



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 19 DECEMBER 2023

Minutes of an Ordinary Council Meeting

held on Tuesday 19 December 2023

at the Civic Centre, Dee Why

Commencing at 6:02pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)
Georgia Ryburn (Deputy Mayor)
Kristyn Glanville
Sarah Grattan – *joined the meeting at 6:04pm and left the meeting at 10:35pm*
Candy Bingham
Miranda Korzy
Michael Gencher
Karina Page
Vincent De Luca OAM
Stuart Sprott
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Michael Regan – *joined the meeting at 7:03pm and left the meeting at 10:54pm*
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
Ben Webb	Contractor - Project Manager Coast and Floodplain
Joseph Hill	Executive Manager Strategic & Place Planning
Jeremy Smith	Acting Executive Manager Parks & Recreation
Stephen Watson	Manager, Transport & Civil Infrastructure
Sarah Dunstan	Executive Manager Governance & Risk
Lesley Milbourne	Manager Governance
Mat Maish	Senior Advisor - Governance
Lauren Reti	Senior Advisor - Governance
Brendan Shaw	Service Delivery Analyst
Corinne Lieberman	Service Delivery Analyst

Notes

The meeting commenced at 6:02pm, adjourned at 8:06pm, resumed at 8:16pm, moved into closed session at 10:53pm, resumed in open session at 11:22pm and concluded at 11:40pm

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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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 NOVEMBER 2023

350/23 **RESOLVED**

Cr Crvelin / Cr Korzy

That the minutes of the Ordinary Council Meeting held on 28 November 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 Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

AGAINST: Nil

ABSENT: Cr Grattan and Cr Regan

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 Grattan joined the meeting at 6:04pm

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 15.1, Notice of Motion No 34/2023 - Prohibiting offshore petroleum exploration off the Northern Beaches, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I have volunteered with Save Our Coast who are campaigning against PEP-11."

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 8.1, Northern Beaches Council Discretionary Fund - Quarterly Report, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

"I am friends with one of the people who assisted with organising the Northern Beaches Domestic Violence Gala Dinner."

- Councillor Grattan declared, a significant non-pecuniary interest in relation to Item 16.1 Notice of Rescission No 4/2023 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.”

- Councillor Grattan declared a pecuniary interest in relation to Item 19.1 Outcome of Expression of Interest for Use of the Former Customer Contact Centre, Avalon Recreation Centre and left the meeting for the discussion and voting on the item. The reason provided was:

“My employer is a party to an expression of interest.”

- Councillor Ryburn declared, at the item, a not significant non-pecuniary interest in relation to Item 13.4 Response to Mayoral Minute No 18/2021 - Recognising Sporting Excellence on the Northern Beaches and remained in the meeting for the discussion and voting on the item. The reason provided was:

“I know four Northern Beaches residents who are Olympians and may apply if this resolution goes through.”

- Councillor Regan declared, at the item, a significant non-pecuniary interest in relation to Item 12.1 Outcome of Public Exhibition – Frenchs Forest Town Centre Contributions Plan and left the meeting for the discussion and voting on the item. The reason provided was:

“I received a letter which directly concerns this plan. I will leave the chamber for the discussion and voting on 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

NOTE: Councillor Glanville left the chamber at 6:07pm and returned at 6:08pm

NOTE: Councillor Ryburn left the chamber at 6:31pm and returned at 6:41pm

NOTE: Councillor Sprott left the chamber at 6:41pm and returned at 6:42pm

NOTE: Councillor Walton left the chamber at 6:44pm and returned at 6:47pm

5.1 PUBLIC FORUM

- Douglas Price addressed Council on the Seaforth Community Centre.

5.2 PUBLIC ADDRESS

Item 10.1 Outcome of Public Exhibition - Midget Farrelly Recognition Project

- Bruce Raymond addressed Council in support of this item.
- Gordon Lang addressed Council in support of this item.

- Jennifer Cullen addressed Council against this item.
- Conny Harris, on behalf of Garigal Landcare, addressed Council against this item.

Item 11.1 Wakehurst Parkway Flood Mitigation Project

- Mark Horton addressed Council against this item.
- Jayden Walsh addressed Council against this item.

