

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 NOVEMBER 2023

Minutes of an Ordinary Council Meeting

held on Tuesday 28 November 2023

at the Civic Centre, Dee Why

Commencing at 6:00pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)
Georgia Ryburn (Deputy Mayor) - *left the meeting at 10:58pm*
Kristyn Glanville - *arrived at 6:03pm*
Sarah Grattan
Candy Bingham
Miranda Korzy
Michael Gencher
Karina Page
Vincent De Luca OAM
Stuart Sprott (remote) - *arrived at 7:17pm and left the meeting at 10:12pm*
Bianca Crvelin - *left the meeting at 11:19pm*
Ruth Robins
Jose Menano-Pires
Michael Regan (remote)
David Walton

Officers

Scott Phillips	Chief Executive Officer
Eskil Julliard	Acting Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Louise Kerr	Director Planning & Place
Mark Jones	Acting Director Workforce & Technology
Campbell Pfeiffer	Acting Director Transport & Assets
Jeremy Smith	Acting Executive Manager Parks & Recreation
Kristie Debney	Acting Executive Manager Property
Caroline Foley	Executive Manager Financial Planning & Systems
David Walsh	Chief Financial Officer
Kylie Walshe	Executive Manager Community, Arts & Culture
Yianni Mentis	Executive Manager Environment & Climate Change
Joseph Hill	Executive Manager Strategic & Place Planning
Craig Sawyer	Executive Manager Transport & Civil Infrastructure
Sarah Dunstan	Executive Manager Governance & Risk
Lesley Milbourne	Manager Governance
Anna Moore	Senior Advisor Governance
Lauren Reti	Senior Advisor Governance
Gerard Munro	Team Leader Service Delivery
Dane Hennessy	Service Delivery Analyst

Notes

The meeting commenced at 6:00pm, adjourned at 8:28pm, resumed at 8:40pm, moved into closed session at 10:56pm, resumed in open session at 11:26pm and concluded at 11:27pm

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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

NOTE: Councillor Korzy left the chamber at 6:01pm

312/23 RESOLVED

Cr Robins / Cr Page

That in accordance with 6.26 of the Code of Meeting Practice, Councillors Regan and Sprott be granted remote attendance to the November meeting due to work commitments.

VOTING

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

AGAINST: Nil

ABSENT: Cr Glanville, Cr Korzy and Cr Sprott

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24 OCTOBER 2023

NOTE: Councillor Korzy returned to the chamber at 6:03pm

313/23 RESOLVED

Cr Crvelin / Cr Korzy

That the minutes of the Ordinary Council Meeting held on 24 October 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 Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Regan and Cr Walton

AGAINST: Nil

ABSENT: Cr Glanville and Cr Sprott

CARRIED

4.0 DISCLOSURES OF INTEREST

NOTE: Designated person returns were tabled in accordance with sections 4.25 and 4.26 of the Code of Conduct.

NOTE: Councillor Glanville joined the meeting at 6:03pm

- Councillor Grattan declared, at the item, a significant non-pecuniary interest in relation to Item 13.4, Contract Extension Via Alternative Procurement - Bus Shelter Advertising, and left the meeting for the discussion and voting on the item. The reason provided was:

"My employer may seek to advertise on Council's bus shelters"

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

NOTE: Councillor Regan left the meeting at 6:04pm and returned at 6:35pm and left the meeting at 6:39pm

NOTE: Councillor Glanville left the chamber at 6:12pm and returned at 6:16pm

5.1 PUBLIC FORUM

- Melinda Stewart, on behalf of Ian Hardy representing Manly Warringah Gymnastics, addressed Council on the Manly Warringah Gymnastics new Centre of Excellence at Nolan Reserve.

5.2 PUBLIC ADDRESS

Item 12.1 Outcome of Public Exhibition – Draft Brookvale Structure Plan

- Anita Lesic addressed Council against this item (via a statement read by Council staff).

Item 13.2 Outcome of Public Exhibition – Proposed Naming of Viewing Deck on Curl Curl Lagoon at John Fisher Park The Ray Cox Viewing Deck

- Deborah Moffat addressed Council in support of this item (via a statement read by Council staff).

