



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 22 AUGUST 2023

Minutes of an Ordinary Council Meeting

held on Tuesday 22 August 2023

at the Civic Centre, Dee Why

Commencing at 6:03pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)
David Walton (Deputy Mayor)
Kristyn Glanville
Michael Regan (arrived at 7:30pm)
Miranda Korzy
Michael Gencher
Vincent De Luca OAM
Stuart Sprott
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Sarah Grattan
Georgia Ryburn

Officers

Scott Phillips	Chief Executive Officer
Eskil Julliard	Acting Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Louise Kerr	Director Planning & Place
Mark Jones	Acting Director Workforce & Technology
Campbell Pfeiffer	Acting Director Transport & Assets
Sarah Dunstan	Executive Manager Governance & Risk
Kylie Walshe	Executive Manager Community, Arts & Culture
Maeva Masterson	Executive Manager Library Services
Yianni Mentis	Executive Manager Environment & Climate Change
Melissa Messina	Executive Manager Early Learning & Customer Services
Jeremy Smith	Acting Executive Manager Parks & Recreation
Phil Devon	Manager Transport Network
Kristie Debney	Deputy Local Emergency Management Officer
Deb Kempe	Team Leader, Economic Development
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor – Governance
Mat Maish	Senior Advisor – Governance
Gerard Munro	Team Leader Service Delivery
Gavin Mascarenhas	Service Desk Analyst

Notes

The meeting commenced at 6:03pm, adjourned at 8:05pm, resumed at 8:16pm, moved into closed session at 9:26pm, resumed in open session at 10:40pm and concluded at 11:09pm

Table of Contents

1.0	Acknowledgement of Country	5
2.0	Apologies and Applications for Leave Of Absence and Remote Attendance	5
3.0	Confirmation of Minutes	5
4.0	Disclosures of Interest	6
5.0	Public Forum and Public Address	6
6.0	Items Resolved by Exception	8
9.1	Funding Rollover from 2022/23 Budget and Changes to the Budget	8
9.3	Monthly Investment Report - June 2023	8
9.4	Monthly Investment Report - July 2023	9
9.5	Audit, Risk and Improvement Committee Annual Report 2022 and Confirmed Minutes of 14 March 2023 Committee Meeting	9
10.6	Public Exhibition of the draft Cultural Policy	9
11.2	Outcome of the Public Exhibition of the Greendale Creek Flood Study	9
12.2	Variations to Development Standards Under Clause 4.6 of Local Environmental Plans Report	10
13.1	Outcome of the Public Notice of 30-Year Lease to Long Reef Surf Life Saving Club	10
19.1	Audit, Risk and Improvement Committee - Recruitment	10
19.3	RFT 2023/044 - Stage 2 Air Conditioning System Upgrade at Glen Street Theatre	11
7.0	Mayoral Minutes	11
7.1	Mayoral Minute No 8/2023 - Recognition of Children's Services	11
7.2	Mayoral Minute No 9/2023 - Safety at Dee Why Beach and Dunes	12
7.3	Mayoral Minute No 10/2023 - Vale John Devitt AM	12
7.4	Mayoral Minute No 11/2023 - Providing Greater Community Access to Sporting and Cultural Facilities in Schools	12
9.0	Corporate and Legal Division Reports	13
9.2	Local Government NSW 2023 Annual Conference Change to Voting Delegates	13
10.0	Community and Belonging Division Reports	14
10.1	Avalon Customer Contact Centre	14
11.1	Outcome of the Public Exhibition of the draft Review of Environmental Factors for the Proposed Trial Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)	16
10.2	Public Exhibition of the draft Gambling Harm Minimisation Policy	17
10.3	Outcome of the Public Exhibition of the draft Community Service Awards Policy	17
10.4	Outcome of the Public Exhibition of the draft Public Art Policy	17
10.5	Community Library Funding 2023/24	18
11.0	Environment and Sustainability Division Reports	18
11.3	Minutes of the Northern Beaches Bush Fire Management Committee held on 7 March 2023	18
12.0	Planning and Place Division Reports	19
12.1	Outcome of Public Exhibition of the draft Economic Development Strategy 'Business on the Beaches'	19