Item 13.2 Outcome of Public Exhibition - Church Point Commuter Wharf Feasibility Study

- Bill Gye, on behalf of Scotland Island Residents Association, addressed Council in support of this item.
- Michael Wiener, on behalf of West Pittwater Community Association, addressed Council in support of this item.
- Stephen Todd addressed Council against this item.
- Donna Underwood, on behalf of Onshore Residents of Church Point, addressed Council against this item.

Item 15.1 Notice of Motion No 34/2023 - Prohibiting offshore petroleum exploration off the Northern Beaches

- Natasha Dean, on behalf of Save Our Coast, addressed Council in support of this item.

Item 15.2 Notice of Motion No 35/2023 - Sydney Water Land next to Manly Dam

- Malcolm Fisher, on behalf of Save Manly Dam Catchment Committee, addressed Council in support of this item.

Item 16.1 Notice of Recission No 4/2023 - Item 13.4 - Contract Extension via Alternative Procurement - Bus Shelter Advertising

- Terrance Le Roux addressed Council against this item.

6.0 ITEMS RESOLVED BY EXCEPTION**351/23 RESOLVED*****Cr Ryburn / Cr Grattan***

That

1. Items 8.1, 9.1, 9.2, 9.3, 9.4, 12.2, 14.1 and 19.2 are dealt with by exception with the recommendations being adopted.
2. The report for item 19.2 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 Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

AGAINST: Nil

ABSENT: Cr Regan

CARRIED

8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

352/23 RESOLVED

Cr Ryburn / Cr Grattan

That Council note payments totalling \$7,500 have been allocated from the Northern Beaches Council Discretionary Fund for the period 20 September 2023 to 14 December 2023.

RESOLVED BY EXCEPTION

9.1 CONFIRMED MINUTES OF SEPTEMBER AND OCTOBER AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS

353/23 RESOLVED

Cr Ryburn / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 12 September 2023 and 11 October 2023.

RESOLVED BY EXCEPTION

9.2 REVIEW AND REVOCATION OF VARIOUS POLICIES

354/23 RESOLVED

Cr Ryburn / Cr Grattan

That Council:

1. Revoke the following Council policies:
 - a. Access to Information Policy (Northern Beaches Council)
 - b. Amusement Devices Policy (former Pittwater Council)
 - c. Charity Clothing Bins Policy (former Warringah Council)

- d. Clothing Recycling Bins on Council Controlled Land Policy (former Pittwater Council)
- e. Circuses Policy (former Manly Council)
- f. Circuses Policy (former Pittwater Council)
- g. Filming on Council Managed Land Policy (former Warringah Council)
- h. Gifts and Benefits Policy (Northern Beaches Council)
- i. Helicopter Landings on Council Owned and Controlled Property Policy (former Pittwater Council)
- j. Helicopter Landings on Council Owned and Controlled Property Policy (former Warringah Council).

2. Adopt the Councillor Induction and Professional Development Policy.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - OCTOBER 2023

355/23 RESOLVED

Cr Ryburn / Cr Grattan

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

RESOLVED BY EXCEPTION

9.4 CODE OF CONDUCT COMPLAINT STATISTICS

356/23 RESOLVED

Cr Ryburn / Cr Grattan

That Council note the Code of Conduct complaint statistics about Councillors and the Chief Executive Officer for the period 1 September 2022 to 31 August 2023 in accordance with the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

RESOLVED BY EXCEPTION

12.2 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS AND STATE ENVIRONMENTAL PLANNING POLICIES

357/23 RESOLVED

Cr Ryburn / Cr Grattan

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

RESOLVED BY EXCEPTION

14.1 PUBLIC EXHIBITION - DRAFT GRANT PROGRAMS (FINANCIAL ASSISTANCE) POLICY

358/23 RESOLVED

Cr Ryburn / Cr Grattan

That the draft Grants Programs (Financial Assistance) Policy be placed on public exhibition for a minimum of 28 days with the outcome to be reported to Council.

RESOLVED BY EXCEPTION

19.2 ORGANISATION STRUCTURE

359/23 RESOLVED

Cr Ryburn / Cr Grattan

That:

1. Pursuant to section 332 of the *Local Government Act 1993*, Council endorse a five-divisional structure comprising of the following senior positions:
 - a. Chief Operating Officer
 - b. Director Community & Recreation
 - c. Director Environment & Open Space
 - d. Director Planning & Place
 - e. Director Transport & Infrastructure
2. Pursuant to section 337 of the *Local Government Act 1993*, the Chief Executive Officer commence the recruitment of a Chief Operating Officer and Director Transport & Infrastructure, being senior staff positions within Council's structure, and consult Council prior to any appointments being made.