Item 13.5 Outcome of Public Exhibition – Proposed License to Long Reef Surf Life Saving Club

- Peter Kinsey addressed Council in support of this item.
- Michael Gleeson addressed Council against this item.

Item 15.2 Notice of Motion No 29/2023 – Moratorium on Seawalls

- Brendan Donohoe, representing Surfrider Foundation, addressed Council in support of this item.
- Paul Maddock, on behalf of Angus Gordon OAM, addressed Council in support of this item.
- Guyren Smith addressed Council against this item.

Item 15.4 Notice of Motion No 32/2023 – Mona Vale Road West Upgrade

- Mark Horton addressed Council in support of this item.

Item 15.5 Notice of Motion No 33/2023 – Illegal Parking Cottage Point

- Jon Russell addressed Council in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

314/23 **RESOLVED**

Cr Robins / Cr Grattan

That

1. Items 9.3, 9.4, 10.1, 10.3, 10.4, 11.2, 13.3, 14.1 and 18.2 are dealt with by exception with the recommendations being adopted.
2. The report for item 18.2 is to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as it relates to matters specified in section 10A (2) of the *Local Government Act 1993*.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan and Cr Sprott

CARRIED

9.3 MONTHLY INVESTMENT REPORT - SEPTEMBER 2023

315/23 **RESOLVED**

Cr Robins / Cr Grattan

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

RESOLVED BY EXCEPTION

9.4 DRAFT POLICY FRAMEWORK

316/23 **RESOLVED**

Cr Robins / Cr Grattan

That Council adopt the Policy Framework.

RESOLVED BY EXCEPTION

10.1 RESPONSE TO NOTICE OF MOTION NO 17/2023 - PROPOSAL FOR PAVING ARTWORK ON MARINE PARADE, MANLY

NOTE: Councillor Bingham thanked staff for preparing the proposal.

317/23 RESOLVED

Cr Robins / Cr Grattan

That Council endorse the installation of a small embedded public art installation at Marine Parade, corner of Bower Lane adjacent to the pedestrian steps to Cabbage Tree Bay, Manly.

RESOLVED BY EXCEPTION

10.3 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 17 AUGUST 2023 MEETING

318/23 RESOLVED

Cr Robins / Cr Grattan

That Council note the minutes of the Community Safety Advisory Committee meeting held on 17 August 2023.

RESOLVED BY EXCEPTION

10.4 OUTCOME OF PUBLIC EXHIBITION - DRAFT CULTURAL POLICY

319/23 RESOLVED

Cr Robins / Cr Grattan

That Council adopt the Cultural Policy.

RESOLVED BY EXCEPTION

11.2 ANNUAL ELECTRICITY CHARGES 2022/23

NOTE: Councillor Glanville thanked staff for continuing to administer the program that has saved Council by switching to a renewable energy Power Purchase Agreement.

320/23 RESOLVED

Cr Robins / Cr Grattan

That Council note the information contained in the report.

RESOLVED BY EXCEPTION

13.3 OUTCOME OF PUBLIC EXHIBITION - PROPOSAL TO NAME A LOOKOUT AREA IN BALGOWLAH THE GUGANAGINA (KOOKABURRA) LOOKOUT

NOTE: Councillor Grattan thanked the dedicated locals and North Harbour Community group for suggesting this idea and the staff team for making it happen.

321/23 RESOLVED

Cr Robins / Cr Grattan

That Council:

1. Adopt the dual name Gunganagina 'Kookaburra' Lookout for the lookout area on the corner of Upper Beach Street and West Street in Balgowlah.
2. Install an interpretive sign at the lookout as outlined in the report for this item.

RESOLVED BY EXCEPTION

14.1 ANNUAL REPORT 2022/23

NOTE: Councillor Robins and Mayor Heins congratulated staff on an amazing achievement over the last 12 months.

322/23 RESOLVED

Cr Robins / Cr Grattan

That Council note the Annual Report 2022/23, and it be posted on Council's website and provided to the Minister for Local Government.

