



northern  
beaches  
council

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

held at the Civic Centre, Dee Why on

**TUESDAY 26 SEPTEMBER 2023**

**Minutes of an Ordinary Council Meeting  
held on Tuesday 26 September 2023  
at the Civic Centre, Dee Why  
Commencing at 6:01pm**

**ATTENDANCE:**

**Councillors**

Sue Heins - Mayor  
Georgia Ryburn - Deputy Mayor (*following election*)  
Kristyn Glanville  
Michael Regan (*left meeting at 10:14pm*)  
Candy Bingham  
Miranda Korzy (*arrived at 6:08pm*)  
Michael Gencher (*remote, left at 8:22pm*)  
Karina Page  
Vincent De Luca OAM  
Stuart Sprott  
Bianca Crvelin  
Ruth Robins (*remote, left at 7:11pm*)  
Jose Menano-Pires  
Sarah Grattan  
David Walton – Deputy Mayor (*until election*)

**Officers**

Scott Phillips	Chief Executive Officer
Eskil Julliard	Acting Director Corporate & Legal
David Kerr	Director Community & Belonging
Andrew Ward-Harvey	Acting Director Environment & Sustainability
Azmeena Kelly	Acting Director Planning & Place
Mark Jones	Acting Director Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Jessica Simpson	Acting General Counsel
Campbell Pfeiffer	Executive Manager Property
Eva Havenstein	Acting Executive Manager Transport & Civil Infrastructure
Jeremy Smith	Acting Executive Manager Parks & Recreation
Jacqueline Grove	Acting Executive Manager Environment & Climate Change
Joseph Hill	Executive Manager Strategic & Place Planning
Sally Hall	Executive Manager Internal Audit & Complaints Resolution
Kath McKenzie	Executive Manager Community Engagement & Communications
Phil Devon	Manager Transport Network
Christopher Munro	Manager Bushland & Biodiversity
Sarah Dunstan	Executive Manager Governance & Risk
Lesley Milbourne	Manager Governance
Mat Maish	Senior Advisor – Governance
Anna Moore	Senior Advisor – Governance
Lauren Reti	Senior Advisor – Governance
Gerard Munro	Team Leader – Service Delivery
Rorie Brooks	Service Desk Analyst

**Notes**

*The meeting commenced at 6:01pm, adjourned at 8:21pm, resumed at 8:35pm, moved into closed session at 11:07pm, resumed in open session at 11:15pm and concluded at 11:16pm*

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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 - REQUEST FOR REMOTE ATTENDANCE

242/23 RESOLVED

***Cr De Luca / Cr Bingham***

That in accordance with clause 6.26 of the Code of Meeting Practice, Councillors Gencher and Robins be granted remote attendance to the September 2023 Ordinary Council Meeting due to travel.

#### VOTING

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

**AGAINST:** Cr Glanville

**CARRIED**

## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 AUGUST 2023

243/23 RESOLVED

***Cr Bingham / Cr Grattan***

That the minutes of the Ordinary Council Meeting held on 22 August 2023, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## 4.0 DISCLOSURES OF INTEREST

NOTE: Councillor Korzy joined the meeting at 6:08pm

- Councillor Crvelin declared a not significant non-pecuniary interest in relation to Item 12.3, Submission to Draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order, and will leave the meeting for the discussion and voting on the item. The reason provided was:

*“As I am a Board member of an SDA Housing provider.”*

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 8.4, Northern Beaches Council Discretionary Fund Policy - proposed administrative amendments, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“My mother and sister are employees of Fisher Road School and my husband volunteers at the school, and the school is the beneficiary of a discretionary fund grant.”*

- Councillor Glanville declared a significant non-pecuniary interest in relation to Item 19.3, RFT2023/112 – Legal Services Panel, and will leave the meeting for the discussion and voting on the item. The reason provided was:

*“I am a solicitor employed in providing advice in one of the areas tendered. While my current employer did not tender, I am a previous employee of one of the tenderers and know a number of lawyers at the firms tendering on a professional basis. The firm I work for is a commercial competitor to many of these firms. These factors may give rise to a perception of bias, or I may inadvertently gain unfair information about the commercial terms upon which these firms are tendering to local government.”*

- Councillor Regan declared a significant non-pecuniary interest in relation to Item 12.3, Submission to Draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order, and will leave the meeting for the discussion and voting on the item. The reason provided was:

*“I voted on the matter in Parliament and have dealt with the matter on numerous occasions both with Council and as Member of Parliament with government”.*

- Councillor Regan declared at the item, a not significant non-pecuniary interest in relation to Item 13.1, Outcome of the Public Notice of 30-Year Lease to Long Reef Golf Club, and remained in the meeting for the discussion and voting on the item. The reason provided was:

*“I am a patron of Long Reef Golf Club”*

- Councillor Regan declared a not significant non-pecuniary interest in relation to Item 13.7, 2023/24 Sport and Recreation Infrastructure Grant Program - Funding Recommendations, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“I am a patron of Long Reef Golf Club and Tennis Northern Beaches and both have been approved for funding”.*

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 13.5, Proposed Road Reserve Closure and Sale of Council Land Adjacent to 107 Clontarf Street, Seaforth, 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, and have met with the resident on a number of occasions”*

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

244/23 **RESOLVED**

**Cr Heins / Cr Menano-Pires**

That the order of business be changed so Items 8.1, 8.2 and 8.3 be brought forward and dealt with immediately.