RESOLVED BY EXCEPTION

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 OUTCOME OF PUBLIC EXHIBITION - MIDGET FARRELLY RECOGNITION PROJECT

NOTE: Councillor Regan joined the meeting at 7:03pm

Cr Menano-Pires / Cr Ryburn

That Council endorse the recommendation of the Midget Farrelly Recognition Committee to install a public artwork on Black Rock at Palm Beach.

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

That Council:

1. Support the recognition of Midget Farrelly, at Palm Beach, as the first World Surfing Champion.
2. Invite the Midget Farrelly Recognition Committee to present an alternative proposal for an artwork, not on Black Rock, including engagement with the local community.

DEFERMENT OF MATTER***Cr De Luca / Cr Korzy***

That the matter be deferred to the next available Council Meeting.

VOTING

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

AGAINST: Cr Grattan, Cr Bingham, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

LOST

THE PROCEDURAL MOTION WAS LOST AND DEBATE RESUMED ON THE AMENDMENT

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

That Council:

1. Support the recognition of Midget Farrelly, at Palm Beach, as the first World Surfing Champion.
2. Invite the Midget Farrelly Recognition Committee to present an alternative proposal for an artwork, not on Black Rock, including engagement with the local community.

360/23 RESOLVED - AMENDMENT BE PUT

Cr Ryburn

That the amendment be now put.

VOTING

FOR: Unanimous

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

That Council:

1. Support the recognition of Midget Farrelly, at Palm Beach, as the first World Surfing Champion.
2. Invite the Midget Farrelly Recognition Committee to present an alternative proposal for an

artwork, not on Black Rock, including engagement with the local community.

VOTING

FOR: Cr Glanville, Cr Korzy and Cr Regan

AGAINST: Cr Grattan, 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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

361/23 RESOLVED

Cr Menano-Pires / Cr Ryburn

That Council endorse the recommendation of the Midget Farrelly Recognition Committee to install a public artwork on Black Rock at Palm Beach.

VOTING

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

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

11.1 WAKEHURST PARKWAY FLOOD MITIGATION PROJECT

362/23 RESOLVED

Cr Regan / Cr Walton

That Council:

1. Note the investment in safety, traffic and flood improvements that has now been committed to Wakehurst Parkway.
2. Note that Transport for NSW has agreed to incorporate flood improvements and associated approvals at Oxford Falls on Wakehurst Parkway into its Wakehurst Parkway Improvements project, utilising \$7.108 million of Tranche 2 project funding.
3. Accept the Transport for NSW Tranche 2 funding offer of the remaining \$5.892 million subject to relevant approvals being granted, and ongoing funding support from the NSW Government.
4. Progress the detailed design, approvals and procurement for the Oxford Falls Road West flood improvement works, including community consultation.
5. Progress the alternative design at The Bends including concept designs, identification of likely environmental approvals and community consultation.
6. Progress the detailed design, approvals and procurement for the Sydney Academy of Sport flood improvement works.

7. Note that progress will depend on relevant approvals from government agencies, statutory approvals, and acceptable funding arrangements with Transport for NSW and the NSW Office of Local Government.
8. Staff provide quarterly updates to Councillors and the community on progress of the integrated Transport for NSW and Council packages of work.

VOTING

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

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS**12.1 OUTCOME OF PUBLIC EXHIBITION - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN**

NOTE: Councillor Page left the chamber at 7:57pm and returned at 8:00pm

NOTE: Councillor Regan left the chamber at 7:57pm due to a declared significant non-pecuniary interest in relation to this item

363/23 **RESOLVED**

Cr Sprott / Cr Menano-Pires

That Council:

1. Note the outcomes of the public exhibition of Chapter 3.3 of the Frenchs Forest Town Centre Contributions Plan insofar as it amends the methodology for indexation of land costs.
2. Adopt the Frenchs Forest Town Centre Contributions Plan 2023.

