A. Inviting fresh quotations would be unlikely to result in a significantly different outcome or an improved result for Council
 - B. The complexity of the project will require extensive negotiation on the contract terms
 - C. Direct negotiation will enable Council to achieve optimal value for money.
4. Council’s reasons for determining to enter into negotiations with Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and with Civica Pty Ltd, are:
 - A. Negotiating with two highest ranked entities is considered to provide a successful outcome whilst maintaining a competitive process
 - B. The quotations from Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and Civica Pty Ltd were the two highest ranked quotations
 - C. The quotations from Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and Civica Pty Ltd demonstrated that these entities have the capability to undertake the works
 - D. The quotations from Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and Civica Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
5. Delegate authority to the Chief Executive Officer to enter into negotiations with Technology One Limited and KPMG Australia Technology Solutions Pty Ltd, and Civica Pty Ltd, and the outcome of those negotiations be reported back to Council for resolution on the next steps to be taken in relation to the matter.
6. Prior to finalisation of negotiations, bring back to a council briefing further information regarding the ERP technology options that includes: ERP project guiding principles, technology choice rationale, relative risk profile, business case including comparative ERP cost information including project costs, plus ongoing operating costs (including licence costs, software maintenance, system maintenance, staff costs etc), associated implications/ requirements for existing systems and the detail behind the ERP RFQ assessment.

VOTING

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

AGAINST: Nil
ABSENT: Cr Page
CARRIED

PROCEDURAL MOTION – RESUME IN OPEN SESSION

183/23 **RESOLVED**

Cr Regan / Cr Robins

That Council resume in open session.

VOTING

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

NOTE: The meeting resumed in open session at 10:31pm

9.2 VOTING DELEGATES FOR LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023

NOTE: Councillor Page returned to the chamber at 10:34pm

184/23 **RESOLVED**

Cr Crvelin / Cr Walton

That Council:

1. Note it may nominate up to 10 voting delegates to attend the Local Government NSW Annual Conference to be held from Sunday 12 to Tuesday 14 November 2023
2. Nominate Mayor Heins, Councillors Crvelin, Ryburn, Bingham, Grattan, Robins, Walton, Korzy, Gencher and Page to attend as voting delegates for motions and the board election.

VOTING

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

9.4 RESPONSE TO NOTICE OF MOTION NO 5/2023 - AUSTRALIA DAY CITIZENSHIP CEREMONIES - NEWPORT BEACH

Cr Gencher / Cr Page

That staff investigate the feasibility of holding a concurrent (on Australia Day) Australia Day Citizenship ceremony in Newport, or another suitable location in the Pittwater ward and for staff to bring the findings back to a Councillor briefing.

AMENDMENT

Cr Regan / Cr Menano-Pires

That Council note the report.

PROCEDURAL MOTION - EXTENSION OF MEETING

Cr Heins / Cr Bingham

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

VOTING

FOR: Cr Bingham, Cr Gencher, Cr Page, Cr Heins and Cr Grattan

AGAINST: Cr Glanville, Cr Regan, Cr Korzy, Cr Walton, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires

LOST

AMENDMENT

Cr Regan / Cr Menano-Pires

That Council note the report.

VOTING

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

AGAINST: Cr Korzy, Cr Gencher, Cr Page, Cr De Luca, Cr Crvelin, Cr Robins

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

Cr Regan / Cr Menano-Pires

That Council note the report.

VOTING

FOR: Cr Glanville, Cr Regan, Cr Bingham, Cr Walton, Cr Menano-Pires and Cr Grattan

AGAINST: Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr De Luca, Cr Crvelin, Cr Robins

LOST

PROCEDURAL MOTION – ADJOURNMENT OF MEETING**185/23 RESOLVED****Cr Heins / Cr Bingham**

That in accordance with section 19.4 (b) of the Code of Meeting Practice the meeting be adjourned to 6pm on 1 August 2023 in Council Chambers, Dee Why.