RESOLVED BY EXCEPTION

18.2 RFT 2023/163 - VEGETATION MAINTENANCE AND MINOR LANDSCAPE CONSTRUCTION PANEL

323/23 RESOLVED

Cr Robins / Cr Grattan

That Council:

1. Accept the tenders from the entities listed below for RFT 2023/163 – Vegetation Maintenance and Minor Landscape Construction Panel, for the period 1 December 2023 to 30 November 2026 with two twelve-month options to extend the term subject to satisfactory performance for inclusion on Sub Panel 1 – Vegetation Maintenance and Sub Panel 2 – Minor Landscape Construction as follows:

Tenderer Name	Sub Panel 1	Sub Panel 2
Asplundh Tree Expert Australia Pty Ltd (Summit Open Space)	✓	
Dragonfly Environmental Pty Ltd	✓	
Image Property Detailing Pty Limited	✓	
Standby Forty-Six Pty Ltd	✓	
Luhrmann Environment Management Pty Ltd	✓	

The Organic Mechanics Grounds Maintenance Pty Ltd	✓	
Waratah Eco Works Pty Ltd	✓	
Marsupial Landscape Management Pty Limited	✓	✓
Green Options Pty Limited	✓	✓
HL Landscapes Pty Ltd	✓	✓
Landscape Productions Pty Ltd	✓	✓
State Civil Pty Ltd	✓	✓
Urban Growth Gardening Services Pty Ltd	✓	✓
Australia Pave Pty Ltd		✓
Danalig Pty Ltd		✓
I&B Maintenance Services Pty Ltd		✓
PC Landscapes Pty Ltd		✓

2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to exercise Council's option to extend the master agreements for up to two additional twelve-month periods at Council's discretion.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 14/2023 - CYBER AWARENESS - SUPPORT FOR OUR COMMUNITY

NOTE: Councillor Regan returned to the meeting at 6:58pm

NOTE: Councillor Glanville left the chamber at 7:01pm and returned at 7:03pm

324/23 RESOLVED

Cr Heins

That Council promote cyber safety and scam awareness in our community and provide information and relevant resources through Council's e-bulletins, social media and website.

VOTING

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

AGAINST: Nil

ABSENT: Cr Sprott

CARRIED

7.2 MAYORAL MINUTE NO 15/2023 - STATE GOVERNMENT POSITION ON HOUSING DENSITY

NOTE: Councillor Sprott joined the meeting at 7:17pm

325/23 RESOLVED

Cr Heins / Cr Ryburn

That Council:

1. Write to the Hon Paul Scully MP, Minister for Planning and Public Spaces:
 - A. acknowledging the housing crisis resulting in a deficit of 377,000 dwellings across NSW and invite him to work with Northern Beaches Council to achieve housing choice and numbers as necessary, and
 - B. expressing significant concerns about the introduction of the foreshadowed State Environmental Planning Policy which will override Council's authority to make local planning decisions that Council deems to be in the community's interest as announced in the Minister's media release dated 28 November 2023.
2. Request the Chief Executive Officer to prepare a Council submission on the foreshadowed State Environmental Planning Policy following public exhibition.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**326/23 RESOLVED**

Cr De Luca / Cr Robins

That the order of business be changed so items 13.2, 13.5, 15.2 and 15.5 be brought forward and dealt with immediately.

VOTING

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

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

CARRIED

13.2 OUTCOME OF PUBLIC EXHIBITION - PROPOSED NAMING OF THE VIEWING DECK ON CURL CURL LAGOON AT JOHN FISHER PARK THE RAY COX VIEWING DECK**327/23 RESOLVED*****Cr Glanville / Cr Walton***

That Council:

1. Adopt the proposal to name the viewing deck on Curl Curl Lagoon, at John Fisher Park, the Ray Cox Viewing Deck.
2. Install an interpretive sign at the viewing deck in consultation with Mr Cox's family and Curl Curl Lagoon Friends.