<i>Change to order of business</i>	19
19.0 Confidential Matters – Closed Session	20
20.0 Report of Confidential Resolutions	21
19.1 Audit, Risk and Improvement Committee - Recruitment	21
19.2 Public Art Procurement.....	22
19.3 RFT 2023/044 - Stage 2 Air Conditioning System Upgrade at Glen Street Theatre	22
19.4 RFT 2023/054 - Roof Membrane Upgrade and Associated Works for Dee Why Civic Centre and Library.....	22
19.5 RFT 2023/104 - Provision of an Apprenticeship and Traineeship Program.....	23
19.6 RFT 2023/111 - Water Feature & Splash Park Maintenance	24
19.7 RFT 2023/118 - Narrabeen Lagoon Entrance Clearance Works 2023.....	24
19.8 Notice of Motion No 22/2023 - Nomination to Premier's Department	25
<i>Change to order of business</i>	25
16.2 Notice of Rescission No 3/2023 - Item 13.1 - Review of The Strand Streets as Shared Spaces Project	26

1.0 ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

PROCEDURAL MOTION - LEAVE OF ABSENCE

203/23 RESOLVED

Cr Crvelin / Cr Robins

That Council accept the application for a leave of absence from Councillors Page and Bingham for the 22 August 2023 Council meeting on the grounds of illness.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 27 JUNE 2023

204/23 RESOLVED

Cr Korzy / Cr Walton

That the minutes of the Ordinary Council Meeting held on 27 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 Korzy, Cr Gencher, Cr Heins, Cr Walton, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 13.6 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I have been closely involved in this matter since the beginning, have met with the resident on a number of occasions.”

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 13.6 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“In 2020, I was a customer of the business owned and operated by the proposed counterparty. I have no other relationship with them.”

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

- Robert Steffan addressed Council on 28 Abernethy Street, Seaforth.
- Douglas Price addressed Council on the NBN/Telstra connection at Coasters Retreat.

5.2 PUBLIC ADDRESS

Item 7.2 Mayoral Minute No 9/2023 - Safety at Dee Why Beach and Dunes

- Christopher Davies addressed Council in support of this item.

Item 10.1 Avalon Customer Contact Centre

- Craig Boaden, on behalf of Avalon Preservation Association, addressed Council against this item.

Item 11.1 Outcome of the Public Exhibition of the Draft Review of Environmental Factors for the Proposed Trial Dog Off-leash Areas at Palm Beach (North) and Mona Vale Beach (South)

- Michele Robertson, on behalf of Pittwater Unleashed, addressed Council in support of this item.
- Russell Phegan addressed Council against this item.

Item 11.2 Outcome of the Public Exhibition of the Greendale Creek Flood Study

- Bill Donohoe addressed Council against this item.

Item 13.4 Response to Notice of Motion No 7/2023 – Urgent Request for a Safety Audit of Electric Bike, Electric Scooter and Other Bike Usage on Northern Beaches Shared Paths, Bike Paths and Footpaths

- Douglas Price addressed Council in support of this item.

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

- Alexandra Walding addressed Council in support of this item.

Item 16.2 Notice of Rescission No 3/2023 - Item 13.1 - Review of The Strand Streets as Shared Spaces Project

- Richard Buzas, on behalf of Don't Put your Head in The Strand, addressed Council in support of this item.
- Wolfgang Kraft addressed Council against this item.
- Drew Johnson addressed Council against this item.

6.0 ITEMS RESOLVED BY EXCEPTION

205/23 RESOLVED

Cr Grattan / Cr Ryburn

That:

1. Items 9.1, 9.3, 9.4, 9.5, 10.6, 11.2, 12.2, 13.1, 19.1 and 19.3 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 19.1 and 19.3 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

206/23 VOTING

FOR: Cr Glanville, Cr Korzy, Cr Gencher, Cr Heins, Cr Walton, 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 FUNDING ROLLOVER FROM 2022/23 BUDGET AND CHANGES TO THE BUDGET

207/23 RESOLVED

Cr Grattan / Cr Ryburn

That Council:

1. Roll over the following from the 2022/23 budget to the 2023/24 budget for the items identified in the report:
 - A. \$4,421,289 in operational projects expenditure and associated funding
 - B. \$10,238,139 in capital projects expenditure and associated funding.
2. Reduce the 2023/24 budget for works undertaken in 2022/23 and budgeted in 2023/24 for the items identified in the report:
 - A. \$1,420,245 in operational projects expenditure and associated funding
 - B. \$1,046,017 in capital projects expenditure and associated funding.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - JUNE 2023

208/23 RESOLVED

Cr Grattan / Cr Ryburn

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

RESOLVED BY EXCEPTION

9.4 MONTHLY INVESTMENT REPORT - JULY 2023

209/23 RESOLVED

Cr Grattan / Cr Ryburn

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

RESOLVED BY EXCEPTION

9.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT 2022 AND CONFIRMED MINUTES OF 14 MARCH 2023 COMMITTEE MEETING

210/23 RESOLVED

Cr Grattan / Cr Ryburn

That Council note the:

1. Audit, Risk and Improvement Committee Annual Report for 2022.
2. Confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 14 March 2023.

RESOLVED BY EXCEPTION

10.6 PUBLIC EXHIBITION OF THE DRAFT CULTURAL POLICY

211/23 RESOLVED

Cr Grattan / Cr Ryburn

That:

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

RESOLVED BY EXCEPTION

11.2 OUTCOME OF THE PUBLIC EXHIBITION OF THE GREENDALE CREEK FLOOD STUDY

212/23 RESOLVED

Cr Grattan / Cr Ryburn

That Council:

1. Adopt the Greendale Creek Flood Study (July 2023).
2. Update Flood Planning Levels for those properties identified in the Greendale Creek Flood Study (July 2023) as being subject to flood related development controls, noting that this will update associated data on planning certificates.

RESOLVED BY EXCEPTION

12.2 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS REPORT

NOTE: Councillor Menano-Pires was against this item

213/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That Council note the development applications approved with variations to development standards during the period 1 April 2023 to 30 June 2023.

RESOLVED BY EXCEPTION

13.1 OUTCOME OF THE PUBLIC NOTICE OF 30-YEAR LEASE TO LONG REEF SURF LIFE SAVING CLUB

214/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That Council:

1. Note that it has considered all submissions received in respect of the proposed lease of part of Griffith Park Reserve, known as Lot 11 DP 1193189 (being part of Lot 11 DP1193189), for a term of 30-years to Long Reef Surf Life Saving Club Inc (ABN 78 012 537 376).
2. Apply to the Minister for Local Government in accordance with section 47 of the *Local Government Act 1993* for consent to grant the proposed lease.
3. Subject to the consent of the Minister for Local Government, grant the proposed lease.
4. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including execute all necessary documentation.

RESOLVED BY EXCEPTION

19.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE - RECRUITMENT

215/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That Council appoint the preferred candidate, as identified in the Evaluation Report (Attachment 1), to the Northern Beaches Council Audit, Risk and Improvement Committee for an initial term of 4 years from 12 September 2023, after which they will be eligible for extension or re-appointment for one additional term as determined by Council following a formal review of their performance.

RESOLVED BY EXCEPTION

19.3 RFT 2023/044 - STAGE 2 AIR CONDITIONING SYSTEM UPGRADE AT GLEN STREET THEATRE

216/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That Council:

1. Accept the tender of Inter-Chillers Pty Ltd for RFT 2023/044 – Stage 2 Air Conditioning System Upgrade at Glen Street Theatre for the sum of \$596,500.00 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 8/2023 - RECOGNITION OF CHILDREN'S SERVICES

217/23 **RESOLVED**

Cr Heins

That Council acknowledge the efforts of all the staff and educators who work in Cromer Vacation Care, Brookvale Children's Centre and Belrose Children's Centre and thank them for their contribution to being recognised as 'Exceeding the National Quality Standard' under the National Quality Framework.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

7.2 MAYORAL MINUTE NO 9/2023 - SAFETY AT DEE WHY BEACH AND DUNES**218/23 RESOLVED****Cr Heins**

That the Chief Executive Officer work closely with the NSW Police and homelessness support agencies to provide a resolution to the issue of safety at Dee Why Beach and the adjacent sand dune area.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED**7.3 MAYORAL MINUTE NO 10/2023 - VALE JOHN DEVITT AM**

NOTE: Councillor Glanville left the chamber at 7:17pm

219/23 RESOLVED**Cr Heins**

That Council:

1. Acknowledge the significant contribution of the late John Devitt AM to Australian swimming and sports administration.
2. Send our condolences to the family of the late John Devitt AM.