VOTING

FOR: Cr Glanville, Cr Grattan, 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 Korzy

ABSENT: Cr Regan

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

364/23 **RESOLVED**

Cr Robins / Cr Korzy

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

AGAINST: Cr Gencher and Cr Walton

ABSENT: Cr Regan

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 RESPONSE TO NOTICE OF MOTION NO 39/2022 - AVOIDANCE OF CHEMICAL USE WHICH CARRIES HARM TO THE ENVIRONMENT OR HUMAN HEALTH

NOTE: Councillor Regan returned to the chamber at 8:17pm

NOTE: Councillor Sprott left the chamber at 8:18pm and returned at 8:20pm

NOTE: Councillor Menano-Pires left the chamber at 8:18pm and returned at 8:19pm

NOTE: Councillor Crvelin left the chamber at 8:19pm and returned at 8:20pm

365/23 **RESOLVED**

Cr Glanville / Cr Korzy

That Council:

1. Note the progress taken towards the cessation of use of Second Generation Anticoagulant Rodenticides (SGARs) by Council, including in all future leases and licences.
2. Continue to take a best practice Integrated Pest Management approach to pests and conduct an annual review of chemical use.

VOTING

FOR: Unanimous

CARRIED

13.2 OUTCOME OF PUBLIC EXHIBITION - CHURCH POINT COMMUTER WHARF FEASIBILITY STUDY

NOTE: Councillor Regan left the chamber at 8:25pm and returned at 8:30pm

Cr Ryburn / Cr Heins

That Council:

1. Endorse the Church Point Commuter Wharf Feasibility Study (January 2023) as amended.
2. Develop a grant-based capital funding bid for the installation of an additional facility at Rostrevor Reserve in the short term (Option 2a).

3. Write to the NSW Minister for Transport seeking:
 - a. improvements to public transport options for off-shore residents in Pittwater; and
 - b. the relocation of swing moorings to permit the extension of the existing facility in the medium to long term.
4. Investigate opportunities to improve the management and operation of the existing facility in consultation with the community.

AMENDMENT

Cr Korzy / Cr Grattan

That Council:

1. Note the Church Point Commuter Wharf Feasibility Study (January 2023) as amended.
2. Explore opportunities identified within the study to improve the management and operation of the existing facility, in consultation with the community.
3. Endorse option 1b within the study as the preferred option and work with key stakeholders to progress this option.
4. Write to the NSW Minister for Transport seeking:
 - a. improvements to public transport options for off-shore residents in Pittwater; and
 - b. the relocation of swing moorings to permit the extension of the existing facility in the medium to long term.

VOTING

FOR: Cr Glanville, Cr Grattan and Cr Korzy

AGAINST: Cr Bingham, 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

LOST

THE AMENDMENT WAS LOST AND DEBATE COMMENCED ON THE FOLLOWING ADDITIONAL AMENDMENT

366/23 RESOLVED - AMENDMENT

Cr Gencher / Cr Page

That Council:

1. Endorse the Church Point Commuter Wharf Feasibility Study (January 2023) as amended.
2. Investigate opportunities to improve the management and operation of the existing facility in consultation with the community.
3. Meet with and appeal to the NSW Minister for Transport seeking:
 - a. improvements to public transport options for off-shore residents in Pittwater; and
 - b. the relocation of swing moorings to permit the extension of the existing facility as a medium to long-term solution.
4. Develop a grant-based capital funding bid for the installation of an additional temporary facility at Rostrevor Reserve in the short term (Option 2a).
5. Preserve the existing green space at Rostrevor Reserve.

VOTING

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

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

367/23 **RESOLVED**

Cr Gencher / Cr Page

That Council:

1. Endorse the Church Point Commuter Wharf Feasibility Study (January 2023) as amended.
2. Investigate opportunities to improve the management and operation of the existing facility in consultation with the community.
3. Meet with and appeal to the NSW Minister for Transport seeking:
 - a. improvements to public transport options for off-shore residents in Pittwater; and
 - b. the relocation of swing moorings to permit the extension of the existing facility as a medium to long-term solution.
4. Develop a grant-based capital funding bid for the installation of an additional temporary facility at Rostrevor Reserve in the short term (Option 2a).
5. Preserve the existing green space at Rostrevor Reserve.

