



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 OCTOBER 2023

Minutes of an Ordinary Council Meeting

held on Tuesday 24 October 2023

at the Civic Centre, Dee Why

Commencing at 6:02pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)
Georgia Ryburn (Deputy Mayor)
Kristyn Glanville
Sarah Grattan
Candy Bingham
Miranda Korzy
Michael Gencher
Karina Page
Vincent De Luca OAM
Ruth Robins
Jose Menano-Pires - *left the meeting at 9:27pm*
Michael Regan - *joined the meeting at 6:25pm*
David Walton

Officers

Louise Kerr	Acting Chief Executive Officer
Scott Phillips	Chief Executive Officer - <i>Observer</i>
Eskil Julliard	Acting Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Joseph Hill	Acting Director Planning & Place
Mark Jones	Acting Director Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Jessica Simpson	Acting General Counsel
Andrew Ward-Harvey	Executive Manager Waste Management & Cleansing
Caroline Foley	Executive Manager Financial Planning & Systems
David Walsh	Chief Financial Officer
Nikki Griffith	Manager Place and Economic Development
Peter Robinson	Executive Manager Development Assessment
Campbell Pfeiffer	Executive Manager Property
Jeremy Smith	Acting Executive Manager Parks & Recreation
Sarah Dunstan	Executive Manager Governance & Risk
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor – Governance
Lauren Reti	Senior Advisor - Governance
Brendan Shaw	Service Delivery Analyst
Mehadi Hassan	Senior Service Delivery Analyst

Notes

The meeting commenced at 6:02pm, adjourned at 8:14pm, resumed at 8:25pm, moved into closed session at 8:27pm, resumed in open session at 9:25pm and concluded at 9:47pm

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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 - LEAVE OF ABSENCE

284/23 RESOLVED

Cr De Luca / Cr Page

That Council accept the application for a leave of absence from Councillor Crvelin on the grounds of work commitments and Councillor Sprott for the 24 October 2023 Council meeting.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2023

285/23 RESOLVED

Cr Korzy / Cr Bingham

That the minutes of the Ordinary Council Meeting held on 26 September 2023, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 10.1, 2023/24 Community Grants Program – Funding Recommendations, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“Chair of major fundraising event for the KYUP! Project and I’m a member of the Manly Theatre Group”

- Councillor Robins declared 2 significant non-pecuniary interests and one not significant non-pecuniary interest (listed in this order) in relation to Item 10.1, 2023/24 Community Grants Program – Funding Recommendations, and will leave the meeting for the discussion and voting on the item. The reasons provided were:

“I am a Board Director of MWP Care Pty Ltd.”

“I am a committee member of Manly Wheelchair Basketball.”

“This declaration is based on a previous association and now friendship with one of Fusion Pride’s founding members.”

- Councillor Robins declared a significant non-pecuniary interest in relation to Item 12.1, 2023/24 Placemaking Grants Program – Funding Recommendations, and for transparency will leave the meeting for the discussion and voting on the item. The reason provided was:

“I am related to a member of the Elanora Heights Christmas Markets Committee.”

- Councillor Robins declared a not significant non-pecuniary interest in relation to Item 18.2, RFT Negotiation 2023/001 - Design and Construction Services for Warriewood Valley Community Centre, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I am a member of the Warriewood Residents Association.”

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 18.3, RFT 2023/075 - Supply and Implementation of an Online Learning Library, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“The recommended tenderer includes third party content provided by an organisation that I have previously been contracted to, to prepare a course which would be available on the tenderer’s platform. I do not receive any royalties for that content and am not currently engaged by the organisation.”

- Councillor Heins declared a significant non-pecuniary interest in relation to Item 10.1, 2023/24 Community Grants Program – Funding Recommendations, and will leave the meeting for the discussion and voting on the item. The reason provided was:

“I am the chairperson of one of the grant recipient organisations identified for a partial grant.”