VOTING

FOR: Cr Korzy, Cr Gencher, Cr Heins, Cr Walton, 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**7.4 MAYORAL MINUTE NO 11/2023 - PROVIDING GREATER COMMUNITY ACCESS TO SPORTING AND CULTURAL FACILITIES IN SCHOOLS****220/23 RESOLVED**

Cr Heins

That Council:

1. Endorse the following motion to the Local Government NSW (LGNSW) Conference in November 2023:
 - A.. That LGNSW advocate to the NSW Department of Education and Schools Infrastructure NSW to provide greater access to sporting and cultural facilities in schools to provide much needed rehearsing, performance, training and playing fields out of school hours.
 - B. That LGNSW lobby Schools Infrastructure NSW to engage with councils in the design development process for new schools to ensure that community access to sporting and cultural facilities is prioritised in the development of new spaces.
2. Write to the Minister for Education seeking direct support to achieve the abovementioned outcomes.

VOTING

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

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 LOCAL GOVERNMENT NSW 2023 ANNUAL CONFERENCE CHANGE TO VOTING DELEGATES

NOTE: Councillor Glanville returned to the chamber at 7:28pm

221/23 RESOLVED**Cr Grattan / Cr Ryburn**

That Council:

1. Nominate Councillor De Luca to attend as voting delegate for motions and the board election at the Local Government NSW Annual Conference 2023.
2. Delegate authority to the Mayor to authorise any further voting delegates in circumstances where a voting delegate is no longer able to participate or attend.

VOTING

FOR: Cr Glanville, Cr Korzy, Cr Gencher, Cr Heins, Cr Walton, 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 Regan joined the meeting 7:30pm

NOTE: Councillor Sprott left the chamber at 7:32pm and returned at 7:33pm

DEFERMENT OF MATTER

Cr Gencher / Cr Korzy

That the item be deferred to allow Councillor Page to attend and consider the item.

VOTING

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

AGAINST: Cr Regan, Cr Heins, Cr Walton, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan, Cr Ryburn

LOST

222/23 RESOLVED

Cr Grattan / Cr Ryburn

That:

1. Council transition out of face-to-face service at the Avalon Customer Contact Centre by the end of November 2023.
2. Community information be provided on alternative service options and locations.
3. Council call for expressions of interest to facilitate a community purpose / use in the space vacated by the Customer Contact Centre and report the matter back to Council within 6 months.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

223/23 RESOLVED

Cr Ryburn / Cr Robins

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

AGAINST: Cr Regan

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

224/23 **RESOLVED**

Cr Heins / Cr De Luca

That the order of business be changed so item 11.1 be brought forward and dealt with immediately.

VOTING

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

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

CARRIED

11.1 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT REVIEW OF ENVIRONMENTAL FACTORS FOR THE PROPOSED TRIAL DOG OFF-LEASH AREAS AT PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH)

NOTE: Councillor Ryburn left the chamber at 8:17pm and returned at 8:36pm

NOTE: Councillor Crvelin left the chamber at 8:21pm and returned at 8:22pm

NOTE: Councillor Korzy left the chamber at 8:47pm

225/23 RESOLVED

Cr Walton / Cr Menano-Pires

That Council:

1. Note the draft Community Engagement Report at Attachments 1, 2 and 3.
2. Note the findings of the revised draft Review of Environmental Factors at Attachment 4.
3. Negotiate with Crown Lands for Council to obtain care, control and management of as much land as is necessary to effect progress of the draft Plans of Management and proposed off-leash dog trials.
4. Take the necessary steps to assign categories to the relevant Crown land at Palm Beach (North) and Mona Vale Beach (South) under section 3.23 of the *Crown Land Management Act 2016*.
5. Prepare a draft Plan of Management under the *Crown Land Management Act 2016* for Governor Phillip Park incorporating a proposal for an off-leash dog trial as described in Attachment 4.
6. Prepare the necessary draft Plan/s of Management under the *Local Government Act 1993* and the *Crown Land Management Act 2016*:
 - A. for the management areas of Mona Vale Beach indicated in Figure 11 of the Ocean Beaches Plan of Management (2005), extending as far north as Golf Avenue; and
 - B. that incorporate/s a proposal for an off-leash dog trial at Mona Vale Beach as described in Attachment 4.