VOTING

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

CARRIED

13.3 PUBLIC EXHIBITION - PROPOSED NAMES FOR FOUR COUNCIL ROADS

NOTE: Councillor De Luca left the chamber at 9:06pm and returned at 9:07pm

368/23 **RESOLVED**

Cr Grattan / Cr Ryburn

That:

1. Council publicly exhibit for a minimum of 28 days the proposed naming of the unnamed laneways as:

- a. Spotted Gum Lane, Avalon
 - b. Fig Tree Lane, Seaforth
 - c. Hibiscus Lane, Collaroy.
2. The outcomes of the public exhibition be reported to Council.
 3. Defer the consideration of re-naming of Walworth Court as Syncarpia Court, Newport until staff can provide a briefing note to Council on the origins of the naming of Walworth Court.

VOTING**FOR:** Unanimous**CARRIED****13.4 RESPONSE TO MAYORAL MINUTE NO 18/2021 - RECOGNISING SPORTING EXCELLENCE ON THE NORTHERN BEACHES**369/23 **RESOLVED****Cr Regan / Cr Ryburn**

That Council:

1. Endorse a change to the criteria for recognition on the Manly Pathway of Olympians and Paralympians so that residents of the Northern Beaches local government area who have been selected to represent Australia at an Olympic or Paralympic Games since 2016 are eligible for recognition on the Manly Pathway of Olympians and Paralympians provided they have been a resident of the Northern Beaches for more than five years prior to representation.
2. Endorse the establishment of an online Northern Beaches Sporting Honour Roll to recognise Northern Beaches residents selected to represent Australian in sport as outlined in this report.

VOTING**FOR:** Cr Glanville, Cr Grattan, Cr Bingham, 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:** Cr Korzy**CARRIED****13.5 PUBLIC EXHIBITION - DRAFT PLAN OF MANAGEMENT FOR LOT 2 DP 827733, 316 HUDSON PARADE CLAREVILLE***NOTE: Councillor Regan left the chamber at 9:23pm**NOTE: Councillor Walton left the chamber at 9:24pm*370/23 **RESOLVED**

Cr Korzy / Cr Heins

That the draft Plan of Management for Lot 2 DP 827733, 316 Hudson Parade, Clareville be placed on public exhibition for a minimum of 42 days with the outcome reported back 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 and Cr Menano-Pires

AGAINST: Nil

ABSENT: Cr Regan and Cr Walton

CARRIED**15.0 NOTICES OF MOTION****15.1 NOTICE OF MOTION NO 34/2023 - PROHIBITING OFFSHORE PETROLEUM EXPLORATION OFF THE NORTHERN BEACHES**

NOTE: Councillor Sprott left the chamber at 9:29pm and returned at 9:33pm

NOTE: Councillor Regan returned to the chamber at 9:33pm, left the chamber at 9:38pm and returned at 9:41pm

NOTE: Councillor Walton returned to the chamber at 9:33pm

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

Cr Glanville / Cr Bingham

That Council:

1. Oppose the decision of the NSW Legislative Assembly Committee on Environment and Planning to recommend against the proposed Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023 which proposes to amend legislation to prohibit mining and development of offshore oil, gas, and mineral resources in NSW.
2. Call upon the NSW Government to work with the cross bench to prohibit new development consents, permits and licences relating to seabed petroleum or mineral exploration off the coast of the Northern Beaches.
3. Write to the NSW Minister for Environment, NSW Opposition Leader, Federal Environment Minister, Federal Resources Minister, and NSW Greens Spokesperson for Healthy Oceans outlining Council's opposition to offshore gas infrastructure being built within the Northern Beaches local government area or adjacent coastal waters.

AMENDMENT**Cr De Luca / Cr Gencher**

That Council:

1. Re-affirms its opposition to Offshore Petroleum Exploration and in particular exploration in the PEP-11 area, and calls upon the Minns State Government, NSW Legislative Assembly and Legislative Council to prohibit offshore mining and development of offshore oil, gas and

mineral resources in areas offshore from the Northern Beaches local government area.