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

NOTE: The following items were not considered on 27 June 2023 and in accordance with clause 19.4(b) of the Code of Meeting Practice will be considered at the resumption of the meeting on 1 August 2023:

- 9.6 *Revocation of Various Policies*
- 10.2 *Response to Notice of Motion No 6/2023 - Brewarrina Sister City Youth Program*
- 10.3 *Response to Notice of Motion No 44/2022 - Arts & Culture Events Action Plan and Fundraising Strategy*
- 10.4 *Community Safety Advisory Committee - Confirmed Minutes of 16 February 2023 and Committee Member Updates.*
- 10.5 *Response to Council resolution 94/23 - Social Services Needs Assessment and Priorities for Grants Program*
- 12.1 *Variations to Development Standards Under Clause 4.6 of Local Environmental Plans*
- 13.3 *Dedication of 12 Brands Lane and 2 Lorikeet Grove Warriewood to Council*
- 15.2 *Notice of Motion No 17/2023 - Proposal for Public Art on Marine Parade, Manly*
- 15.3 *Notice of Motion No 18/2023 - Traffic Calming Measures Oxford Falls*
- 15.4 *Notice of Motion No 19/2023 - Promoting Community Discussion on 'The Voice'*
- 15.5 *Notice of Motion No 21/2023 - Proposed Amendments to NSW Local Government Act - Disqualification from Office if Elected to State or Federal Parliament*
- 15.6 *Notice of Motion No 20/2023 - Housing Affordability on the Northern Beaches*

The meeting was adjourned at 11:10pm on 27 June 2023

The meeting was reconvened at 6:03pm on 1 August 2023

ATTENDANCE – 1 AUGUST 2023:

Councillors

Sue Heins (Mayor)
David Walton (Deputy Mayor)
Kristyn Glanville
Candy Bingham
Miranda Korzy
Vincent De Luca OAM
Stuart Sprott - *joined meeting remotely at 6:06pm, left at 8:23pm*
Bianca Crvelin
Ruth Robins - *recorded absent in accordance with 6.34 of the Code of Meeting Practice*
Jose Menano-Pires
Sarah Grattan
Georgia Ryburn - *joined meeting remotely at 6:06pm*

Officers

Scott Phillips	Chief Executive Officer
David Kerr	Director Community & Belonging
Eskil Julliard	Acting Director Corporate & Legal
Todd Dickinson	Director Environment & Sustainability
Louise Kerr	Director Planning & Place
Jorde Frangoples	Director Transport & Assets
Karen Twitchett	Director Workforce & Technology
Kylie Walshe	Executive Manager Community, Arts & Culture
Kath McKenzie	Executive Manager Community Engagement & Communications
Azmeena Kelly	Executive Manager Environmental Compliance
Sarah Dunstan	Executive Manager Governance & Risk
Campbell Pfeiffer	Executive Manager Property
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor - Governance
Lauren Reti	Senior Advisor – Governance
Mat Maish	Senior Advisor - Governance
Brendan Shaw	Service Delivery Analyst
Max Alexander	Service Delivery Trainee

NOTE: On 1 August 2023 the meeting was reconvened at 6:03pm, adjourned at 8:03pm, resumed at 8:13pm and concluded at 9:55pm

NOTE: Given the passage of time since the meeting was adjourned, the Mayor dealt with the following matters:

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

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE FOR 1 AUGUST 2023

PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

186/23 **RESOLVED**

Cr De Luca / Cr Korzy

That in accordance with 6.26 of the Code of Meeting Practice the following Councillors be granted remote attendance for the 1 August session of the 27 June 2023 meeting:

1. Councillor Robins due to interstate travel
2. Councillor Ryburn
3. Councillor Sprott due to work commitments.

VOTING

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

AGAINST: Nil

ABSENT: Cr Sprott, Cr Robins and Cr Ryburn

CARRIED

NOTE: Councillors Sprott and Ryburn joined the meeting at 6:06pm

NOTE: In accordance with 6.34 of the Code of Meeting Practice, due to technical issues Councillor Robins was not able to comply with the audiovisual attendance requirement and was recorded as absent for the purpose of the meeting

PROCEDURAL MOTION - APOLOGY

187/23 **RESOLVED**

Cr Grattan / Cr Bingham

That the apologies from Councillors Gencher, Page and Regan for the 1 August session of the 27 June 2023 meeting be accepted.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

ADDITIONAL DISCLOSURES OF INTEREST MADE ON 1 AUGUST 2023

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 15.4, Notice of Motion No 19/2023 - Promoting Community Discussion on 'The Voice', and will remain in the meeting for the discussion and voting on the item. The reason provided was:
"I was invited to speak on a panel dealing with the subject matter of 'The Voice'"
- Councillor Bingham reiterated her not significant non-pecuniary interest in relation to Item 15.4 and that she will remain in the meeting for the discussion and voting on the item. The reason provided was:
"I facilitated a forum on "The Voice" last month in Manly"
- Councillor Crvelin, at the item, declared a significant non-pecuniary interest in relation to Item 15.6 Notice of Motion No 20/2023 - Housing Affordability on the Northern Beaches and will leave the meeting for further discussion and voting on the item. The reason provided was:
"I am a non-executive director of a specialist disability accommodation provider"

NOTE: Councillor Ryburn left the meeting at 6:13pm

7.2 MAYORAL MINUTE NO 7/2023 - CONDOLENCES FOLLOWING TRAGIC ACCIDENT AT COLLAROY

NOTE: Councillor Ryburn returned to the meeting at 6:14pm

188/23 RESOLVED**Cr Heins**

That Council:

1. Acknowledge the tragic event that occurred at Griffith Park, Collaroy on Sunday 30 July 2023.
2. Reach out to the young boy's family at the appropriate time to express our deepest sympathies.
3. Staff continue to work with Police to assist them with the investigation.
4. Continue to offer support to the Collaroy Cougars Rugby Club.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

9.6 REVOCATION OF VARIOUS POLICIES

NOTE: Councillor Ryburn left the meeting at 6:22pm, returned at 6:22pm, left at 6:24pm and returned at 6:25pm

189/23 **RESOLVED**

Cr Grattan / Cr Walton

That Council:

1. Revoke the following policies:
 - A. Companion Animal Population Policy (former Pittwater Council)
 - B. Horses on Private Property Policy (former Pittwater Council)
2. Defer consideration of whether to adopt the Keeping of Animals Policy until after a Councillor briefing.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.2 RESPONSE TO NOTICE OF MOTION NO 6/2023 - BREWARRINA SISTER CITY YOUTH PROGRAM

Cr Heins / Cr Menano-Pires

That Council:

1. Note the funding of \$10,700 allocated to the Brewarrina Youth Exchange in the 2023/24 operational budget.
2. Note the content and cost implications of other options presented in this report.

AMENDMENT

Cr Korzy / Cr De Luca

That Council:

1. Note the funding of \$10,700 allocated to the Brewarrina Youth Exchange in the 2023/24 operational budget.
2. Note the content and cost implications of other options presented in this report.

3. Commits to Option 2 of the report, revising it to include a statement that: 'Where Northern Beaches Council staff exchanges occur, they request consultation with local elders from the Brewarrina First Nations community regarding issues of concern to them'.