VOTING

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

AGAINST: Nil

ABSENT: Cr Korzy

CARRIED

10.2 PUBLIC EXHIBITION OF THE DRAFT GAMBLING HARM MINIMISATION POLICY

NOTE: Councillor Korzy returned to the chamber at 8:49pm

226/23 RESOLVED

Cr Glanville / Cr Sprott

That:

1. Council place the draft Gambling Harm Minimisation Policy on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the draft Gambling Harm Minimisation Policy be reported to Council.
3. Through the public exhibition process invite submissions to seek the community's view on direct gambling advertising at Council premises.

VOTING

FOR: Unanimous

CARRIED

10.3 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT COMMUNITY SERVICE AWARDS POLICY

227/23 RESOLVED

Cr Menano-Pires / Cr Glanville

That Council adopt the Community Service Awards Policy.

VOTING

FOR: Unanimous

CARRIED

10.4 OUTCOME OF THE PUBLIC EXHIBITION OF THE DRAFT PUBLIC ART POLICY

228/23 RESOLVED

Cr Korzy / Cr Crvelin

That Council adopt the Public Art Policy.

VOTING

FOR: Unanimous

CARRIED

10.5 COMMUNITY LIBRARY FUNDING 2023/24**229/23 RESOLVED*****Cr Menano-Pires / Cr Grattan***

That Council provide:

1. Financial assistance for 2023/24 to the community libraries to the value of:
 - A. \$69,290 (excluding GST) to Avalon Community Library Incorporated.
 - B. \$25,584 (excluding GST) to Balgowlah Seaforth Community Library.
 - C. \$2,132 (excluding GST) to Booklovers' Club Northern Beaches Incorporated.
 - D. \$27,716 (excluding GST) to Terrey Hills Community Library.
2. The funding as detailed above to community libraries once the previous year's grant acquittals are received and finalised in line with acquittal processes.

VOTING

FOR: Unanimous

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS**11.3 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD ON 7 MARCH 2023****230/23 RESOLVED*****Cr Crvelin / Cr Robins***

That Council note the minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 7 March 2023.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 OUTCOME OF PUBLIC EXHIBITION OF THE DRAFT ECONOMIC DEVELOPMENT STRATEGY 'BUSINESS ON THE BEACHES'

231/23 **RESOLVED**

Cr Grattan / Cr Crvelin

That Council:

1. Adopt the Economic Development Strategy 'Business on the Beaches'.
2. Approve the establishment of a Northern Beaches Business and Industry Stakeholder Committee to monitor implementation of the Economic Development Strategy in accordance with Terms of Reference attached.
3. Nominate Councillors Grattan, Crvelin, Gencher and Menano-Pires, along with the Mayor or their representative, to become members of the Northern Beaches Business and Industry Stakeholder Committee for a period of 2 years or until election caretaker period (anticipated August 2024), whichever is the earlier.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE: Councillor Grattan left the chamber at 9:24pm

232/23 **RESOLVED**

Cr Heins / Cr De Luca

That the order of business be changed so items 19.1 to 19.8 be brought forward and dealt with immediately.

VOTING

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

AGAINST: Nil

ABSENT: Cr Grattan

CARRIED

19.0 CONFIDENTIAL MATTERS – CLOSED SESSION

233/23 RESOLVED

Cr Heins / Cr De Luca

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 19.2 Public Art Procurement 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 matters pertaining to a contract with Council. 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 release commercial information about a contract with Council.
 - B. Item 19.4 RFT 2023/054 - Roof Membrane Upgrade and Associated Works for Dee Why Civic Centre and Library 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 19.5 RFT 2023/104 - Provision of an Apprenticeship and Traineeship Program 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 19.6 RFT 2023/111 - Water Feature & Splash Park 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.
 - E. Item 19.7 RFT 2023/118 - Narrabeen Lagoon Entrance Clearance Works 2023 on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the

person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

- F. Item 19.8 Notice of Motion No 22/2023 - Nomination to Premier's Department on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) *Local Government Act 1993*].