- Cr Walton declared a pecuniary interest in relation to Item 10.1, 2023/24 Community Grants Program – Funding Recommendations, and will leave the meeting for the discussion and voting on the item. The reason provided was:

“I have an interest in a property that is rented by one of those organisations.”

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 18.3, RFT 2023/075 - Supply and Implementation of an Online Learning Library, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I have previously worked with and been engaged by tenderers of this item.”

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

- Mark Horton addressed Council on the Mona Vale Road West Upgrade.
- David Murray addressed Council on the future use of vacant land at Mona Vale Police Station.
- Douglas Price addressed Council on Ausgrid and electric vehicle chargers.
- Brendan Donohue, on behalf of the Surfrider Foundation Australia, addressed Council on the seawall development along Collaroy Beach.

6.0 ITEMS RESOLVED BY EXCEPTION

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

NOTE: Mayor Heins and Councillors Robins and Walton left the chamber at 6:31pm due to declared significant non-pecuniary interests

NOTE: Deputy Mayor Ryburn assumed the Chair

286/23 RESOLVED

Cr Grattan / Cr Page

That Items 9.4, 9.5, 9.6, 10.1, 10.2, 12.2 and 13.1 are dealt with by exception with the recommendations being adopted.

VOTING

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

AGAINST: Cr Regan

ABSENT: Cr Heins, Cr Robins and Cr Walton

CARRIED

9.4 TABLING OF DESIGNATED PERSONS RETURNS 2022/23

287/23 RESOLVED

Cr Grattan / Cr Page

That Council:

1. Note the designated persons disclosure of interest returns for the period 1 July 2022 to 30 June 2023, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
2. Adopt the list of positions for designated persons for the period 1 July 2023 to 30 June 2024 in accordance with clause 4.8 of Council's Code of Conduct.

RESOLVED BY EXCEPTION**9.5 MONTHLY INVESTMENT REPORT - AUGUST 2023**

288/23 RESOLVED

Cr Grattan / Cr Page

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

RESOLVED BY EXCEPTION**9.6 CONFIRMED MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 13 JUNE 2023**

289/23 RESOLVED

Cr Grattan / Cr Page

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 13 June 2023.

RESOLVED BY EXCEPTION**10.1 2023/24 COMMUNITY GRANTS PROGRAM - FUNDING RECOMMENDATIONS**

290/23 RESOLVED

Cr Grattan / Cr Page

That Council, pursuant to section 356 of the *Local Government Act 1993*, approve the allocation of \$281,642 (excluding GST) under the 2023/24 Community Grants Program as outlined in Attachments 1 and 2, comprising:

1. \$122,000 in respect of the Arts and Creativity grants program (Attachment 1).
2. \$159,642 in respect of the Community Development grants program (Attachment 2).

RESOLVED BY EXCEPTION

10.2 OUTCOME OF PUBLIC EXHIBITION - LIBRARY STRATEGIC PLAN 2023-2028

NOTE: Councillors Robins and Korzy expressed their thanks to staff and commended their work on the development of the Library Strategic Plan 2023-2028

291/23 **RESOLVED**

Cr Grattan / Cr Page

That Council adopt the Library Strategic Plan 2023-2028.

RESOLVED BY EXCEPTION

12.2 OUTCOME OF PUBLIC EXHIBITION - PLANNING PROPOSAL AT 6 MITCHELL ROAD, PALM BEACH (PEX2022/0003)

292/23 **RESOLVED**

Cr Grattan / Cr Page

That:

1. Council adopt the Planning Proposal and forward it to the Minister for Planning and Public Spaces to make the *Pittwater Local Environmental Plan 2014* include:
 - A. Additional permitted use of “dwelling house” on a portion of the site at 6 Mitchell Road, Palm Beach currently zoned RE1 Public Recreation, and
 - B. A maximum building height of 74.5 AHD for any future residential development on 6 Mitchell Road Palm Beach.
2. The Probity Advisor’s report on the assessment of the Planning Proposal is noted.
3. The applicant and submitters be advised of Council’s decision.