### VOTING

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

**AGAINST:** Cr Walton

**CARRIED**

## 8.1 ELECTION OF MAYOR

*NOTE: Mayor Heins and Deputy Mayor Walton vacated their chairs for the Chief Executive Officer who, as the Returning Officer, conducted the election*

245/23 **RESOLVED**

**Cr Regan / Cr Page**

That:

1. Council determine the method of voting for the election of the Mayor to be conducted by open voting
2. The election of the Mayor be held in accordance with the provisions of the Local Government (General) Regulation 2021.

### VOTING

**FOR:** Unanimous

**CARRIED**

*NOTE: Election of Mayor*

*The Chief Executive Officer advised that 2 valid nominations were received and accepted, as follows:*

- *Cr Heins – nominated by Cr Grattan and Cr Bingham*
- *Cr Crvelin – nominated by Cr Page and Cr Walton*

*The Chief Executive Officer stated that the open voting would be carried out in the order of receipt of nominations:*

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

*Cr Crvelin: Cr Walton, Cr Page, Cr Sprott, Cr Crvelin, Cr Ryburn, Cr De Luca = 6*

*Cr Heins, having the majority of votes was declared the Mayor and assumed the Chair*

## 8.2 ELECTION OF DEPUTY MAYOR

### ***Cr Regan / Cr Page***

That Council:

1. Determine to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993* from September 2023 to the conclusion of the Council term in September 2024.
2. Nominations be called for candidates for the office of Deputy Mayor.
3. Determine the method of election for the Deputy Mayor to be conducted by open voting.
4. Conduct any election of the Deputy Mayor in accordance with the provisions of the Local Government (General) Regulation 2021.

### **AMENDMENT**

### ***Cr Korzy / Cr Glanville***

That Council:

1. Determine to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993* from September 2023 to the conclusion of the Council term in September 2024.
2. Nominations be called for candidates for the office of Deputy Mayor.
3. Determine the method of election for the Deputy Mayor to be conducted by ordinary ballot voting.
4. Conduct any election of the Deputy Mayor in accordance with the provisions of the Local Government (General) Regulation 2021.

### **VOTING**

**FOR:** Cr Glanville, Cr Korzy, Cr Page, Cr Walton, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Ryburn

**AGAINST:** Cr Regan, Cr Bingham, Cr Gencher, Cr Heins, Cr Robins, Cr Menano-Pires and Cr Grattan

***The amendment was CARRIED and became the substantive motion***

### **246/23 RESOLVED**

### ***Cr Korzy / Cr Glanville***

That Council:

1. Determine to elect a Deputy Mayor in accordance with section 231 of the *Local Government Act 1993* from September 2023 to the conclusion of the Council term in September 2024.
2. Nominations be called for candidates for the office of Deputy Mayor.
3. Determine the method of election for the Deputy Mayor to be conducted by ordinary ballot voting.
4. Conduct any election of the Deputy Mayor in accordance with the provisions of the Local Government (General) Regulation 2021.

### **VOTING**

**FOR:** Cr Glanville, Cr Bingham, Cr Korzy, Cr Page, Cr Walton, Cr De Luca, Cr Sprott,



Cr Crvelin and Cr Ryburn

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

**CARRIED**

### PROCEDURAL MOTION - DEFERMENT OF MATTER

*NOTE: The Chief Executive Officer, as Returning Officer upheld a point of order that this procedural motion was out of order due to the resolutions previously carried.*

*NOTE: Election of Deputy Mayor*

*The Chief Executive Officer, as Returning Officer, conducted the election and advised that 3 valid nominations were received and accepted, as follows:*

- *Cr Gencher – nominated by Cr Gencher and Cr Menano-Pires*
- *Cr Ryburn – nominated by Cr Page and Cr Crvelin*
- *Cr Glanville - nominated by Cr Glanville and Cr Bingham*

*Round 1 – Ordinary ballot to elect the Deputy Mayor was as follows:*

*Cr Gencher: 3 votes*

*Cr Ryburn: 7 votes*

*Cr Glanville: 3 votes*

- *As the lowest number of votes (for Cr Gencher and Cr Glanville) were tied, both candidates' names were written on slips and placed into the barrel. The first name drawn by the returning officer would be excluded*
- *Cr Gencher's name was drawn from the barrel and was excluded*

*Round 2 - Ordinary ballot to elect the Deputy Mayor from the remaining candidates was as follows:*

*Cr Ryburn: 8*

*Cr Glanville: 5*

*Cr Ryburn, having the majority of votes, was declared the Deputy Mayor*

### 8.3 COUNCILLOR PAGE INAUGURAL SPEECH

*NOTE: Councillor Page made her inaugural speech*

*NOTE: Councillor Gencher left the meeting at 6:55pm*

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

*NOTE: Councillor Gencher returned to the meeting at 7:02pm and left the meeting at 7:06pm and returned to the meeting at 7:08pm*

*NOTE: Councillor Robins left the meeting at 7:11pm*

*NOTE: Councillor Grattan left the chamber at 7:24pm*

### 5.1 PUBLIC FORUM

- Roland Davies addressed Council on Emu Parade – community cleanups.
- Patrick Daley addressed Council on the review and public exhibition on Council's gambling harm minimisation policy.
- Gregory Hogan addressed Council (via a statement read by Council staff) on Northern Beaches Secondary College Freshwater - Sportsfield lighting – impacts on the vulnerable Little Bent Wing Bat.
- Cecily Paterson, on behalf of Northern Beaches Housing Affordability Group, addressed Council on housing affordability.
- Mark Horton addressed Council on Council's actions in Mona Vale and other areas.

### 5.2 PUBLIC ADDRESS

#### **Item 13.2 Response to Notion of Motion No 1/2023 - Parking Restrictions Request, Pittwater Road Collaroy**

- Elke O'Reilly addressed Council against this item (via a statement read by Council staff).