This report discusses/provides advice concerning persons other than councillors. 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 be contrary to section 10A(2) (a) of the Act.

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

VOTING

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

AGAINST: Cr Glanville, Cr Regan

ABSENT: Cr Grattan

CARRIED

NOTE: The meeting moved into closed session at 9:26 pm

20.0 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

19.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE - RECRUITMENT

215/23RESOLVED

Cr Grattan / Cr Ryburn

That Council appoint the preferred candidate, as identified in the Evaluation Report (Attachment 1), to the Northern Beaches Council Audit, Risk and Improvement Committee for an initial term of 4 years from 12 September 2023, after which they will be eligible for extension or re-appointment for one additional term as determined by Council following a formal review of their performance.

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 10.*

19.2 PUBLIC ART PROCUREMENT

NOTE: Councillor Grattan returned to the chamber at 9:27pm

234/23 RESOLVED - DEFERMENT OF MATTER***Cr Regan / Cr Ryburn***

That the matter be deferred.

VOTING

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

AGAINST: Cr Heins, Cr Sprott, Cr Grattan

CARRIED

19.3 RFT 2023/044 - STAGE 2 AIR CONDITIONING SYSTEM UPGRADE AT GLEN STREET THEATRE**216/23RESOLVED*****Cr Grattan / Cr Ryburn***

That Council:

1. Accept the tender of Inter-Chillers Pty Ltd for RFT 2023/044 – Stage 2 Air Conditioning System Upgrade at Glen Street Theatre for the sum of \$596,500.00 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

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.*

19.4 RFT 2023/054 - ROOF MEMBRANE UPGRADE AND ASSOCIATED WORKS FOR DEE WHY CIVIC CENTRE AND LIBRARY**235/23 RESOLVED*****Cr Regan / 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 RFT2023/054 – Roof Membrane Upgrade and Associated Works for Dee Why Civic Centre and Library.
2. In accordance with section 178(3)(e) of the Local Government (General) Regulation 2021, enter into negotiations with:

- Danrae Remedial Services Pty Ltd trading as Danrae Group
- National Remedial Group (NSW) Pty Ltd
- Roof & Building Service (QLD) Pty Ltd
- Stott Enterprises Pty Ltd
- Structural Building Maintenance Pty Ltd.

(all tenderers)

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 clause 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - A. Inviting fresh tenders will delay the works and is very unlikely to result in a lower tender price. 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.
 - 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 all tenderers is that all tenderers may have the capability to undertake the works.
5. Delegate authority to the Chief Executive Officer to enter into negotiations with all tenderers, and subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with the preferred tenderer 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

19.5 RFT 2023/104 - PROVISION OF AN APPRENTICESHIP AND TRAINEESHIP PROGRAM

236/23 **RESOLVED**

Cr De Luca / Cr Robins

That Council defer the item to allow staff to bring a further report to Council as soon as possible.

VOTING

FOR: Unanimous

CARRIED

19.6 RFT 2023/111 - WATER FEATURE & SPLASH PARK MAINTENANCE237/23 **RESOLVED*****Cr Regan / Cr Grattan***

That Council:

1. Accept the tender of Waterforms International Pty Ltd for RFT 2023/111 – Water Feature & Splash Park Maintenance Services for an amount of \$177,876.00 (excluding GST) per annum subject to cost adjustment by CPI for each year thereafter, for an initial period of 3 years, with 2 further 12-month options to extend at Council’s discretion subject to satisfactory performance.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.
3. Delegate authority to the Chief Executive Officer to exercise Council’s options to extend the contract term.

VOTING**FOR:** Cr Glanville, Cr Regan, Cr Korzy, Cr Gencher, Cr Heins, Cr Walton, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn**AGAINST:** Cr Sprott**CARRIED****19.7 RFT 2023/118 - NARRABEEN LAGOON ENTRANCE CLEARANCE WORKS 2023**238/23 **RESOLVED*****Cr Grattan / Cr Menano-Pires***

That Council:

1. Accept the tender of Rare Environmental Pty Ltd for RFT 2023/118 – Narrabeen Lagoon Entrance Clearance Works 2023 for a sum of \$1,273,697.38 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the maximum amount specified in Table 1 of the confidential report for this item.