VOTING**FOR:** Unanimous**CARRIED****13.5 OUTCOME OF PUBLIC EXHIBITION - PROPOSED LICENCE TO LONG REEF SURF LIFE SAVING CLUB***NOTE: Councillor Regan left the meeting at 7:40pm***328/23 RESOLVED*****Cr Bingham / Cr Walton***

That Council:

1. Note that it has considered all submissions received in respect of the proposed licence of part of Griffith Park Reserve, known as Lot 1 DP 1144187, for an initial term of five years with three option periods of five years with Long Reef Surf Life Saving Club Incorporated (ABN 78 012 537 376).
2. Apply to the Minister for Local Government in accordance with section 47 of the *Local Government Act 1993* for consent to grant the proposed licence.
3. Subject to the consent of the Minister for Local Government, grant the proposed licence.
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 Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton**AGAINST:** Cr Glanville**ABSENT:** Cr Regan**CARRIED**

15.2 NOTICE OF MOTION NO 29/2023 - MORATORIUM ON SEAWALLS

NOTE: Councillor Regan returned to the meeting at 7:51pm, left the meeting at 7:59pm and returned at 8:04pm

Cr Korzy / Cr Glanville

That:

1. Council immediately enact a moratorium on the building of vertical seawalls, whether free standing or incorporated into other buildings, on open ocean beaches within the local government area.
2. The moratorium remain in place until Council receives a report into the merits, implications and means:
 - A. of alternative coastal protection options to vertical seawalls, in particular revetments, and their suitability for sites including but not limited to Collaroy-Narrabeen
 - B. by which Council can prevent the building of vertical seawalls
 - C. of current and future Local Environment Plan provisions in relation to types of seawalls.
3. Council staff develop and bring to the February 2024 Council meeting terms of reference for a Coastal Management Committee, to consult on the management of the entire Northern Beaches coastline and other coastal issues, as well as appropriate membership (including Councillors, staff, local experts and stakeholders).

AMENDMENT**Cr De Luca / Cr Walton**

That this Council resolve to:

1. Call upon the NSW Government to review all alternative options to sea walls to ensure effective property, coastal and environmental protection.
2. Call upon the NSW Government to review the efficacy of the *Coastal Management Act 2016* and associated requirements for Coastal Zone Management Plans to ensure they are in keeping with sound planning, environmental and community expectations.
3. Note that Council's draft coastal management plan for Collaroy and Narrabeen is due in early 2024 and that community consultation will be undertaken.

329/23 RESOLVED - AMENDMENT BE PUT**Cr Crvelin**

That the amendment be now put.

VOTING

FOR: Unanimous

CARRIED

AMENDMENT***Cr De Luca / Cr Walton***

That this Council resolve to:

1. Call upon the NSW Government to review all alternative options to sea walls to ensure effective property, coastal and environmental protection.
2. Call upon the NSW Government to review the efficacy of the *Coastal Management Act 2016* and associated requirements for Coastal Zone Management Plans to ensure they are in keeping with sound planning, environmental and community expectations.
3. Note that Council's draft coastal management plan for Collaroy and Narrabeen is due in early 2024 and that community consultation will be undertaken.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy and Cr Menano-Pires

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

330/23 RESOLVED***Cr De Luca / Cr Walton***

That this Council resolve to:

1. Call upon the NSW Government to review all alternative options to sea walls to ensure effective property, coastal and environmental protection.
2. Call upon the NSW Government to review the efficacy of the *Coastal Management Act 2016* and associated requirements for Coastal Zone Management Plans to ensure they are in keeping with sound planning, environmental and community expectations.
3. Note that Council's draft coastal management plan for Collaroy and Narrabeen is due in early 2024 and that community consultation will be undertaken.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 33/2023 - ILLEGAL PARKING COTTAGE POINT**331/23 RESOLVED*****Cr Page / Cr Ryburn***

That Council:

1. Notes community concerns about illegal parking of vehicles at Cottage Point, particularly on weekends.
2. Staff's compliance review, scheduled for completion in first quarter 2024, identify opportunities for appropriate enforcement of parking controls at known 'hot spots' across the

Northern Beaches.