2. Note past Resolutions of Northern Beaches Council regarding this matter, which has occasioned significant concern in the community.
3. Request the Chief Executive Officer to furnish a report to the March 2024 Council meeting of the benefits and negatives of the Bills moved by Mr Rory Amon MP and The Hon Cate Faehrmann MLC, and any other relevant matters and make recommendations accordingly.
4. Oppose the decision of the NSW Legislative Assembly Committee on Environment and Planning to recommend against the proposed Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023 (the Bill) which proposes to amend legislation to prohibit mining and development of offshore oil, gas, and mineral resources in NSW.
5. Congratulate the Member for Pittwater for introducing the Bill to Parliament.
6. Note that:
 - a. the position of the Committee was not unanimous.
 - b. the relevant Committee Inquiry and advice from legal experts made recommendations as to how the Bill could be amended to reduce legal risks.
 - c. the Bill will be debated by the Legislative Assembly at 2.30pm on 13 March 2024, pursuant to a resolution of the Legislative Assembly made on 22 November 2023.
7. Call upon the NSW Government to work with the cross bench to:
 - a. Incorporate recommendations made by the Committee Inquiry referred to at 6b. above into the Bill,
 - b. Otherwise do all things to prohibit new development consents, permits and licences relating to seabed petroleum or mineral exploration off the coast of the Northern Beaches.
8. Write to the below members of parliament reaffirming its opposition to Offshore Petroleum Exploration and in particular exploration in the PEP-11 area, and call upon the NSW Legislative Assembly and Legislative Council and House of Representatives and Senate to prohibit offshore mining and development of offshore oil, gas and mineral resources in areas offshore from the Northern Beaches local government area and provide as part of that correspondence all past Resolutions of this Council on the matter:

Premier of NSW, The Hon Chris Minns MP; NSW Leader of the Opposition, The Hon Mark Speakman SC MP; NSW Minister for the Environment The Hon Penny Sharpe MLC; NSW Shadow Minister for the Environment, Ms Kellie Sloane MP; leaders of the crossbench parties and independent members of the NSW Parliament; the Federal Minister for the Environment, The Hon Tanya Plibersek MP and the Federal Shadow Minister for the Environment, Senator the Hon Jonathon Duniam.

VOTING

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

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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION**371/23 RESOLVED*****Cr Glanville / Cr Bingham***

That Council:

1. Oppose the decision of the NSW Legislative Assembly Committee on Environment and Planning to recommend against the proposed Minerals Legislation Amendment (Offshore Drilling and Associated Infrastructure Prohibition) Bill 2023 which proposes to amend legislation to prohibit mining and development of offshore oil, gas, and mineral resources in NSW.
2. Call upon the NSW Government to work with the crossbench to prohibit new development consents, permits and licences relating to seabed petroleum or mineral exploration off the coast of the Northern Beaches.
3. Write to the NSW Minister for Environment, NSW Opposition Leader, Federal Environment Minister, Federal Resources Minister, and NSW Greens Spokesperson for Healthy Oceans, outlining Council's opposition to offshore gas infrastructure being built within the Northern Beaches local government area or adjacent coastal waters.

VOTING**FOR:** Unanimous**CARRIED****15.2 NOTICE OF MOTION NO 35/2023 - SYDNEY WATER LAND NEXT TO MANLY DAM*****Cr Glanville / Cr Menano-Pires***

That Council:

1. Note that the community has waited since 2016 for the inclusion of Sydney Water Lot 1 DP 710023 into Manly Warringah War Memorial State Park (commonly known as Manly Dam).
2. Write to the Hon Rose Jackson MLC, Minister for Water, requesting her intervention to have the allotment incorporated into Manly Dam.
3. Write to Roch Cheroux, Managing Director Sydney Water, requesting that the allotment be incorporated into Manly Dam.
4. Request the Minister for Water and Managing Director Sydney Water meet the Mayor and Council's officers to facilitate incorporating the allotment into Manly Dam at the earliest opportunity.

AMENDMENT***Cr Sprott / Cr Crvelin***

That Council:

1. Acknowledge the commitment made by the previous government to restore and return this land to the Manly Dam War Memorial Park once the Northern Beaches tunnel project is completed.

2. Maintain its support for the construction of the Northern Beaches tunnel and recognise the importance of maintaining this area of land for the construction phase of the tunnel
3. Write to the Premier and Leader of the Opposition and the four local state members of parliament asking what commitment they will make regarding transport and infrastructure on the Northern Beaches, in view of the proposals by the current government, to increase development and whether Sydney Water Lot 1 DP 710023 will be required for transport and/or infrastructure in the future.
4. Write to the members for Davidson, Manly, Pittwater and Wakehurst asking what plans and actions they have undertaken to ensure appropriate transport and infrastructure on the Northern Beaches.
5. Defer the Notice of Motion to the February 2024 Council meeting pending the receipt of responses from the Premier, Leader of the Opposition and all four local members of parliament regarding the land that is the subject of this notice of motion.