RESOLVED BY EXCEPTION

13.1 OUTCOME OF PUBLIC EXHIBITION - PROPOSED COMMUNITY GARDEN AT ANNAM ROAD RESERVE, BAYVIEW

293/23 **RESOLVED**

Cr Grattan / Cr Page

That Council:

1. Note the outcome of the public exhibition of the proposed community garden at Annam Road Reserve, Bayview.
2. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
 - A. Note its consideration of the environmental assessment at Attachment 3 of the report for this item in relation to the proposed community garden as set out in, and

incorporating the mitigation measures and conditions in, Attachment 3 (Activity).

- B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Activity.
 - C. Determine that the Activity will not significantly affect the environment.
3. Approve the Activity, being the proposed community garden at Annam Road Reserve in Bayview.
 4. Enter into an agreement with the Bayview Community Garden Incorporated in respect of the community garden.
 5. Delegate authority to the Chief Executive Officer to do all things and execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 13/2023 - STRENGTHENING WASTE MANAGEMENT

NOTE: Mayor Heins and Councillors Robins and Walton returned to the chamber at 7:32pm

294/23 **RESOLVED**

Cr Heins

That Council:

1. Collaborate with other Sydney metropolitan councils to reduce waste, enhance innovation, support the delivery of sustainable waste management infrastructure, and improve environmental outcomes from waste management.
2. Advocate for improved waste outcomes by writing to:
 - A. The NSW Minister for the Environment, the Hon Penny Sharpe, MLC requesting the State Government direct further revenue collected from its waste levy to NSW councils and industry initiatives that:
 - i. accelerate the transition to a circular economy, including through trials of new technologies and organic waste collection programs
 - ii. build the waste infrastructure necessary to meet the growing challenges of increasing populations, loss of landfill capacity and a lack of competition in parts of the sector
 - iii. educate and support communities to reduce waste.
 - B. The Commonwealth Government Minister for the Environment and Water, the Hon Tanya Plibersek, MP requesting the Commonwealth Government expedite bans on materials that cannot be recycled or recovered and to increase extended producer responsibility schemes.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 ORDINARY COUNCIL MEETING SCHEDULE 2024

Cr Korzy / Cr Glanville

That:

1. Council adopt the following 2024 ordinary Council meeting schedule:

Date 2024	Day	Time	Location
20 February	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 March	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 April	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
21 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
18 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
16 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
20 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
8 October*	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
15 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

*Extraordinary meeting

2. Council set up a working group to review its schedule of ordinary meetings, length of meetings and meeting procedures, with the objective of improving meeting practice.
3. The review should research the practices of other councils, including those with multiple meetings per month, and report back to the 20 February 2024 Ordinary Council Meeting.
4. The working group should consist of five members, including three councillors and two staff nominated by the Chief Executive Officer.

PROCEDURAL MOTION - MOTION BE PUT

Cr Ryburn / Cr Grattan

That the motion be now put.

NOTE: A point of order was raised that Councillor Regan had foreshadowed an amendment prior to the procedural motion moved by Councillor Ryburn.

NOTE: Councillor Korzy advised she wished to withdraw her motion.

NOTE: The procedural motion "motion be put" was recommitted to allow a determination on whether debate may resume on the item.

295/23 RESOLVED - PROCEDURAL MOTION – RECOMMITTAL OF MOTION BE PUT

Cr De Luca / Cr Ryburn

That the procedural motion “motion be put” be recommitted.

VOTING

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

AGAINST: Cr Glanville

CARRIED

PROCEDURAL MOTION – MOTION BE PUT

Cr Ryburn / Cr Grattan

That the motion be now put.