3. Look at other design solutions to ensure emergency services are able to access the limited amount of space in Cottage Point Road, such as bollards.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

Cr Page / Cr Grattan

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

AGAINST: Cr Sprott and Cr Regan

CARRIED

NOTE: The meeting adjourned at 8:28pm and resumed at 8:40pm

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.1 2022/23 FINANCIAL STATEMENTS

NOTE: Councillor Regan left the meeting at 8:42pm

NOTE: Councillor Menano-Pires returned to the chamber at 8:42pm

NOTE: Councillor Crvelin returned to the chamber at 8:43pm

332/23 RESOLVED

Cr Korzy / Cr Glanville

That in accordance with section 419(1) of the *Local Government Act 1993*, the audited Financial Statements and the auditor's reports for the 2022/23 financial year are hereby received.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

9.2 QUARTERLY REVIEW - SEPTEMBER 2023**333/23 RESOLVED*****Cr Korzy / Cr Grattan***

That Council:

1. Note the Quarterly Report on Service Performance for the period ended September 2023.
2. Note the September 2023 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the September 2023 Quarterly Budget Review Statement, including:
 - A. An increase in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$10.895 million to \$40.030 million.
 - B. An increase in the forecast result from Continuing Operations, excluding Capital Grants and Contributions, of \$5.366 million to a surplus of \$0.602 million.
 - C. An increase in Capital Expenditure of \$1.426 million to \$112.716 million.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended September 2023.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.2 PUBLIC EXHIBITION - DRAFT CHAMPIONING DIVERSITY - MULTICULTURAL INCLUSION PLAN 2029

334/23 **RESOLVED**

Cr Crvelin / Cr Gencher

That the draft Championing Diversity – Multicultural Inclusion Plan 2029 be placed on public exhibition for a period of six weeks with the outcome to be reported to Council.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 2023/24 ENVIRONMENTAL GRANTS PROGRAM - FUNDING RECOMMENDATIONS

Cr Glanville / Cr Page

That Council:

1. Pursuant to section 356 of the *Local Government Act 1993*, approve the allocation of \$32,451 (excluding GST) under the 2023/24 Environmental Grants Program as set out in Table 1 of Attachment 1 of this report.
2. Pursuant to section 356 of the *Local Government Act 1993*, approve the allocation of \$17,549 (excluding GST) as set out in Table 2 of Attachment 1 of this report.

335/23 **RESOLVED**

Cr Glanville / Cr Page

That Council:

1. Pursuant to section 356 of the *Local Government Act 1993*, approve the allocation of \$32,451 (excluding GST) under the 2023/24 Environmental Grants Program as set out in Table 1 of Attachment 1 of this report.
2. Pursuant to section 356 of the *Local Government Act 1993*, approve the allocation of \$17,549 (excluding GST) as set out in Table 2 of Attachment 1 of this report.

VOTING

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

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 OUTCOME OF PUBLIC EXHIBITION - DRAFT BROOKVALE STRUCTURE PLAN

NOTE: Councillor Page left the chamber at 9:20pm and returned at 9:22pm

336/23 **RESOLVED**

Cr Walton / Cr Menano-Pires

That Council:

1. Note the outcomes of the public exhibition of the draft Brookvale Structure Plan.
2. Adopt the Brookvale Structure Plan.
3. Write to the Minister for Planning and Public Spaces seeking funding for implementation of the Brookvale Structure Plan and to highlight the various implementation pathways available.
4. Prepare and/or amend the following documents in accordance with the Brookvale Structure Plan:
 - A. Warringah Development Control Plan 2011 or the Development Control Plan in force.
 - B. Section 7.11 Development Infrastructure Contributions Plan.
 - C. Northern Beaches Affordable Housing Contributions Scheme.

VOTING

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

AGAINST: Cr De Luca and Cr Crvelin

ABSENT: Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 COUNCIL REPRESENTATION ON THE COMMITTEE OF THE FRIENDS OF THE BIBLE GARDEN MEMORIAL INC

NOTE: Councillor Regan returned to the meeting at 9:28pm

337/23 RESOLVED

Cr Korzy / Cr Glanville

That Council endorse the nomination of Councillor Gencher as Council's representative on the Committee of the Friends of the Bible Garden Memorial Inc. for the remainder of this Council term.