VOTING

FOR: Cr Korzy and Cr De Luca

AGAINST: Cr Glanville, Cr Bingham, Cr Heins, Cr Walton, Cr Sprott, Cr Crvelin, Cr Menano-Pires, Cr Grattan, Cr Ryburn

ABSENT: Cr Robins

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

190/23 **RESOLVED**

Cr Heins / Cr Menano-Pires

That Council:

1. Note the funding of \$10,700 allocated to the Brewarrina Youth Exchange in the 2023/24 operational budget.
2. Note the content and cost implications of other options presented in this report.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

10.3 RESPONSE TO NOTICE OF MOTION NO 44/2022 - ARTS & CULTURE EVENTS ACTION PLAN AND FUNDRAISING STRATEGY

NOTE: Councillor Ryburn left the meeting at 6:49pm, returned at 6:54pm, left at 6:59pm and returned at 7:00pm

Cr Grattan / Cr Bingham

That Council:

1. Note the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
2. Consider the allocation of funding in the 2024/25 Operational Budget to fully implement the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
3. Note the proposed arts and cultural actions to be implemented as part of Connected Through Creativity: Arts and Creativity Strategy Action Plan 2023-2026.
4. Receive a report following the exploration of participation in Vivid, Sydney Film Festival and Sydney Festival in 2024.

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

That Council:

1. Note the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
2. Consider the allocation of funding in the 2024/25 Operational Budget to fully implement the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
3. Note the proposed arts and cultural actions to be implemented as part of Connected Through Creativity: Arts and Creativity Strategy Action Plan 2023-2026 pending the addition of action 10 as follows:
 - A. Engage with local arts practitioners (including artists, writers and musicians) regarding events to promote their work.
4. Receive a report following the exploration of participation in Vivid, Sydney Film Festival and Sydney Festival in 2024.

VOTING

FOR: Cr Glanville and Cr Korzy

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

ABSENT: Cr Robins

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

191/23 **RESOLVED**

Cr Grattan / Cr Bingham

That Council:

1. Note the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
2. Consider the allocation of funding in the 2024/25 Operational Budget to fully implement the draft Manly Art Gallery & Museum Fundraising Strategy 2024-2030.
3. Note the proposed arts and cultural actions to be implemented as part of Connected Through Creativity: Arts and Creativity Strategy Action Plan 2023-2026.
4. Receive a report following the exploration of participation in Vivid, Sydney Film Festival and Sydney Festival in 2024.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins

CARRIED

10.4 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 16 FEBRUARY 2023 AND COMMITTEE MEMBER UPDATES**192/23 RESOLVED*****Cr Heins / Cr De Luca***

That Council:

1. Note the Minutes of the Community Safety Advisory Committee meeting held on 16 February 2023.
2. Endorse Councillor Menano-Pires as Committee representative for Frenchs Forest Ward.

VOTING**FOR:** Cr Glanville, Cr Bingham, Cr Korzy, Cr Heins, Cr Walton, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Menano-Pires, Cr Grattan and Cr Ryburn**AGAINST:** Nil**ABSENT:** Cr Robins**CARRIED****10.5 RESPONSE TO COUNCIL RESOLUTION 94/23 - SOCIAL SERVICES NEEDS ASSESSMENT AND PRIORITIES FOR GRANTS PROGRAM*****Cr Walton / Cr Crvelin***

That Council:

1. Note the information provided on the alignment of the social services grants program to Strategic Outcomes in the Better Together Social Sustainability Strategy 2040.
2. Not proceed with a full needs assessment of the social services on the Northern Beaches.
3. Continue to monitor social service needs and gaps on the Northern Beaches through:
 - A. The 5-year review of the Better Together Social Sustainability Strategy in 2025/26.
 - B. Ongoing engagement with the social services sector.
 - C. Coordination of the Better Together Leadership Group.

PROCEDURAL MOTION - DEFERMENT OF MATTER***Cr Korzy / Cr Glanville***

That Council defer this item until the October Council meeting, after a councillor briefing can be held on this topic, to determine other ways of objectively assessing social welfare needs across the Northern Beaches in future years.