#### **Item 13.6 Outcome of Public Exhibition of Draft Tree Canopy Plan**

- Terry Le Roux, on behalf of North Harbour Community Group and the Balgowlah Residents Group, addressed Council in support of this item.

#### **Item 15.5 Notice of Motion No 27/2023 - Northern Beaches Council Constitutional Referendum - Allowing Northern Beaches Voters to Directly Elect the Mayor**

- Anna Maria Monticelli, on behalf of Protect Pittwater, addressed Council against this item.
- Mark Horton addressed Council against this item.

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

247/23 RESOLVED

**Cr Heins / Cr De Luca**

That the order of business be changed so Items 13.1, 13.2, 13.3, 13.4 and 13.5 be brought forward and dealt with immediately.

### VOTING

**FOR:** Cr Glanville, Cr Regan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, 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**

## 13.1 OUTCOME OF THE PUBLIC NOTICE OF 30-YEAR LEASE TO LONG REEF GOLF CLUB

*NOTE: Councillor Grattan returned to the chamber at 7:27pm*

*NOTE: Councillor Regan declared a not significant non-pecuniary interest in relation to this item and remained in the meeting for the discussion and voting on the item*

**Cr Menano-Pires / Cr Regan**

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 1 DP 1144187, for a term of 30 years with Long Reef Golf Club Limited (ACN 000 043 121).
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 execution of all necessary documentation.

## PROCEDURAL MOTION - DEFERMENT OF MATTER

**Cr Menano-Pires / Cr Sprott**

That the matter be deferred.

### VOTING

**FOR:** Cr Bingham, Cr Korzy, Cr Page, Cr Sprott, Cr Crvelin and Cr Menano-Pires

**AGAINST:** Cr Glanville, Cr Regan, Cr Gencher, Cr Heins, Cr Walton, Cr De Luca, Cr Grattan and Cr Ryburn

**ABSENT:** Cr Robins

***The procedural motion was LOST and debate resumed on the substantive motion***

**248/23 RESOLVED*****Cr Menano-Pires / Cr Regan***

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 1 DP 1144187, for a term of 30 years with Long Reef Golf Club Limited (ACN 000 043 121).
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 execution of all necessary documentation.

**VOTING**

**FOR:** Cr Regan, Cr Gencher, Cr Page, Cr Heins, Cr Walton, Cr De Luca, Cr Grattan and Cr Ryburn

**AGAINST:** Cr Glanville, Cr Bingham, Cr Korzy, Cr Sprott, Cr Crvelin and Cr Menano-Pires

**ABSENT:** Cr Robins

**CARRIED**

**13.2 RESPONSE TO NOTION OF MOTION NO 1/2023 - PARKING RESTRICTIONS REQUEST, PITTWATER ROAD COLLAROY****249/23 RESOLVED*****Cr De Luca / Cr Heins***

That this item be deferred to a councillor briefing on a date to be scheduled by the Chief Executive Officer.

**VOTING**

**FOR:** Cr Glanville, Cr Regan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, 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**

**13.3 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**

*NOTE: Councillor Gencher left the meeting at 7:56pm and returned at 8:03pm*

**250/23 RESOLVED**

**Cr Walton / Cr Grattan**

That Council:

1. Submit a late motion to the Local Government NSW 2023 Annual Conference, and write to Transport for NSW and the Minister for Roads, The Hon John Graham, MLC seeking:
  - A. The development of a community awareness and safety campaign to improve pedestrian and rider safety in respect of e-bikes and e-scooters, including but not limited to education on the current laws in respect of all electric micro mobility devices.
  - B. A review of the current NSW Road Rules 2014 and Regulations under the *Road Transport Act 2013* to make any necessary changes to improve public safety and to focus on key risk areas:
    - i. speeding of e-bikes and bicycles on shared paths
    - ii. e-bike riders approaching and passing pedestrians safely
    - iii. the carrying of 3 or more pillion passengers on e-bikes and bicycles
    - iv. the altering of e-bike systems to prevent the requirement for pedalling or preventing top speed controls
    - v. setting an appropriate maximum size and weight of an e-bike to reduce risks to pedestrians.
  - C. That the NSW Government provide capital grants to local government councils to assist with safety improvements to shared paths and/or the separating of e-bikes and bicycles from pedestrians.
2. Develop educational resources and a behavioural change awareness campaign for implementation in the short term, if and until action is taken by the NSW Government under the points above.
3. Review the Northern Beaches Council Bike Plan in light of the rapid uptake in e-bikes and e-scooters and determine both feasibility and a delivery plan for:
  - A. Moving to a separated cycleways design for regional and district bike routes
  - B. Upgrading infrastructure to improve safety.

**VOTING**

**FOR:** Cr Glanville, Cr Regan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, 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**

### 13.4 ALTERNATIVE PROCUREMENT AVALON SURF LIFE SAVING CLUB CAFE AND RESTAURANT

NOTE: Councillor Page left the chamber at 8:05pm and returned at 8:07pm

NOTE: Councillor Sprott left the chamber at 8:06pm

NOTE: Councillor Crvelin left the chamber at 8:06pm and returned at 8:08pm

NOTE: Councillor Gencher left the meeting at 8:07pm

#### 251/23 RESOLVED

#### **Cr Korzy / Cr Bingham**

That Council:

1. Resolve pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the lease of the café and/or restaurant at Avalon Beach Surf Life Saving Club because of the unavailability of competitive or reliable tenderers for the following reasons:
  - A. Council has recently run a tender process for the restaurant and cafe premises which did not result in a successful outcome.
  - B. The current soft market conditions for hospitality businesses has resulted in fewer operators seeking new locations and opportunities to invest capital in new sites.
  - C. Over the past few years Council has received a low number of submissions for its hospitality public tenders. Additionally, a large proportion of submissions received through these processes have been unable to provide the comprehensive information required in a Council tender process.
  - D. It is common practice within the hospitality industry for tenants to secure suitable premises through commercial discussions with a leasing agent / owner rather than participating in tender processes.
2. Engage a leasing agent to find suitably qualified food and beverage operators to lease the restaurant and/or café located within Council Community Land Lot 202 DP 1107408 forming part of Avalon Surf Life Saving Club, 558A Barrenjoey Road, Avalon Beach.
3. Delegate authority to the Chief Executive Officer to appoint a suitably qualified operator or operators for the restaurant and/or café.
4. Delegate authority to the Chief Executive Officer to do all things necessary and execute all relevant documentation to give effect to this resolution.

#### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Gencher, Cr Sprott and Cr Robins

**CARRIED**

### 13.5 PROPOSED ROAD RESERVE CLOSURE AND SALE OF COUNCIL LAND ADJACENT TO 107 CLONTARF STREET, SEAFORTH

*NOTE: Councillor Sprott returned to the chamber at 8:11pm*

*NOTE: Councillor Gencher returned to the meeting at 8:11pm and left at 8:22pm*

#### 252/23 RESOLVED

##### ***Cr Menano-Pires / Cr Grattan***

That Council:

1. Note that it has considered all submissions in respect of the proposed closure of a portion of road identified in Attachment 1 of this report, being part Clontarf Street, Seaforth adjacent to 107 Clontarf Street, Seaforth (Subject Land).
2. Close the Subject Land as a public road under the provisions of the *Roads Act 1993* and take the necessary steps to give effect to that closure.
3. Subject to the formal closure of the Subject Land as a Public Road, authorise disposal of the Subject Land to the registered proprietors of 107 Clontarf Street, Seaforth (the applicants) for an amount assessed in a formal valuation undertaken by an independent, qualified valuer, and conditional upon the Subject Land being subdivided from the road reserve and consolidated with the adjoining land at 107 Clontarf Street, Seaforth.
4. Require all costs associated with the proposal referred to in this resolution, including but not limited to Council's application fees, valuation costs, legal costs and GST if applicable, be paid for by the applicants.
5. Delegate authority to the Chief Executive Officer to do all things necessary and execute the necessary documentation to give effect to this resolution.

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

#### **PROCEDURAL MOTION - ADJOURN THE MEETING**

#### 253/23 RESOLVED

##### ***Cr Sprott / Cr Crvelin***

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

**AGAINST:** Cr Regan and Cr Walton

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

254/23 **RESOLVED**

**Cr Page / Cr Regan**

That the order of business be changed so Items 13.6 and 15.5 be brought forward and dealt with immediately.

### VOTING

**FOR:** Cr Glanville, Cr Korzy, Cr Page, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Grattan and Cr Ryburn

**AGAINST:** Cr Regan, Cr Bingham, Cr Walton and Cr Menano-Pires

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

## 13.6 OUTCOME OF PUBLIC EXHIBITION OF DRAFT TREE CANOPY PLAN

*NOTE: Councillor Regan left the chamber at 8:38pm and returned at 8:51pm*

*NOTE: Councillor Crvelin left the chamber at 8:44pm and returned at 8:47pm*

*NOTE: Councillor Ryburn left the chamber at 8:55pm and returned at 8:56pm*

255/23 **RESOLVED**

**Cr Korzy / Cr Sprott**

That Council:

1. Note the outcomes of the public exhibition of the Draft Tree Canopy Plan.
2. Adopt the amended Draft Tree Canopy Plan, subject to the following:
  - A. On page 5 – inclusion of an additional Focus area of ‘Enforcement’ which sets out investigation and enforcement of unauthorised tree removal/clearing as a priority for focus.
  - B. On page 8 – inclusion of an additional commitment to the following effect, ‘Reviewing resources and processes within Council to improve detection and enforcement of unauthorised tree removal/clearing’.
3. Include an Action in Table 2: FA 1 (on page 357 of the attachment booklet) that says:  
*“Develop and implement criteria to prioritise areas of significant tree canopy across the LGA for protection and preservation. These areas should be given equal ranking to others in the Plan’s list of Emerging priority places for canopy action (page 351).”*
4. Amend Action 2. in Table 2: FA 1 (on page 357) to say:  
*“Implement an Iconic Tree Register with the aim of recording the scientific, social, historic*



*and aesthetic values of all significant trees on the Northern Beaches.”*

5. Include an Action in Table 3: FA 2 (on page 358 of the attachment booklet) that says:  
*“Develop a system of notification for council approved tree removals with signs posted at properties alerting the community to the proposed removal, providing opportunity for community feedback, and identifying if permission exists for tree removal.”*
6. Amend Action 1. in Table 5, FA 4 (on page 360) to say:  
*“Address tree canopy through statutory (LEP) requirements for landscape open space, deep soil and floor space ratios. Statutory controls will be linked to DCP provisions for tree removal such as height, diameter, canopy area, and species. In the case of replacement ratios, the DCP will provide for the issues of planting trees, increased setbacks and other provisions such as excavation.”*

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

#### **15.5 NOTICE OF MOTION NO 27/2023 - NORTHERN BEACHES COUNCIL CONSTITUTIONAL REFERENDUM - ALLOWING NORTHERN BEACHES VOTERS TO DIRECTLY ELECT THE MAYOR**

*NOTE: Councillor Sprott left the chamber at 9:09pm and returned at 9:12pm*

#### ***Cr Walton / Cr Ryburn***

That Council:

1. Notify the NSW Electoral Commission of Council’s intention to conduct a constitutional referendum at the September 2024 Local Government elections, proposing:
  - A. Northern Beaches voters directly elect the Mayor at the September 2028 Local Government elections; and
  - B. To reduce the number of wards to 3, each comprising 4 Councillors.
2. Advise Northern Beaches voters about the process for them to directly elect the Mayor, including that the legislative process will only allow this to occur at the earliest, at the September 2028 elections.