VOTING

FOR: Cr Ryburn

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

LOST

NOTE: Following debate resuming on the item, Councillor Korzy withdrew her motion and Councillor Regan moved an alternative motion

296/23 RESOLVED

Cr Regan / Cr De Luca

That Council adopt the following 2024 ordinary Council meeting schedule:

Date 2024	Day	Time	Location
27 February	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
26 March	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
30 April	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
28 May	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
25 June	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
30 July	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
13 August	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
8 October*	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
15 October	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
19 November	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why
17 December	Tuesday	6:00pm	Council Chambers, Civic Centre, Dee Why

*Extraordinary meeting

VOTING

FOR: Cr Regan, Cr Gencher, Cr Page, Cr Heins, Cr De Luca, Cr Robins, Cr Menano-

Pires, Cr Grattan and Cr Walton

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

CARRIED

9.2 DRAFT 2022/23 FINANCIAL STATEMENTS

297/23 **RESOLVED**

Cr Grattan / Cr Heins

That:

1. Council resolve:
 - A. The Financial Statements for the year ended 30 June 2023 have been properly drawn up in accordance with the provisions of the *Local Government Act 1993* and the regulations made thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting.
 - B. To the best of the Council's knowledge and belief, the Financial Statements present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records.
 - C. Council is unaware of any matter that would render the Financial Statements false or misleading in anyway.
2. The Mayor, Councillor Grattan, Chief Executive Officer and Chief Financial Officer be authorised to sign the 'Statement by Councillors and Management' for the Financial Statements.
3. The Financial Statements for the year ended 30 June 2023 be referred to Council's Auditor for audit.
4. Council hereby delegate to the Chief Executive Officer authority, upon receipt of the Auditor's reports, to arrange for public notice to be given, in the required format on Council's website, of the Council Meeting for presentation of the audited 2022/23 Financial Statements.

VOTING

FOR: Unanimous

CARRIED

9.3 CHRISTMAS AND NEW YEAR RECESS 2023-24 OPERATING HOURS AND COUNCIL DELEGATED AUTHORITY

Cr Bingham / Cr Regan

That:

1. Council, pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor,

the functions of Council during the 2023-24 Christmas and New Year recess (being 20 December 2023 to 31 January 2024 inclusive), subject to the limitation that the functions may only be exercised by the Mayor following consultation with the Chief Executive Officer.

2. A report be provided to the February 2024 Ordinary Council meeting outlining how the delegated authority was exercised.

AMENDMENT

Cr Korzy / Cr Glanville

That:

1. In the event that a decision needs to be made on urgent business (within the meaning of clause 4 of Council's Code of Meeting Practice) during the 2023-24 Christmas and New Year recess being 20 December 2023 to 31 January 2024 inclusive, the Mayor is to call an extraordinary meeting to enable such a decision to be made.
2. Council, pursuant and subject to the limitations of section 377 of the *Local Government Act 1993*, grant authority to the Mayor, to make decisions on urgent business (within the meaning of clause 4 of Council's Code of Meeting Practice) during the 2023-24 Christmas and New Year recess being 20 December 2023 to 31 January 2024 inclusive, in the event that a quorum cannot be achieved for any extraordinary meeting called during the 2023-24 Christmas and New Year recess.
3. The Mayor may exercise a function delegated pursuant to point 2 above, only after consultation with the Deputy Mayor and Chief Executive Officer.
4. A report be provided to the 27 February 2024 Council meeting outlining how the delegated authority was exercised.
5. Council note the operating hours outlined in the table below:

Customer service centres	
Friday 22 December 2023	Normal hours
Monday 25 December 2023 (Public holiday)	Closed
Tuesday 26 December 2023 (Public holiday)	Closed
Wednesday 27 December 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches closed for in person visits All online and phone services available as normal
Thursday 28 January 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches closed for in person visits All online and phone services available as normal
Friday 29 January 2023	Dee Why open normal hours 8.30am–5.00pm Other Branches are closed for in person visits All online and phone services available as normal
Monday 1 January 2024 (public holiday)	Closed
Aquatic Centres Warringah Aquatic Centre (WAC) & Manly Andrew Boy Charlton (MABC)	
Friday 22 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Saturday 23 December 2023	WAC normal hours 7.00am–6.00pm