VOTING**FOR:** Cr Glanville, Cr Korzy and Cr Sprott**AGAINST:** Cr Bingham, Cr Heins, Cr Walton, Cr De Luca, Cr Crvelin, Cr Menano-Pires, Cr Grattan, Cr Ryburn

ABSENT: Cr Robins

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

193/23 **RESOLVED**

Cr Walton / Cr Crvelin

That Council:

1. Note the information provided on the alignment of the social services grants program to Strategic Outcomes in the Better Together Social Sustainability Strategy 2040.
2. Not proceed with a full needs assessment of the social services on the Northern Beaches.
3. Continue to monitor social service needs and gaps on the Northern Beaches through:
 - A. The 5-year review of the Better Together Social Sustainability Strategy in 2025/26.
 - B. Ongoing engagement with the social services sector.
 - C. Coordination of the Better Together Leadership Group.

VOTING

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

AGAINST: Cr Korzy

ABSENT: Cr Robins

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

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

NOTE: Councillor Ryburn left the meeting at 7:32pm and returned at 7:33pm

194/23 **RESOLVED**

Cr Grattan / Cr Heins

That Council note the Development Applications approved with variations to development standards during the period 1 January 2023 to 31 March 2023.

VOTING

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

AGAINST: Cr Korzy, Cr Menano-Pires, Cr Ryburn

ABSENT: Cr Robins

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.3 DEDICATION OF 12 BRANDS LANE AND 2 LORIKEET GROVE WARRIEWOOD TO COUNCIL

NOTE: Councillor Ryburn left the meeting at 7:36pm

195/23 **RESOLVED**

Cr Heins / Cr Bingham

That Council:

1. Authorise the transfer of 12 Brands Lane (Lot 6014 DP 1072867) and 2 Lorikeet Grove (Lot 5016 DP 1071760) Warriewood for a nominal amount of \$1 from Frasers Property to Council.
2. Delegate authority to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.

VOTING

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

AGAINST: Nil

ABSENT: Cr Robins and Cr Ryburn

CARRIED

15.0 NOTICES OF MOTION

15.2 NOTICE OF MOTION NO 17/2023 - PROPOSAL FOR PUBLIC ART ON MARINE PARADE, MANLY

NOTE: Councillor Ryburn returned to the meeting at 7:46pm

196/23 **RESOLVED**

Cr Bingham / Cr Grattan

That Council:

1. Explore the opportunity to install a vibrant public footpath artwork, reflecting the marine life at Cabbage Tree Bay Aquatic Reserve, on the walkway at the entrance to the steps leading down into the Bay at Marine Parade and Bower Street, Manly.
2. Consider the proposal in conjunction with the replacement of a larger area of asphalt pathway, and stormwater works, in this location.
3. Bring back a full report to the September meeting of Council on what would be needed for this project to proceed.

VOTING

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

AGAINST: Nil
ABSENT: Cr Robins
CARRIED

15.3 NOTICE OF MOTION NO 18/2023 - TRAFFIC CALMING MEASURES OXFORD FALLS

197/23 **RESOLVED**

Cr Glanville / Cr Sprott

That Council:

1. Undertake pre-construction and post-construction traffic monitoring at Morgan Road, Belrose and Oxford Falls Road, Oxford Falls in proximity to the approved upgrades to Oxford Falls Bridge, including traffic levels and speed.
2. Report back to a future Council meeting with any recommendations as to traffic calming measures required.

VOTING

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

PROCEDURAL MOTION - ADJOURN THE MEETING

198/23 **RESOLVED**

Cr Bingham / Cr Menano-Pires

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

NOTE: Meeting adjourned at 8.03pm and resumed at 8:13pm with all councillors present

15.4 NOTICE OF MOTION NO 19/2023 - PROMOTING COMMUNITY DISCUSSION ON "THE VOICE"

NOTE: Councillor Sprott left the meeting at 8:23pm and did not return

Cr Glanville / Cr Korzy

That:

1. Staff consult with the local community and relevant organisations regarding their views on:
 - A. Amending the Australian Constitution to create a "Voice" to Parliament.
 - B. Any local events or activities they already are planning/participating in regarding the Voice.
 - C. What local role, activations, or activities, if any, Council could take to promote discussion and sharing of ideas regarding the Voice.
2. Staff report back to Councillors regarding point 1 above at a Councillor briefing.
3. A working group comprised of Councillors Bingham, Glanville and Grattan and other Councillors, and staff be formed to:
 - A. Consider the feedback obtained further to point 1 above.
 - B. Identify and action any events or activities Council could facilitate, within existing budgets, to promote discussion and sharing of ideas regarding the Voice. This could be, for example, a local "Town Hall" of speakers with a range of well-informed views.
 - C. Identify and action any financial or in-kind support, within existing budgets, Council could offer to assist Aboriginal Stakeholders/organisation planning their own local activities and events concerning the Voice.
4. Staff provide an update report on the activities of the working group to the September Council meeting.
5. In the meantime, Council print additional copies of the Government's Information Booklet "Recognising Aboriginal and Torres Strait Islander Peoples Through a Voice" for distribution at Council's libraries and by request by community groups.

199/23 RESOLVED - MOTION BE PUT***Cr Menano-Pires***

That the motion be now put.

VOTING

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

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

ABSENT: Cr Robins and Cr Sprott

There being an equal number of votes the Mayor used her casting vote for the procedural motion which was declared CARRIED

200/23 **RESOLVED**

Cr Glanville / Cr Korzy

That:

1. Staff consult with the local community and relevant organisations regarding their views on:
 - A. Amending the Australian Constitution to create a “Voice” to Parliament.
 - B. Any local events or activities they already are planning/participating in regarding the Voice.
 - C. What local role, activations, or activities, if any, Council could take to promote discussion and sharing of ideas regarding the Voice.
2. Staff report back to Councillors regarding point 1 above at a Councillor briefing.
3. A working group comprised of Councillors Bingham, Glanville and Grattan and other Councillors, and staff be formed to:
 - A. Consider the feedback obtained further to point 1 above.
 - B. Identify and action any events or activities Council could facilitate, within existing budgets, to promote discussion and sharing of ideas regarding the Voice. This could be, for example, a local “Town Hall” of speakers with a range of well-informed views.
 - C. Identify and action any financial or in-kind support, within existing budgets, Council could offer to assist Aboriginal Stakeholders/organisation planning their own local activities and events concerning the Voice.
4. Staff provide an update report on the activities of the working group to the September Council meeting.
5. In the meantime, Council print additional copies of the Government’s Information Booklet “Recognising Aboriginal and Torres Strait Islander Peoples Through a Voice” for distribution at Council’s libraries and by request by community groups.

VOTING

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

AGAINST: Cr Heins, Cr Walton, Cr Crvelin, Cr Menano-Pires, Cr Ryburn

ABSENT: Cr Robins and Cr Sprott

There being an equal number of votes the Mayor used her casting vote for the motion which was declared CARRIED

15.5 NOTICE OF MOTION NO 21/2023 - PROPOSED AMENDMENTS TO NSW LOCAL GOVERNMENT ACT - DISQUALIFICATION FROM OFFICE IF ELECTED TO STATE OR FEDERAL PARLIAMENT

201/23 RESOLVED

Cr De Luca / Cr Korzy

1. That Council notes the following:

275 Who is disqualified from holding civic office?

- (1) A person is disqualified from holding civic office—
 - (a1) while a member of the Parliament of New South Wales, except as provided by subsections (5) and (7),
- (5) If—
 - (a) on the commencement of this subsection, a member of the Parliament of New South Wales is a councillor or mayor, or
 - (b) after the commencement of this subsection, a councillor or mayor becomes a member of the Parliament of New South Wales,
the person is not disqualified from holding civic office because of subsection (1)(a1) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).
- (6) Subsection (5) does not apply where a councillor or mayor becomes a member of the Parliament of New South Wales after the commencement of that subsection and within 12 months after last ceasing to be a member of that Parliament.
- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless—
 - (a) the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election, or
 - (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (5).