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

19.8 NOTICE OF MOTION NO 22/2023 - NOMINATION TO PREMIER'S DEPARTMENT**239/23 RESOLVED*****Cr De Luca / Cr Sprott***

Council nominates the person named in the background of the Notice of Motion for the Public Service Medal (PSM) in recognition of their outstanding service to the community.

VOTING

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

AGAINST: Cr Korzy

ABSENT: Cr Glanville and Cr Regan

CARRIED**PROCEDURAL MOTION – RESUME IN OPEN SESSION****240/23 RESOLVED*****Cr Robins / Cr Regan***

That Council resume in open session.

VOTING

FOR: Unanimous

CARRIED

NOTE: The meeting resumed in open session at 10:40 pm

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**241/23 RESOLVED*****Cr Regan / Cr Grattan***

That the order of business be changed so items 16.2, 13.2, 13.4, 13.5, 13.6 then 16.1 be brought forward and dealt with immediately.

VOTING

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

AGAINST: Cr Ryburn

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS***Cr De Luca / Cr Sprott***

That the order of business be changed so items 13.3 be brought forward and dealt with immediately.

VOTING

FOR: Cr Korzy, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Ryburn

AGAINST: Cr Glanville, Cr Regan, Cr Gencher, Cr Heins, Cr Walton, Cr Menano-Pires, Cr Grattan

LOST

PROCEDURAL MOTION - EXTENSION OF MEETING***Cr Regan / Cr Glanville***

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

VOTING

FOR: Cr Glanville, Cr Regan, Cr Heins, Cr Walton and Cr Grattan

AGAINST: Cr Korzy, Cr Gencher, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Ryburn

LOST

16.2 NOTICE OF RESCISSION NO 3/2023 - ITEM 13.1 - REVIEW OF THE STRAND STREETS AS SHARED SPACES PROJECT***Cr De Luca / Cr Crvelin***

That Council rescind Resolution 170/23 – Item 13.1 - Review of The Strand Streets as Shared Spaces Project, being:

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 De Luca and Cr Sprott

AGAINST: Cr Glanville, Cr Regan, Cr Korzy, Cr Gencher, Cr Heins, Cr Walton, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan, Cr Ryburn

LOST

NOTE: In accordance with clause 19.3 of the Code of Meeting Practice the meeting concluded at 11:09pm

NOTE: The following items were deferred to the ordinary Council meeting of 26 September 2023 in accordance with clause 19.4(a) of the Code of Meeting Practice:

- 13.2 *Outcome of the Public Notice of 30-Year Lease to Long Reef Golf Club*
- 13.3 *Response to Notion of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road Collaroy*
- 13.4 *Response to Notice of Motion No 7/2023 - Urgent Request for a Safety Audit of Electric Bike, Electric Scooter and Other Bike Usage on Northern Beaches Shared Paths, Bike Paths and Footpaths*
- 13.5 *Alternative Procurement Avalon Surf Life Saving Club Cafe and Restaurant*
- 13.6 *Proposed Road Reserve Closure and Sale of Council Land Adjacent to 107 Clontarf Street, Seaforth*
- 15.1 *Notice of Motion No 23/2023 - Electoral Legislation Reform to Ensure Candidate Safety*
- 15.2 *Notice of Motion No 24/2023 - Killarney Heights Shops Public Toilets*
- 15.3 *Notice of Motion No 25/2023 - Vale Paul Dracakis OAM*
- 15.4 *Notice of Motion No 26/2023 - Return and Earn Scheme*
- 16.1 *Notice of Rescission No 2/2023 - Item 15.4 - Notice of Motion No 19/2023 - Promoting Community Discussion on "The Voice"*

The meeting concluded at 11:09pm

This is the final page of the minutes comprising 27 pages numbered 1 to 27 of the Ordinary Council Meeting held on Tuesday 22 August 2023 and confirmed on Tuesday 26 September 2023

Mayor

Chief Executive Officer