#### **VOTING**

**FOR:** Cr Walton, Cr Crvelin and Cr Ryburn

**AGAINST:** Cr Glanville, Cr Regan, Cr Bingham, Cr Korzy, Cr Page, Cr Heins, Cr De Luca, Cr Sprott, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Gencher and Cr Robins

**LOST**

## 6.0 ITEMS RESOLVED BY EXCEPTION

*NOTE: Councillor Glanville left the meeting due to a declared significant non-pecuniary interest in relation to Item 19.3 and did not take part in the vote on items resolved by exception*

### 256/23 RESOLVED

#### **Cr De Luca / Cr Bingham**

That

1. Items 8.5, 9.3, 10.1, 12.2, 13.7 and 19.3 are dealt with by exception with the recommendations being adopted.
2. The report for Item 19.3 is to be treated as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to matters specified in section 10A(2) of the *Local Government Act 1993*.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Glanville, Cr Gencher and Cr Robins

### **CARRIED**

## 8.5 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

### 257/23 RESOLVED

#### **Cr De Luca / Cr Bingham**

That Council note payments totalling \$8,700 have been allocated from the Northern Beaches Council Discretionary Fund for the period 21 June 2023 to 19 September 2023.

### **RESOLVED BY EXCEPTION**

## 9.3 COUNCILLOR EXPENSES 2022/23

### 258/23 RESOLVED

#### **Cr De Luca / Cr Bingham**

That Council note the expenditure tabled in accordance with the Councillor Expenses and Facilities Policy for the period 1 July 2022 to 30 June 2023.

### **RESOLVED BY EXCEPTION**

**10.1 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 18 MAY 2023 MEETING**

259/23 **RESOLVED**

**Cr De Luca / Cr Bingham**

That Council note the minutes of the Community Safety Advisory Committee meeting held on 18 May 2023.

**RESOLVED BY EXCEPTION**

**12.2 FIRE AND RESCUE NSW INSPECTION REPORT - 13-15 FRANCIS STREET, DEE WHY NSW 2099**

260/23 **RESOLVED**

**Cr De Luca / Cr Bingham**

That Council:

1. Note the contents of the Fire & Rescue NSW Inspection Report dated 17 March 2023 for the property at 13-15 Francis Street Dee Why.
2. In accordance with the *Environmental Planning and Assessment Act 1979*, exercise its powers to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at property at 13-15 Francis Steet, Dee Why.
3. Provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

**13.7 2023/24 SPORT AND RECREATION INFRASTRUCTURE GRANT PROGRAM - FUNDING RECOMMENDATIONS**

261/23 **RESOLVED**

**Cr De Luca / Cr Bingham**

That pursuant to section 356 of the *Local Government Act 1993* Council approve provision of funding under the 2023/24 Sport and Recreation Infrastructure Grants Program, as follows:

1. Manly Warringah Field Archers Inc; to install an all-weather structure over a target range, one disabled parking bay and new paths at the archery complex, JJ Melbourne Hills Memorial Reserve, Terrey Hills - \$30,000
2. Northern Beaches Volleyball Association Inc; to install 2 dual-use seats with storage at North Steyne Reserve, Manly - \$20,000
3. Allambie Heights Community Tennis Club Ltd; to convert one synthetic surface tennis court to a hard-court surface at the Allambie Heights Tennis Complex, Allambie Heights - \$18,000
4. Avalon Beach Pickleball Association Inc; to install 6 sandstone seating blocks and a path for the multi-use courts at Avalon Beach Reserve, Avalon - \$12,000
5. Long Reef Golf Club Ltd; to redesign and improve the bunkers at the 13<sup>th</sup> hole on the Long Reef Golf Course, Collaroy - \$10,000

6. The Mona Vale Golf Club Ltd; to redesign and rebuild an existing golf teaching and practice facility consisting of a chipping green and bunker at the Mona Vale Golf Course, Mona Vale - \$10,000.

**RESOLVED BY EXCEPTION**

**19.3 RFT2023/112 – LEGAL SERVICES PANEL**

*NOTE: Councillor Glanville left the meeting due to a declared significant non-pecuniary interest in Item 19.3 and did not take part in the vote on items resolved by exception*

**262/23 RESOLVED**

**Cr De Luca / Cr Bingham**

That Council:

1. Accept the tenders submitted by the following nine law firms for RFT2023/112 – Provision of Legal Services for inclusion on Council’s Legal Services Panel for an initial term of 4 years, with 2 options to extend for a period of up to 2 years, each at the absolute discretion of Council:
  - A. Herbert Smith Freehills
  - B. HWL Ebsworth (legally known as The Martinez HWL Practice Trust & the Gardini HWL Practice Trust & the East HWL Practice Trust & the Warat HWL Practice Trust & the Marin HWL Practice Trust & Others)
  - C. Lindsay Taylor Lawyers (legally known as LTL Pty Ltd)
  - D. Marsdens Law Group
  - E. Matthews Folbigg Lawyers (legally known as Matthews Folbigg Pty Ltd)
  - F. Moray & Agnew Lawyers (legally known as F.K Allen & G.A Atkins & G.T Connellan & J Cooper & L Gardner & S.C Harris & M.J Huckerby & M.J Lee & P McCarthy & S.G O’Sullivan & E Radley & J.A Sturgeon & S Wallace)
  - G. Sparke Helmore Lawyers (legally known as RM Hassall & AS White & Others)
  - H. Storey & Gough Lawyers
  - I. Wilshire Webb Staunton Beattie (legally known as Beattie G.N & Motta L.G & Patterson S.H & Rose C).
2. Delegate to the Chief Executive Officer authority to execute all necessary documentation to give effect to this resolution and to exercise Council’s options to extend the contract term.