VOTING

FOR: Unanimous

CARRIED

13.4 CONTRACT EXTENSION VIA ALTERNATIVE PROCUREMENT - BUS SHELTER ADVERTISING

NOTE: Councillor Grattan declared a significant non-pecuniary interest and left the chambers at 9:41pm

Cr Glanville / Cr Regan

That Council:

1. Approve an extension of the term of the current contracts with oOh!media Street Furniture Pty Ltd for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas to September 2024.
2. Resolve, for the purpose of section 55 (3) (i) of the *Local Government Act 1993*, that a satisfactory result would not be achieved by inviting tenders for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas because of extenuating circumstances by reason of the following:
 - A. Council has an immediate and critical need to take the necessary steps to ensure that the service continues.
 - B. In order to align all three existing agreements, Council is required to continue the current service to September 2024.
 - C. Due to uncertainties in the market, the size and complexity of the service (including the capital expenditure required to modernise the service) and the short period of the contract, a tender process for an interim period would limit the utility and competitiveness of the tender process.
 - D. The proposed contractor has the experience, expertise and resources to satisfy the requirements of the contract for an interim period.
3. Delegate authority to the Chief Executive Officer to negotiate, execute and administer as necessary the contracts for supply, maintenance and operation of bus shelters and associated advertising to give effect to this resolution.

4. Include the option of implementing a ban on advertising relating to gambling, alcohol, or the fossil fuels industry on bus shelters in the current bus shelter tender process.

MOTION DEALT WITH IN SERIATIM***Cr Menano-Pires / Cr De Luca***

That points 1, 2 and 3 be dealt with together and point 4 separately.

338/23 RESOLVED - MOTION BE PUT***Cr Ryburn***

That the procedural motion be now put.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy and Cr Regan

ABSENT: Cr Grattan

CARRIED**339/23 RESOLVED - MOTION DEALT WITH IN SERIATIM*****Cr Menano-Pires / Cr De Luca***

That points 1, 2 and 3 be dealt with together and point 4 separately.

VOTING

FOR: Cr Gencher, Cr Page, Cr Ryburn, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Menano-Pires and Cr Walton

AGAINST: Cr Glanville, Cr Bingham, Cr Korzy, Cr Heins, Cr Robins and Cr Regan

ABSENT: Cr Grattan

CARRIED**340/23 RESOLVED*****Cr Glanville / Cr Regan***

That Council:

1. Approve an extension of the term of the current contracts with oOh!media Street Furniture Pty Ltd for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas to September 2024.
2. Resolve, for the purpose of section 55 (3) (i) of the *Local Government Act 1993*, that a satisfactory result would not be achieved by inviting tenders for the supply, maintenance and operation of bus shelters and associated advertising in the former Warringah and the former Pittwater areas because of extenuating circumstances by reason of the following:
 - A. Council has an immediate and critical need to take the necessary steps to ensure that the service continues.
 - B. In order to align all three existing agreements, Council is required to continue the

current service to September 2024.

- C. Due to uncertainties in the market, the size and complexity of the service (including the capital expenditure required to modernise the service) and the short period of the contract, a tender process for an interim period would limit the utility and competitiveness of the tender process.
- D. The proposed contractor has the experience, expertise and resources to satisfy the requirements of the contract for an interim period.

3. Delegate authority to the Chief Executive Officer to negotiate, execute and administer as necessary the contracts for supply, maintenance and operation of bus shelters and associated advertising to give effect to this resolution.

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

AGAINST: Nil

ABSENT: Cr Grattan

CARRIED

341/23 **RESOLVED**

Cr Glanville / Cr Regan

That Council:

4. Include the option of implementing a ban on advertising relating to gambling, alcohol, or the fossil fuels industry on bus shelters in the current bus shelter tender process.

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Korzy, Cr Heins, Cr De Luca, Cr Sprott and Cr Regan

AGAINST: Cr Gencher, Cr Page, Cr Ryburn, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

ABSENT: Cr Grattan

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

13.6 PROPERTY STEERING COMMITTEE - PROPOSED AMENDMENTS TO TERMS OF REFERENCE

NOTE: Councillor Grattan returned to the chamber at 10:05pm

342/23 RESOLVED

Cr Korzy / Cr Ryburn

That Council endorse the proposed amendments to the Property Steering Committee Terms of Reference subject to the following change being made to Section 2:

“Before initiating any preliminary market processes ~~regardless of~~ **recognising** the fact the final decision will rest with Council, consultation will be undertaken with relevant Ward Councillors **about any properties that the Committee considers a suitable prospect for marketing**, and the elected Council will be informed as necessary.”