	MABC normal hours 6.00am–7.00pm
Sunday 24 December 2023	WAC 7.00am-6.00pm MABC 6.00am-6.00pm
Monday 25 December 2023 (Public Holiday)	Closed
Tuesday 26 December 2023 (Public Holiday)	WAC normal hours 7.00am–6.00pm MABC normal hours 6.00am–7.00pm
Wednesday 27 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Thursday 28 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Friday 29 December 2023	WAC & MABC normal hours 5.30am–9.00pm
Saturday 30 December 2023	WAC normal hours 7.00am–6.00pm MABC normal hours 6.00am–7.00pm
Sunday 31 December 2023	WAC 7.00am-6.00pm MABC 6.00am-6.00pm
Monday 1 January 2024 (Public holiday)	WAC Normal hours 7.00am–6.00pm MABC Normal hours 6.00am–7.00pm
Tuesday 2 January 2024	WAC & MABC Normal hours 5.30am–9.00pm
Wednesday 3 January 2024	WAC & MABC Normal hours 5.30am–9.00pm
Library Services *	
Friday 22 December 2023	All branches open usual hours
Saturday 23 December 2023	All branches open usual hours
Sunday 24 December 2023	All branches open usual hours
Monday 25 December 2023 (Public Holiday)	Forestville 24/7 access only
Tuesday 26 December 2023 (Public Holiday)	Forestville 24/7 access only
Wednesday 27 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Thursday 28 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Friday 29 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Saturday 30 December 2023	Warringah Mall, Manly & Mona Vale open 10am-4pm Forestville 24/7 access
Sunday 31 December 2023	Warringah Mall & Manly open 11am-4pm Mona Vale open 1pm-4pm Forestville 24/7 access
Monday 1 January 2024 (Public holiday)	Forestville 24/7 access only
Tuesday 2 January 2024	All branches open usual hours
Wednesday 3 January 2024	All branches open usual hours
Other services	

All long day care operations	Closed 23 December 2023 Reopens 9 January 2024
Manly Community and North Harbour Pre-schools	Closed 19 December 2023 Reopens 31 January 2024
Vacation Care	All closed from 23 December 2023 Cromer open from 2 January 2024 Manly Vale and North Harbour open from 8 January 2024
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am–5pm Closed: Mondays and Public Holidays
Glen Street Theatre Box Office	Closed from 23 December 2023 Reopens 2 January 2024

298/23 RESOLVED – PROCEDURAL MOTION - AMENDMENT BE PUT

Cr Menano-Pires / Cr Ryburn

That the amendment be now put.

VOTING

FOR: Unanimous

CARRIED

AMENDMENT

Cr Korzy / Cr Glanville

That:

1. In the event that a decision needs to be made on urgent business (within the meaning of clause 4 of Council’s Code of Meeting Practice) during the 2023-24 Christmas and New Year recess being 20 December 2023 to 31 January 2024 inclusive, the Mayor is to call an extraordinary meeting to enable such a decision to be made.
2. Council, pursuant and subject to the limitations of section 377 of the *Local Government Act 1993*, grant authority to the Mayor, to make decisions on urgent business (within the meaning of clause 4 of Council’s Code of Meeting Practice) during the 2023-24 Christmas and New Year recess being 20 December 2023 to 31 January 2024 inclusive, in the event that a quorum cannot be achieved for any extraordinary meeting called during the 2023-24 Christmas and New Year recess.
3. The Mayor may exercise a function delegated pursuant to point 2 above, only after consultation with the Deputy Mayor and Chief Executive Officer.
4. A report be provided to the 27 February 2024 Council meeting outlining how the delegated authority was exercised.
5. Council note the operating hours outlined in the table below:

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Thursday 28 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Friday 29 December 2023	Warringah Mall, Manly & Mona Vale open 9am-5pm Forestville 24/7 access
Saturday 30 December 2023	Warringah Mall, Manly & Mona Vale open 10am-4pm Forestville 24/7 access
Sunday 31 December 2023	Warringah Mall & Manly open 11am-4pm Mona Vale open 1pm-4pm Forestville 24/7 access
Monday 1 January 2024 (Public holiday)	Forestville 24/7 access only
Tuesday 2 January 2024	All branches open usual hours
Wednesday 3 January 2024	All branches open usual hours
Other services	
All long day care operations	Closed 23 December 2023 Reopens 9 January 2024
Manly Community and North Harbour Pre-schools	Closed 19 December 2023 Reopens 31 January 2024
Vacation Care	All closed from 23 December 2023 Cromer open from 2 January 2024 Manly Vale and North Harbour open from 8 January 2024
Manly Art Gallery and Museum	Open: Tuesdays to Sundays 10am–5pm Closed: Mondays and Public Holidays
Glen Street Theatre Box Office	Closed from 23 December 2023 Reopens 2 January 2024

VOTING

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

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

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

299/23 **RESOLVED**

Cr Bingham / Cr Regan

That:

1. Council, pursuant to section 377 of the *Local Government Act 1993*, delegate to the Mayor, the functions of Council during the 2023-24 Christmas and New Year recess (being 20

December 2023 to 31 January 2024 inclusive), subject to the limitation that the functions may only be exercised by the Mayor following consultation with the Chief Executive Officer.

2. A report be provided to the February 2024 Ordinary Council meeting outlining how the delegated authority was exercised.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy, Cr Page, Cr Ryburn and Cr Walton

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 PUBLIC EXHIBITION - DRAFT WASTE AND CIRCULAR ECONOMY STRATEGY

300/23 **RESOLVED**

Cr Korzy / Cr Glanville

That the draft Waste and Circular Economy Strategy 2040 be placed on public exhibition for a minimum of 28 days with the outcome to be reported to Council.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 2023/24 PLACEMAKING GRANTS PROGRAM - FUNDING RECOMMENDATIONS

NOTE: Councillor Robins left the chamber at 7:30pm due to a declared significant non-pecuniary interest in relation to this item

NOTE: Councillor Page left the chamber at 7:31pm

301/23 **RESOLVED**

Cr Glanville / Cr Bingham

That Council, pursuant to section 356 of *the Local Government Act 1993*, approve the allocation of \$4,000 (excluding GST) under the 2023/2024 Placemaking Grants Program as outlined in Attachment 1.

VOTING

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

AGAINST: Nil

ABSENT: Cr Page and Cr Robins

CARRIED

12.3 OUTCOME OF PUBLIC EXHIBITION - COUNCIL-RELATED DEVELOPMENT APPLICATION POLICY

NOTE: Councillor Robins returned at 7:36pm

NOTE: Councillor Ryburn left the chamber at 7:36pm and returned at 7:37pm

NOTE: Councillor Page returned to the chamber at 7:38pm

302/23 RESOLVED

Cr Regan / Cr Grattan

That:

1. Council adopt the amended Council-related Development Application Policy.
2. Staff provide a briefing to Councillors on:
 - A. How Council manages potential conflicts of interest for Council-related development which is assessed under Part 5, and recommendations as to whether any policies should be updated to manage potential conflicts.
 - B. The circumstances where an external legal review would be required for suspected breaches.

VOTING

FOR: Unanimous

CARRIED

12.4 SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT ON PATYEGARANG PLANNING PROPOSAL AT MORGAN ROAD, BELROSE (LIZARD ROCK)

NOTE: Louise Kerr, Acting Chief Executive Officer left the chamber at 7:52pm

NOTE: Mayor Heins left the chamber at 8:05pm and returned at 8:07pm

303/23 RESOLVED

Cr Regan / Cr Ryburn

That Council prepare a submission to the NSW Department of Planning and Environment objecting to the currently exhibited Patyegarang Planning Proposal for the site at Morgan Road, Belrose (also known as "Lizard Rock") based on the concerns raised in this report and further noting Council's:

1. Concern regarding privatisation of paper Crown Roads
2. Request that a public hearing take place concerning the proposed land rezoning.