**RESOLVED BY EXCEPTION**

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 12/2023 - PLANNING PROPOSAL 2022-3802 – PATYEGARANG, MORGAN ROAD, BELROSE (PREVIOUSLY KNOWN AS LIZARD ROCK, MORGAN ROAD, BELROSE)

263/23 **RESOLVED**

**Cr Heins / Cr Sprott**

That Council:

1. Utilise its communication channels throughout the exhibition period to inform the Northern Beaches community of:
  - A. The details of the planning proposal
  - B. The importance of making a submission directly to the NSW Department of Planning and Environment
  - C. Council's strong opposition to the planning proposal to develop land at 'Lizard Rock' along Morgan Road in Belrose as it would result in the destruction of natural bushland among a range of other concerns.
2. Receive a report outlining the changes that have been incorporated into the planning proposal at its next Council meeting.

#### VOTING

**FOR:** Cr Glanville, Cr Regan, Cr Bingham, Cr Korzy, Cr Page, Cr Heins, Cr Walton, Cr Sprott, Cr Crvelin, Cr Menano-Pires, Cr Grattan and Cr Ryburn

**AGAINST:** Cr De Luca

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 8.4 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND POLICY - PROPOSED ADMINISTRATIVE AMENDMENTS

264/23 **RESOLVED**

**Cr Sprott / Cr Crvelin**

That:

1. Council approve the proposed amendment to the wording under point 5 of the Northern Beaches Council Discretionary Fund Policy as follows:

*Individuals can apply for funding to assist with opportunities for education and information exchange, attend as a representative at regional, national and/or international events and activities that will further develop their education or sporting endeavours at a representative level.*

- (a) *If an applicant is a member of a team and subsequent requests are received from other team members that incur combined assistance over the \$1,000 maximum payment under the policy, an amount of \$1,000 will be made to the team and not the individual applicants.*
- (b) *Funding for interstate and national representation is limited to \$250 per applicant and \$500 per applicant for international representation.*
- (c) *If an applicant who is selected to attend representative events as part of a team who for financial hardship reasons wishes to apply as an individual and not as part of the team's application, evidence will need to be provided demonstrating financial hardship for an application to be considered separately.*

2. The quarterly report to Council includes the name of the councillor who supported the request for the discretionary fund.

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

## **9.0 CORPORATE AND LEGAL DIVISION REPORTS**

### **9.1 ORDINARY COUNCIL MEETING SCHEDULE 2024**

265/23 **RESOLVED – PROCEDURAL MOTION – DEFERMENT OF MATTER**

***Cr Regan / Cr De Luca***

That the item be deferred.

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Gencher and Cr Robins

**CARRIED**

## 9.2 PUBLIC INTEREST DISCLOSURE POLICY

*NOTE: Councillor Regan left the meeting at 10:14pm*

*NOTE: Councillor Page left the chamber at 10:16pm and returned at 10:17pm*

266/23 **RESOLVED**

**Cr Glanville / Cr Grattan**

That the draft Public Interest Disclosure policy is adopted by Council.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

### 11.1 RESPONSE TO NOTICE OF MOTION NO 11/2023 - WEED CONTROL AND ECOLOGICAL RESTORATION

*NOTE: Councillor Menano-Pires left the chamber at 10:19pm*

267/23 **RESOLVED**

**Cr Korzy / Cr Glanville**

That Council note the information provided in this report.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher, Cr Robins and Cr Menano-Pires

**CARRIED**

## 11.2 CONFIRMED MINUTES OF THE ENVIRONMENT STRATEGIC REFERENCE GROUP MEETING - JUNE 2023

*NOTE: Councillor Menano-Pires returned to the chamber at 10:21pm*

### 268/23 RESOLVED

#### **Cr Glanville / Cr Korzy**

That Council:

1. Note the minutes of the Environment Strategic Reference Group meeting held on 7 June 2023.
2. Staff provide to the Councillors an annual briefing note regarding the progress of Council's actions contained in the Climate Change Action Plan and whether Council is on track to meet its targets.
3. Staff provide to the Councillors a briefing note on the feasibility of reporting the expenditure on climate action.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

### **CARRIED**

## 12.0 PLANNING AND PLACE DIVISION REPORTS

### 12.1 PUBLIC EXHIBITION OF THE DRAFT MY PLACE: MANLY PLACE PLAN

*NOTE: Councillor Page left the chamber at 10:26pm and returned at 10:29pm*

### 269/23 RESOLVED

#### **Cr Bingham / Cr Ryburn**

That:

1. Council exhibit the draft My Place: Manly place plan for a minimum of 6 weeks.
2. The outcomes of the public exhibition of the draft My Place: Manly place plan be reported back to Council.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

### **CARRIED**



### 12.3 SUBMISSION TO DRAFT ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (HOUSING AND PRODUCTIVITY CONTRIBUTION) ORDER

*NOTE: Councillor Crvelin left the chamber at 10:36pm due to a declared significant non-pecuniary interest in relation to this item*

#### 270/23 RESOLVED

##### **Cr Glanville / Cr Sprott**

That:

1. Council endorse the submission on the draft Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Order 2023 and for the submission to be forwarded to the Department of Planning and Environment.
2. The submission be updated to include a comment to the following effect – ‘Northern Beaches Council considers that the Order would be fairer if there was a clear connection between the region where contributions are paid and where infrastructure spending takes place, for example, adopting The Greater Sydney Region Plan’s terminology, that contributions collected in the North District should broadly be spent within the North District’.

#### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher, Cr Crvelin and Cr Robins

#### **CARRIED**

## 14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

### 14.1 ESTABLISHMENT OF THE PERFORMANCE REVIEW PANEL - CHIEF EXECUTIVE OFFICER

*NOTE: Councillor Crvelin returned to the chamber at 10:40pm*

#### 271/23 RESOLVED

##### **Cr Heins / Cr Ryburn**

That for the remainder of the Council term, Council:

1. Undertake performance management of the Chief Executive Officer having regard to the *Guidelines for the Appointment & Oversight of General Managers 2022* issued by the Office of Local Government, Department of Planning and Environment.
2. Establish a performance review panel to undertake performance management of the Chief Executive Officer.
3. Resolve the composition of the Chief Executive Officer’s performance review panel to consist of the Mayor, Deputy Mayor, Councillor Grattan and Councillor Glanville through to July 2024.

4. Delegate to the panel responsibility for performance management of the Chief Executive Officer, including discussions about performance and performance reviews, any actions that should be taken, the determination of each new performance agreement, the reporting of performance findings and recommendations to Council, and the selection of a qualified external facilitator to assist with the performance review process, and the development of each new performance agreement.
5. Agree to the involvement of an external facilitator to assist with the performance review process and the development of each new performance agreement.

#### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

## 15.0 NOTICES OF MOTION

*NOTE: Councillors voted on the remaining notices of motion without debate*

### 15.1 NOTICE OF MOTION NO 23/2023 - ELECTORAL LEGISLATION REFORM TO ENSURE CANDIDATE SAFETY

272/23 **RESOLVED**

**Cr De Luca / Cr Crvelin**

That Council:

1. Note with concern that at the last Council election, unlike at previous elections whereby a PO Box could be used, candidates or their Party's Agents were required to document a street address on any material authorised for distribution or advertising, resulting in many candidates having to disclose their home address which exposes the authorising person to potential safety risks.
2. Note under the current Regulation there is not discretion granted to the Electoral Commission to grant exemptions to persons who are silent electors, subject to the protection of Apprehended Personal Violence Orders or Family Court or other Court Orders.
3. Write to the NSW Premier, Minister for Local Government, Special Minister of State and the NSW Parliament's Electoral Matters Committee calling for this Regulation to be urgently amended so that a PO Box can be used when authorising electoral materials so as to ensure the safety of candidates and Party Agents.
4. Write to the NSW Leader of the Opposition, all local State MPs, and the Leaders and Spokespersons for Special Minister of State and Local Government of the Greens Party, Shooters Fishers and Farmers Party, Liberal Democrats Party and One Nation Party asking them to also ensure legislative reform as outlined in Point 3 above.

#### VOTING

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

**AGAINST:** Nil  
**ABSENT:** Cr Regan, Cr Gencher, and Cr Robins  
**CARRIED**

**15.2 NOTICE OF MOTION NO 24/2023 - KILLARNEY HEIGHTS SHOPS PUBLIC TOILETS**

*NOTE: Councillor Page left the chamber at 10:45pm*

**273/23 RESOLVED**

***Cr Sprott / Cr Bingham***

That Council:

1. Staff provide a report to Council on the cost and potential timeline for providing Killarney Heights shops with much needed public toilets.
2. Investigate the need and priority through business and community surveys, engagement and feedback and reports its findings in the report back to Council.

**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 Regan, Cr Gencher Cr Page and Cr Robins  
**CARRIED**

**15.3 NOTICE OF MOTION NO 25/2023 - VALE PAUL DRACAKIS OAM**

**274/23 RESOLVED**

***Cr Ryburn / Cr De Luca***

That Council:

1. Acknowledge the enormous contribution made by the late Paul Dracakis OAM.
2. Send our condolences to the family of the late Paul Dracakis OAM.

**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 Regan, Cr Gencher, Cr Page and Cr Robins  
**CARRIED**

## 15.4 NOTICE OF MOTION NO 26/2023 - RETURN AND EARN SCHEME

275/23 RESOLVED

**Cr Crvelin / Cr Ryburn**

That Council:

1. Write to the NSW Government Return and Earn Scheme operator:
  - A. Advising of its support for the Return and Earn scheme.
  - B. Requesting that Northern Beaches Council staff work with the scheme operator to identify opportunities to increase the number of Return and Earn stations in appropriate locations in the Northern Beaches LGA.
2. Request a report from staff within 6 months on potential additional Return and Earn locations.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

## 16.0 NOTICES OF RESCISSION

### 16.1 NOTICE OF RESCISSION NO 2/2023 - ITEM 15.4 - NOTICE OF MOTION NO 19/2023 - PROMOTING COMMUNITY DISCUSSION ON "THE VOICE"

276/23 RESOLVED

**Cr Ryburn / Cr Crvelin**

That Council rescind resolution 197/23 – Item 15.4 – Notice of Motion No 19/2023 – Promoting Community Discussion on ‘the Voice’, being:

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 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/organisations 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 Bingham, Cr Korzy, Cr Page, Cr Heins, Cr Walton, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Menano-Pires and Cr Ryburn

**AGAINST:** Cr Glanville and Cr Grattan

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

*The rescission motion was CARRIED and debate commenced on the alternative motion*

**277/23 RESOLVED****Cr Glanville / Cr Grattan**

That Council:

1. Include in an electronic direct mailout (EDM) and social media posting the following information links to assist people in becoming informed about the upcoming referendum:
  - A. A link to the Australian Government's Official Yes/No booklet in electronic form - <https://www.aec.gov.au/referendums/learn/your-official-referendum-booklet.html>
  - B. A link to the Law Society of NSW's "Frequently Asked Questions" about the Voice - <https://www.lawsociety.com.au/the-voice-faqs>
2. Liaise with relevant local non-government organisations to let them know that local Culturally and Linguistically Diverse (CALD) residents can obtain a copy of the Yes/No booklet in their language.