VOTING

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

AGAINST: Cr Sprott and Cr Regan

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 28/2023 - MANLY TIDAL POOL, WEST ESPLANADE

NOTE: Councillor Sprott left the meeting at 10:12pm

Cr Bingham / Cr Heins

That, as part of planning for the renewal of the West Esplanade tidal pool, Council investigates grant opportunities, environmental feasibility and regulatory obligations to:

1. Expand the footprint of the Manly tidal pool;
2. Construct a deck around the outside of the pool; and
3. Include boat tie-up in conjunction with the pool structure.

DEFERMENT OF MATTER

Cr Grattan / Cr De Luca

That the matter be deferred to a Councillor briefing.

VOTING

FOR: Cr Grattan, Cr Bingham, Cr Heins, Cr De Luca, Cr Crvelin and Cr Regan

AGAINST: Cr Glanville, Cr Korzy, Cr Gencher, Cr Page, Cr Ryburn, Cr Robins, Cr Menano-

Pires and Cr Walton

ABSENT: Cr Sprott

THE PROCEDURAL MOTION WAS LOST AND DEBATE RESUMED ON THE MOTION

343/23 RESOLVED - MOTION BE PUT

Cr De Luca/ Menano-Pires

That the motion be now put.

VOTING

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

AGAINST: Cr Regan

ABSENT: Cr Sprott

CARRIED

Cr Bingham / Cr Heins

That, as part of planning for the renewal of the West Esplanade tidal pool, Council investigates grant opportunities, environmental feasibility and regulatory obligations to:

1. Expand the footprint of the Manly tidal pool;
2. Construct a deck around the outside of the pool; and
3. Include boat tie-up in conjunction with the pool structure.

VOTING

FOR: Cr Grattan, Cr Bingham and Cr Regan

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

ABSENT: Cr Sprott

LOST

15.3 NOTICE OF MOTION NO 31/2023 - TRAFFIC MATTERS**344/23 RESOLVED*****Cr Ryburn / Cr Menano-Pires***

That:

1. Relevant traffic changes are communicated to the applicable Ward Councillors in a timely manner before they are presented to the Traffic Committee.
2. A review is undertaken of the current approach to consultation, communication and implementation of matters that are presented to the Traffic Committee and opportunities for improvement.
3. A briefing is provided to Councillors on the findings of this review within four months.

VOTING

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

AGAINST: Nil

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING**345/23 RESOLVED*****Cr Menano-Pires / Cr De Luca***

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

AGAINST: Cr Ryburn and Cr Crvelin

ABSENT: Cr Sprott

CARRIED

15.4 NOTICE OF MOTION NO 32/2023 - MONA VALE ROAD WEST UPGRADE**346/23 RESOLVED*****Cr Page / Cr Crvelin***

That Council write to the Premier, the Minister for Roads, and the Member for Pittwater:

1. Noting Council's concerns following serious accidents on Mona Vale Road West (Baha'i Temple to Kimbriki Resource Recovery Centre).
2. Expressing Council's support for the \$340 million upgrade of Mona Vale Road West.
3. Calling on the State Government to fully fund the upgrade in the 2024/25 State Government Budget to be delivered in June 2024.

VOTING

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

AGAINST: Nil

ABSENT: Cr Sprott

CARRIED**18.0 CONFIDENTIAL MATTERS – CLOSED SESSION****347/23 RESOLVED*****Cr Robins / 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 18.1 RFT 2023/166 - Services for Graffiti Removal and Bus Shelter Cleaning 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 18.3 Notice of Motion No 30/2023 - Legal Action - Newport Surf Lifesaving Club on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege [10A(2)(g) *Local Government Act 1993*].