Note—

If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.

2. That this Council resolves to:

- A. Write to the Premier, Leader of the Opposition, Minister for Local Government, Shadow Minister for Local Government, Special Minister of State, Shadow Special Minister of State, all local State MPs and Cross Bench Members in the Legislative Assembly calling on them to cause to amend the above mentioned legislation so that a Councillor from the 2024 local government election, immediately upon election to State or Federal Parliament is immediately disqualified from holding the office of Councillor and/or Mayor.
- B. Refer this motion to the next Local Government NSW annual conference.

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Korzy, Cr Walton, Cr De Luca, Cr Crvelin and Cr Ryburn

AGAINST: Cr Heins, Cr Menano-Pires, Cr Grattan

ABSENT: Cr Robins and Cr Sprott

CARRIED

15.6 NOTICE OF MOTION NO 20/2023 - HOUSING AFFORDABILITY ON THE NORTHERN BEACHES

NOTE 1: Councillor Ryburn left the meeting at 9:31pm and returned at 9:34pm

NOTE 2: Councillor Crvelin left the chamber at 9:34pm and returned at 9:35pm

NOTE 3: During the debate of the item Councillor Crvelin declared a significant non-pecuniary interest as she is a non-executive director of a specialist disability accommodation provider. She left the meeting at 9:36pm and did not take part in further discussion or voting on the matter

202/23 RESOLVED**Cr Glanville / Cr Grattan**

1. That Council note:
 - A. That there is a shortage of social and affordable housing on the Northern Beaches.
 - B. Short Term Rental Accommodation (“STRAs”) and other vacant residential properties are one factor which is reducing supply of long term rental properties.
 - C. Council is a local landowner, and potentially owns land which is capable of being redeveloped for social and affordable housing.
 - D. Through its planning rules and policies, Council influences the supply of housing including social and affordable housing.
2. That the Chief Executive Officer provide a briefing prior to the December 2023 Council meeting, addressing the following topics:
 - A. Mechanisms to encourage properties which are currently STRAs and vacant properties to enter the rental market,
 - B. Strategies for building social and affordable housing on suitable land already owned by Council.
 - C. Further amendments which could be explored to our planning rules and affordable housing contributions scheme to address housing affordability, for example, changes to how we levy affordable housing contributions, encouraging further social and affordable housing, and “missing middle” style housing.
3. That the Chief Executive Officer write to the Premier and NSW Minister for Planning and Public Spaces, regarding the following:
 - A. Noting the recent announcement that the State Government intends to declare certain residential development with a capital investment value over \$75m as State Significant Development.

- B. Opposing these amendments, on the basis that councils are well placed to write their own planning rules, set targets, and carry out development assessment of residential development and affordable housing.
- C. Noting the existing plans and strategies which Council has to create greater local supply of housing and address the lack of social and affordable housing.
- D. Noting that Council is already in the process of reviewing its LEP and strategies to further meet community need for housing, including the contents of this motion.
- E. Noting that housing affordability issues are not solely due to supply, and for the State Government to take holistic and collaborative action to alleviate the range of issues contributing to this problem.
- F. Anything else relevant.

VOTING

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

AGAINST: Nil

ABSENT: Cr Crvelin, Cr Robins and Cr Spratt

CARRIED

NOTE: Councillor Crvelin returned to the chamber at 9:54pm

The reconvened meeting closed at 9:55pm on 1 August 2023

This is the final page of the minutes comprising 41 pages numbered 1 to 41 of the 27 June 2023 Ordinary Council Meeting held on Tuesday 27 June 2023 and 1 August 2023 confirmed on Tuesday 22 August 2023.

Mayor

Chief Executive Officer