**VOTING**

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

**AGAINST:** Cr Page, Cr Walton, Cr Sprott, Cr Crvelin, Cr Menano-Pires and Cr Ryburn

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

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

## PROCEDURAL MOTION - EXTENSION OF MEETING

278/23 RESOLVED

**Cr De Luca / 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 Glanville, Cr Bingham, Cr Page, Cr Heins, Cr De Luca and Cr Grattan

**AGAINST:** Cr Korzy, Cr Walton, Cr Sprott, Cr Crvelin, Cr Menano-Pires and Cr Ryburn

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

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

## 19.0 CONFIDENTIAL MATTERS – CLOSED SESSION

279/23 RESOLVED

**Cr De Luca / Cr Bingham**

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 19.1 RFT 2023/056 - Uniform, Workwear and Personal Protective Equipment 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 19.2 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.

- C. Item 19.4 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.

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

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

*NOTE: The meeting moved into closed session at 11:07pm*

## **20.0 REPORT OF CONFIDENTIAL RESOLUTIONS**

*In accordance with clause 15.22 of Council's Code of Meeting Practice 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 RFT 2023/056 - UNIFORM, WORKWEAR AND PERSONAL PROTECTIVE EQUIPMENT**

280/23 **RESOLVED**

**Cr Grattan / Cr Bingham**

That Council:

1. Accept the tender of Supplyteq Pty Ltd for RFT 2023/056 - Uniforms, Workwear, and Personal Protective Equipment for an initial period of 3 years with 2 one year options 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 exercise Council's options to extend the contract.

#### **VOTING**

**FOR:** Cr Bingham, Cr Page, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Menano-Pires

**AGAINST:** Cr Korzy

**ABSENT:** Cr Glanville, Cr Regan, Cr Gencher, Cr Walton, Cr Robins, Cr Grattan and Cr Ryburn

**CARRIED**

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

281/23 **RESOLVED**

**Cr Grattan / Cr Bingham**

That Council:

1. Accept the tender of HGT Australia Ltd for RFT 2023/104 – Provision of an Apprenticeship and Traineeship Program for the initial annual amount of up to \$865,009 (including GST) subject to cost adjustment by CPI for each year thereafter, for an initial period of 2 years with 3 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 exercise Council’s options to extend the contract term.

### VOTING

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

## 19.3 RFT2023/112 – LEGAL SERVICES PANEL

262/23 **RESOLVED**

**Cr De Luca / Cr Bingham**

That Council:

1. Accept the tenders submitted by the following nine law firms for RFT2023/112 – Provision of Legal Services for inclusion on Council’s Legal Services Panel for an initial term of 4 years, with 2 options to extend for a period of up to 2 years, each at the absolute discretion of Council:
  - A. Herbert Smith Freehills
  - B. HWL Ebsworth (legally known as The Martinez HWL Practice Trust & the Gardini HWL Practice Trust & the East HWL Practice Trust & the Warat HWL Practice Trust & the Marin HWL Practice Trust & Others)
  - C. Lindsay Taylor Lawyers (legally known as LTL Pty Ltd)
  - D. Marsdens Law Group
  - E. Matthews Folbigg Lawyers (legally known as Matthews Folbigg Pty Ltd)
  - F. Moray & Agnew Lawyers (legally known as F.K Allen & G.A Atkins & G.T Connellan & J Cooper & L Gardner & S.C Harris & M.J Huckerby & M.J Lee & P McCarthy & S.G O’Sullivan & E Radley & J.A Sturgeon & S Wallace)
  - G. Sparke Helmore Lawyers (legally known as RM Hassall & AS White & Others)



- H. Storey & Gough Lawyers
  - I. Wilshire Webb Staunton Beattie (legally known as Beattie G.N & Motta L.G & Patterson S.H & Rose C).
2. Delegate to the Chief Executive Officer authority to execute all necessary documentation to give effect to this resolution and to exercise Council's options to extend the contract term.

**RESOLVED BY EXCEPTION**

**19.4 PUBLIC ART PROCUREMENT**

282/23 RESOLVED

**Cr Korzy / Cr Heins**

That Council:

- 1. Undertake the proposed actions listed in Table 1 in the confidential report for this item.
- 2. Delegate authority to the Chief Executive Officer to take any necessary action to give effect to this resolution.

**VOTING**

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

**AGAINST:** Cr Walton, Cr Sprott and Cr Crvelin

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

283/23 RESOLVED

**Cr Page / Cr Bingham**

That Council resume in open session.

**VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Regan, Cr Gencher and Cr Robins

**CARRIED**

*NOTE: The meeting resumed in open session at 11:15 pm*

*The meeting concluded at 11:16pm*

This is the final page of the minutes comprising 34 pages numbered 1 to 34 of the Ordinary Council Meeting held on Tuesday 26 September 2023 and confirmed on Tuesday 24 October 2023

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Mayor

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Chief Executive Officer