This item involves the receipt/discussion of advice concerning litigation in respect of a development application for Newport Surf Lifesaving Club in which Council is a party, and which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. Further, the advice concerns matters that meet the requirements of section 10B(2) of the Act. The public interest in preserving the confidentiality of the information outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would prejudice Council's position in the proceedings. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

2. The resolutions passed 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 Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Regan and Cr Walton

AGAINST: Nil

ABSENT: Cr Sprott

CARRIED

NOTE: The meeting moved into closed session at 10:56pm

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 2023/166 - SERVICES FOR GRAFFITI REMOVAL AND BUS SHELTER CLEANING

348/23 RESOLVED

Cr Robins / Cr Bingham

That:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, Council decline to accept any of the tenders received for RFT 2023/166 - Services for Graffiti Removal and Bus Shelter Cleaning.
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, Council enter into negotiations with Urban Maintenance Systems Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - A. The request for tender process was comprehensive and thorough;

- B. 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
 - C. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with Urban Maintenance Systems Pty Ltd are:
 - A. The tender from Urban Maintenance Systems Pty Ltd demonstrated that the entity has the capability to undertake the works; and
 - B. The tender from Urban Maintenance Systems Pty Ltd demonstrated a clear understanding of the key service risks and provided a sound methodology; and
 - C. The recent announcement of a change in ownership of Urban Maintenance Systems Pty. Ltd necessitates a review of the tender and clarification that the services can still be provided by Urban Maintenance Systems Pty Ltd in the manner outlined in their tender submission.
 5. Authority be delegated to the Chief Executive Officer to enter into negotiations with Urban Maintenance Systems Pty Ltd and, subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with Urban Maintenance Systems 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: Cr Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr De Luca, Cr Robins, Cr Menano-Pires and Cr Regan

AGAINST: Cr Glanville, Cr Page, Cr Crvelin and Cr Walton

ABSENT: Cr Ryburn and Cr Sprott

CARRIED

18.2 RFT 2023/163 - VEGETATION MAINTENANCE AND MINOR LANDSCAPE CONSTRUCTION PANEL

323/23RESOLVED

Cr Robins / Cr Grattan

That Council:

1. Accept the tenders from the entities listed below for RFT 2023/163 – Vegetation Maintenance and Minor Landscape Construction Panel, for the period 1 December 2023 to 30 November 2026 with two twelve-month options to extend the term subject to satisfactory performance for inclusion on Sub Panel 1 – Vegetation Maintenance and Sub Panel 2 – Minor Landscape Construction as follows:

Tenderer Name	Sub Panel 1	Sub Panel 2
Asplundh Tree Expert Australia Pty Ltd (Summit Open Space)	✓	
Dragonfly Environmental Pty Ltd	✓	

Image Property Detailing Pty Limited	✓	
Standby Forty-Six Pty Ltd	✓	
Luhrmann Environment Management Pty Ltd	✓	
The Organic Mechanics Grounds Maintenance Pty Ltd	✓	
Waratah Eco Works Pty Ltd	✓	
Marsupial Landscape Management Pty Limited	✓	✓
Green Options Pty Limited	✓	✓
HL Landscapes Pty Ltd	✓	✓
Landscape Productions Pty Ltd	✓	✓
State Civil Pty Ltd	✓	✓
Urban Growth Gardening Services Pty Ltd	✓	✓
Australia Pave Pty Ltd		✓
Danalig Pty Ltd		✓
I&B Maintenance Services Pty Ltd		✓
PC Landscapes		✓

2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to exercise Council's option to extend the master agreements for up to two additional twelve-month periods at Council's discretion.

RESOLVED BY EXCEPTION

Note: This is a copy of the resolution that was resolved by exception in open session in section 6.0-Items Resolved by Exception on page 8.

PROCEDURAL MOTION – RESUME IN OPEN SESSION

349/23 **RESOLVED**

Cr De Luca / Cr Grattan

That Council resume in open session.

VOTING

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

AGAINST: Nil

ABSENT: Cr Ryburn, Cr Sprott and Cr Crvelin

CARRIED

NOTE: The meeting resumed in open session at 11:26 pm

The meeting concluded at 11:27pm

This is the final page of the minutes comprising 27 pages numbered 1 to 27 of the Ordinary Council Meeting held on Tuesday 28 November 2023 and confirmed on Tuesday 19 December 2023

Mayor

Chief Executive Officer