372/23 RESOLVED - AMENDMENT BE PUT***Cr Ryburn***

That the amendment 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 Sprott, Cr Crvelin, Cr Robins and Cr Walton

AGAINST: Cr Menano-Pires and Cr Regan

CARRIED**AMENDMENT*****Cr Sprott / Cr Crvelin***

That Council:

1. Acknowledge the commitment made by the previous government to restore and return this land to the Manly Dam War Memorial Park once the Northern Beaches tunnel project is completed.
2. Maintain its support for the construction of the Northern Beaches tunnel and recognise the importance of maintaining this area of land for the construction phase of the tunnel
3. Write to the Premier and Leader of the Opposition and the four local state members of parliament asking what commitment they will make regarding transport and infrastructure on the Northern Beaches, in view of the proposals by the current Government, to increase development and whether Sydney Water Lot 1 DP 710023 will be required for transport and/or infrastructure in the future.
4. Write to the State members for Davidson, Manly, Pittwater and Wakehurst asking what plans and actions they have undertaken to ensure appropriate transport and infrastructure on the Northern Beaches.
5. Defer the Notice of Motion to the February 2024 Council meeting pending the receipt of responses from the Premier, Leader of the Opposition and all four local members of parliament regarding the land that is the subject of this notice of motion.

VOTING

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

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

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

373/23 RESOLVED

Cr Glanville / Cr Menano-Pires

That Council:

1. Note that the community has waited since 2016 for the inclusion of Sydney Water Lot 1 DP 710023 into Manly Warringah War Memorial State Park (commonly known as Manly Dam).
2. Write to the Hon Rose Jackson MLC, Minister for Water, requesting her intervention to have the allotment incorporated into Manly Dam.
3. Write to Roch Cheroux, Managing Director Sydney Water, requesting that the allotment be incorporated into Manly Dam.
4. Request the Minister for Water and Managing Director Sydney Water meet the Mayor and Council's officers to facilitate incorporating the allotment into Manly Dam at the earliest opportunity.

VOTING

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

AGAINST: Cr De Luca, Cr Sprott and Cr Crvelin

CARRIED

15.3 NOTICE OF MOTION NO 36/2023 - VALE LYNETTE ILLINGSWORTH

NOTE: Councillor Sprott left the chamber at 10:16pm

NOTE: Councillor Ryburn left the chamber at 10:16pm and returned at 10:18pm

NOTE: Councillor Robins left the chamber at 10:18pm and returned at 10:22pm

Cr Korzy / Cr Glanville

That Council:

1. Acknowledge the enormous contribution made by the late Lynette Illingsworth.
2. Send condolences to the family of the late Lynette Illingsworth and the bushcare community of which she was a part.
3. Engage with the family of the late Lynette Illingsworth to explore an appropriate tribute that recognises her long-standing contribution to our local environment and community.

AMENDMENT***Cr Menano-Pires / Cr Regan***

That Council:

1. Acknowledge the enormous contribution made by the late Lynette Illingsworth.
2. Send condolences to the family of the late Lynette Illingsworth and the bushcare community of which she was a part.
3. Engage with the family of the late Lynette Illingsworth to explore an appropriate tribute, in accordance with Council's relevant policies, that recognises her long-standing contribution to our local environment and community.

VOTING

FOR: Cr Gencher, Cr Menano-Pires and Cr Regan

AGAINST: Cr Glanville, Cr Grattan, Cr Bingham, Cr Korzy, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Crvelin, Cr Robins and Cr Walton

ABSENT: Cr Sprott

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

374/23 RESOLVED***Cr Korzy / Cr Glanville***

That Council:

1. Acknowledge the enormous contribution made by the late Lynette Illingsworth.
2. Send condolences to the family of the late Lynette Illingsworth and the bushcare community of which she was a part.
3. Engage with the family of the late Lynette Illingsworth to explore an appropriate tribute that recognises her long-standing contribution to our local environment and community.