VOTING

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

Cr Ryburn, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Walton

AGAINST: Cr De Luca

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING AND CHANGE ORDER OF BUSINESS

Cr Regan / Cr Menano-Pires

That in accordance with clause 19.1 of the Code of Meeting Practice the meeting be adjourned for 10 minutes and on return change the order of business to bring forward confidential matters.

VOTING

FOR: Unanimous

CARRIED

NOTE: Louise Kerr, Acting Chief Executive Officer returned to the chamber at 8:25pm

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

304/23 RESOLVED

Cr Heins / Cr Ryburn

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.1 RFT 2023/038 - Little Manly Point Amenities on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

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

- B. Item 18.2 RFT Negotiation 2023/001 - Design and Construction Services for Warriewood Valley Community Centre on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

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

commercial in confidence information.

- C. Item 18.3 RFT 2023/075 - Supply and Implementation of an Online Learning 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.

- D. Item 18.4 RFQ 2023/024 - Enterprise Resource Planning Platform Licences and RFQ 2023/025 - Enterprise Resource Planning Project Implementation - Next Best Offer (NBO) on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

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

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

VOTING

FOR: Unanimous

CARRIED

NOTE: The meeting moved into closed session at 8:27pm

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

In accordance with Council's Code of Meeting Practice clause 15.22 the resolutions of confidential reports resolved by exception earlier in the meeting and resolutions passed in closed session were displayed on the public screens and livestream of the meeting webcast

18.1 RFT 2023/038 - LITTLE MANLY POINT AMENITIES

305/23 RESOLVED

Cr Bingham / Cr Grattan

That Council:

1. Accept the tender of TCM Construction Group Pty Ltd for RFT 2023/038 – Little Manly Point Amenities for the sum of \$625,467.28 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.

VOTING**FOR:** Unanimous**CARRIED****18.2 RFT NEGOTIATION 2023/001 - DESIGN AND CONSTRUCTION SERVICES FOR WARRIEWOOD VALLEY COMMUNITY CENTRE**306/23 **RESOLVED*****Cr Robins / Cr Regan***

That:

1. Belmadar Pty Ltd is the preferred tenderer.
2. Council delegate authority to the Chief Executive Officer to:
 - A. Enter into final negotiations with Belmadar Pty Ltd and, subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract for Design and Construction Services for Warriewood Valley Community Centre with Belmadar Pty Ltd; and
 - B. Do all things and execute all necessary documentation to give effect to this resolution.
3. Council note the revised delivery schedule for the project which will require a rephrasing of the budget and request the Chief Executive Officer to provide an update at the December Councillor briefing on priorities for the preparation of the 2024/25 budget, including the implementation of Council's Property Management Framework (as adopted 26 April 2022).

VOTING**FOR:** Unanimous**CARRIED****18.3 RFT 2023/075 - SUPPLY AND IMPLEMENTATION OF AN ONLINE LEARNING LIBRARY**307/23 **RESOLVED*****Cr Glanville / Cr Ryburn***

That:

1. Council, in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2023/075 - Supply and Implementation of Online Learning Library.
2. Council, in accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter negotiations with Go1 Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section

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

- A. Given the processes undertaken, inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including in light of the reasons in point 4 below; and
 - B. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter negotiations with Go1 Pty Ltd are:
- A. The tender from Go1 Pty Ltd demonstrated that the entity has the capability to undertake the works.
 - B. The tender from Go1 Pty Ltd demonstrated a clear understanding of the key project risks and provided a sound methodology; and
 - C. The tender from Go1 Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
5. Authority be delegated to the Chief Executive Officer to enter negotiations with Go1 Pty Ltd and, subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with Go1 Pty Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

18.4 RFQ 2023/024 - ENTERPRISE RESOURCE PLANNING PLATFORM LICENCES AND RFQ 2023/025 - ENTERPRISE RESOURCE PLANNING PROJECT IMPLEMENTATION - NEXT BEST OFFER (NBO)

308/23 **RESOLVED**

Cr Grattan / Cr Menano-Pires

That Council delegate authority to the Chief Executive Officer to:

1. Enter into final negotiations with Technology One Limited and, subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract for ERP Platform Licences and ERP Project Implementation with Technology One Limited.
2. Enter into final negotiations with KPMG Australia Technology Solutions Pty Ltd and, subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract for ERP Project Implementation with KPMG Australia Technology Solutions Pty Ltd.
3. Do all things and execute all necessary documentation to give effect to this resolution.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

CARRIED

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 24.