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 Regan and Cr Walton

AGAINST: Cr Menano-Pires

ABSENT: Cr Sprott

CARRIED**PROCEDURAL MOTION - EXTENSION OF MEETING****375/23 RESOLVED*****Cr De Luca / Cr Page***

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 and Cr Walton

AGAINST: Cr Ryburn, Cr Crvelin and Cr Regan

ABSENT: Cr Sprott

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY

NOTE: Councillor Gencher left the chamber at 10:30pm and returned at 10:31pm

NOTE: Councillor Bingham left the chamber at 10:31pm

NOTE: Councillor Sprott returned to the chamber at 10:31pm

376/23 RESOLVED***Cr De Luca / Cr Page***

That as a matter of urgency Council consider a motion in relation to development plans in Pittwater.

VOTING

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

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

ABSENT: Cr Bingham

CARRIED

16.0 NOTICES OF RESCISSION**16.1 NOTICE OF RESCISSION NO 4/2023 - ITEM 13.4 - CONTRACT EXTENSION VIA ALTERNATIVE PROCUREMENT - BUS SHELTER ADVERTISING**

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

NOTE: Councillor Grattan left the meeting at 10:35pm due to a declare significant non-pecuniary interest in relation to this item

NOTE: Councillor Page left the chamber at 10:40pm and returned at 10:41pm

377/23 RESOLVED***Cr De Luca / Cr Crvelin***

That Council rescind resolution 334/23 – Item 13.4 - Contract Extension via Alternative

Procurement - Bus Shelter Advertising, being:

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

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

ABSENT: Cr Grattan

CARRIED

19.0 CONFIDENTIAL MATTERS – CLOSED SESSION

378/23 **RESOLVED**

Cr Bingham / Cr Page

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 Outcome of Expression of Interest for Use of the Former Customer Contact Centre, Avalon Recreation 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 the operations of not for profit organisations. 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 disclose commercial in confidence information.
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 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

NOTE: The meeting moved into closed session at 10:53pm

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

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

19.1 OUTCOME OF EXPRESSION OF INTEREST FOR USE OF THE FORMER CUSTOMER CONTACT CENTRE, AVALON RECREATION CENTRE

379/23 **RESOLVED**

Cr Gencher / Cr Robins

That Council call for expressions of interest (EOI) to facilitate a community purpose / use in the space vacated by the Customer Contact Centre. The EOI will call for a community purpose for use of the space. Following extensive and comprehensive promotion - the EOI will be open for a period of no less than 60 days – the commencement date being 15 January 2024.

VOTING

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

AGAINST: Cr Korzy

ABSENT: Cr Grattan, Cr Sprott, Cr Regan and Cr Walton

CARRIED

19.2 ORGANISATION STRUCTURE

359/23 **RESOLVED**

Cr Ryburn / Cr Grattan

That:

1. Pursuant to section 332 of the *Local Government Act 1993*, Council endorse a five-divisional structure comprising of the following senior positions:
 - a. Chief Operating Officer
 - b. Director Community & Recreation
 - c. Director Environment & Open Space
 - d. Director Planning & Place
 - e. Director Transport & Infrastructure
2. Pursuant to section 337 of the *Local Government Act 1993*, the Chief Executive Officer commence the recruitment of a Chief Operating Officer and Director Transport & Infrastructure, being senior staff positions within Council's structure, and consult Council prior

to any appointments being made.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION – RESUME IN OPEN SESSION

NOTE: Councillor Sprott returned to the chamber at 11:21pm

380/23 **RESOLVED**

Cr Ryburn / Cr De Luca

That Council resume in open session.

VOTING

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

AGAINST: Nil

ABSENT: Cr Grattan, Cr Regan and Cr Walton

CARRIED

NOTE: The meeting resumed in open session at 11:22pm

PROCEDURAL MOTION - MATTER OF URGENCY

NOTE: Councillor Walton returned to the chamber at 11:23pm

381/23 **RESOLVED**

Cr De Luca / Cr Page

That this Council write to the Premier of NSW and Minister for Planning advising Council's concern with the proposed planning changes, particularly in view of the lack of infrastructure and request an urgent meeting with the Premier, Minister for Planning, the Mayor and a councillor from each ward as well as an extension of time for submissions for Council and the community.

VOTING

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 and Cr Walton

AGAINST: Nil

ABSENT: Cr Grattan and Cr Regan

CARRIED

The meeting concluded at 11:40pm

This is the final page of the minutes comprising 28 pages numbered 1 to 28 of the Ordinary Council Meeting held on Tuesday 19 December 2023 and confirmed on Tuesday 27 February 2024

Mayor

Chief Executive Officer