PROCEDURAL MOTION – RESUME IN OPEN SESSION309/23 **RESOLVED****Cr De Luca / Cr Bingham**

That Council resume in open session.

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

NOTE: The meeting resumed in open session at 9:25 pm

12.5 PLANNING PROPOSAL FOR THE WARRINGAH RECREATION CENTRE, NORTH MANLY

NOTE: Councillor Menano-Pires left the meeting at 9:27pm

Cr Walton / Cr Regan

That Council:

1. Forward the Planning Proposal for land at the Warringah Recreation Centre, North Manly to the Minister for Planning and Public Spaces for Gateway determination.
2. Publicly exhibit the Planning Proposal in accordance with Council's Community Participation Plan and any Gateway determination.

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

That the matter be deferred.

VOTING**FOR:** Cr Glanville and Cr Korzy**AGAINST:** Cr Regan, Cr Bingham, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Robins, Cr Grattan and Cr Walton**ABSENT:** Cr Menano-Pires**THE PROCEDURAL MOTION WAS LOST AND DEBATE RESUMED ON THE MOTION**310/23 **RESOLVED****Cr Walton / Cr Regan**

That Council:

1. Forward the Planning Proposal for land at the Warringah Recreation Centre, North Manly to

the Minister for Planning and Public Spaces for Gateway determination.

- Publicly exhibit the Planning Proposal in accordance with Council's Community Participation Plan and any Gateway determination.

VOTING

FOR: Cr Regan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Robins, Cr Grattan and Cr Walton

AGAINST: Cr Glanville

ABSENT: Cr Menano-Pires

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.2 TEMPORARY CHANGES TO ALCOHOL PROHIBITED AREAS FOR COUNCIL'S CHRISTMAS CHORAL CONCERT 2023, NEW YEAR'S EVE 2023 AND AUSTRALIA DAY 2024

311/23 **RESOLVED**

Cr Page / Cr Gencher

That Council:

- Note the request of the Northern Beaches Local Area Command of the NSW Police to declare temporary 24-hour Alcohol Prohibited Areas at Rowland Reserve, Bayview on New Year's Eve and at reserves, parks and the sand area at all beaches on Australia Day 2024.
- Declare a temporary Alcohol Prohibited Area at Rowland Reserve, Bayview for New Year's Eve from 6:00am on 31 December 2023 for a period of 24 hours until 6:00am on 1 January 2024.
- Declare temporary Alcohol Prohibited Areas at all reserves and parks and the sand areas at all beaches within the Northern Beaches Local Government Area for Australia Day from 6:00am on 26 January 2024 for a period of 24 hours until 6:00am on 27 January 2024.
- Suspend the operation of the Alcohol Prohibited Area at Manly Oval on 7 December 2023 from 5:00pm until 8:30pm for Council's Christmas Choral Concert.
- Publish notices of the above as required and pursuant to the relevant sections of the *Local Government Act 1993*.
- Install temporary signage at Manly Oval, Rowland Reserve, beaches and high use reserves within the Northern Beaches Local Government Area as outlined in this report.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

ABSENT: Cr Menano-Pires

CARRIED

The meeting concluded at 9:47pm

This is the final page of the minutes comprising 27 pages numbered 1 to 27 of the Ordinary Council Meeting held on Tuesday 24 October 2023 and confirmed on Tuesday 28 November 2023

Mayor

Chief Executive Officer