



northern  
beaches  
council

# **MINUTES**

## **NORTHERN BEACHES COUNCIL**

held at the Civic Centre, Dee Why on

**TUESDAY 27 FEBRUARY 2024**

## Minutes of the Northern Beaches Council

held on Tuesday 27 February 2024

at the Civic Centre, Dee Why

Commencing at 6:01pm

### ATTENDANCE:

#### Councillors

Sue Heins (Mayor)  
Georgia Ryburn (Deputy Mayor)  
Kristyn Glanville – *joined the meeting at 6:07pm*  
Sarah Grattan  
Candy Bingham  
Miranda Korzy  
Michael Gencher  
Karina Page  
Vincent De Luca OAM  
Stuart Sprott  
Bianca Crvelin (remote)  
Ruth Robins  
Jose Menano-Pires  
David Walton

#### Officers

Scott Phillips	Chief Executive Officer
Mark Jones	Acting Director Corporate & Legal
	Acting Director Workforce & Technology
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment & Sustainability
Louise Kerr	Director Planning & Place
Campbell Pfeiffer	Acting Director Transport & Assets
Sarah Dunstan	Executive Manager Governance & Risk
Caroline Foley	Executive Manager Financial Planning & Systems
David Walsh	Chief Financial Officer
Michael McDermid	Acting Executive Manager Strategy & Performance
Joseph Hill	Executive Manager Strategic & Place Planning
Jeremy Smith	Acting Executive Manager Parks & Recreation
Yianni Mentis	Executive Manager Environment & Climate Change
Andrew Ward-Harvey	Executive Manager Waste Management & Cleansing
Kristie Debney	Acting Executive Manager Property
Lesley Milbourne	Manager Governance
Lauren Reti	Senior Advisor – Governance
Mat Maish	Senior Advisor – Governance
Gavin Mascarenhas	Service Desk Analyst
Max Alexander	Service Delivery Analyst

#### Notes

*The meeting commenced at 6:01pm, adjourned at 8:23pm, resumed at 8:34pm, moved into closed session at 10:29pm, resumed in open session at 11:35pm and concluded at 11:37pm*

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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

001/24 **RESOLVED**

***Cr Walton / Cr Robins***

That Council accept the application for a leave of absence from Councillor Regan for the February Council meeting.

#### VOTING

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

**AGAINST:** Cr Korzy and Cr Sprott

**ABSENT:** Cr Glanville

**CARRIED**

### PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

002/24 **RESOLVED**

***Cr Ryburn / Cr Page***

That in accordance with clause 6.26 of the Code of Meeting Practice, Councillor Crvelin be granted remote attendance to the February ordinary Council meeting.

#### 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:** Nil

**ABSENT:** Cr Glanville

**CARRIED**

## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF NORTHERN BEACHES COUNCIL HELD ON 19 DECEMBER 2023

003/24 **RESOLVED**

***Cr Robins / Cr Korzy***

That the minutes of the Northern Beaches Council held on 19 December 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 Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Glanville

**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 arrived at 6:07pm*

- Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 18.2 RFT 2021/130 - Manly Life Saving Club & Associated Community Facilities Design Consultancy Services - Update and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“Associate member of the Manly Life Saving Club.”*

- Councillor Menano-Pires declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“Jointly own property in the area that may or may not be affected.”*

- Councillor Menano-Pires declared a significant non-pecuniary interest in relation to Item 13.2, Public Exhibition - Naming Proposal for Jean Hay AM and will leave the meeting for the discussion and voting on the item. The reason provided was:

*“Long term political working relationship with both Mrs Hay OAM and her husband The Hon David Hay, prevents me for having an impartial view on this issue.”*

- Councillor Korzy declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“I am the joint executor of a family member’s will and the estate includes a unit, which I’m likely to jointly inherit, in an R2 zone within a retirement village. Given the small footprint of the unit, it couldn’t be redeveloped on its own and the village has more than 100 owners, making it unlikely. Further, this motion does not directly involve a decision about zonings or controls. I therefore do not consider that I have a conflict of interest in this issue.”*

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“The Council’s submission to the Department of Planning does not change any zoning of my property and we have no intentions of developing our family home. Any decisions to develop*

*my employer's land would be taken by the Board. As such, any interest/influence I may have is remote and not significant."*

- Councillor Walton declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"I have properties that may be affected by the planned changes by the NSW government, there may be a perception of a conflict of interest. NSW Government is the decision makers of these changes."*
- Councillor Walton declared a not significant non-pecuniary interest in relation to Item 13.2, Public Exhibition - Naming Proposal for Jean Hay AM and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"Known Jean Hay for a significant period of time"*
- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"Have properties in the LGA outside of town centres but may be impacted by the change of the planning laws."*
- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 13.2, Public Exhibition - Naming Proposal for Jean Hay AM and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"Know Jean Hay and have known her for some time."*
- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"In relation to this item, I disclose for transparency sake that I am jointly an owner occupier of a property which would potentially be subject to development uplift if this policy were to be adopted by the State Government."*
- Councillor Page declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"Property in the LGA."*
- Councillor Crvelin declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:  
  
*"I do not reside within one of the town centres areas for the proposal but my parents do. I am not a decision maker on that property."*
- Councillor Crvelin declared a not significant non-pecuniary interest in relation to Item 13.2, Public Exhibition - Naming Proposal for Jean Hay AM and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*"I know Jean Hay and have known her for a number of years"*

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*"Land owner or direct beneficiary of properties in the LGA both in and outside of town centres."*

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 13.2, Public Exhibition - Naming Proposal for Jean Hay AM and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*"I have known Jean Hay AM for many years."*

- Mayor Heins declared a not significant non-pecuniary interest in relation to Item 12.1, Submission to State Government - Changes to Create Low and Mid-Rise Housing and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*"My home is in an R2 zone and could be affected if the State proposal introduces changes."*

## **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 Crvelin left the meeting at 6:24pm and returned at 6:34pm*

### **5.1 PUBLIC FORUM**

- Annie Beaulieu addressed Council on the incorporation of blue/green infrastructure to reduce stormwater impact on the environment/ocean.
- Benjamin Kioko, on behalf of GLAM Plus, addressed Council on the funding of queer youth group on the Northern Beaches, GLAM Plus.
- Merryn Baker addressed Council on housing density on the Northern Beaches (via a statement read by Council staff).
- Sean Moran, on behalf of Fusion Pride Northern Beaches, addressed Council on seeking Council's continued support for GLAM+ and assistance in finding a new tender.

### **5.2 PUBLIC ADDRESS**

#### **Item 12.1 Submission to State Government – Changes to Create Low and Mid-Rise Housing**

- Anna Monticelli addressed Council in support of this item.
- Rory Amon MP addressed Council against this item (via a statement read by Council staff).

#### **Item 15.1 Notice of Motion No 1/2024 – Underwater Photography Award for Excellence**

- Judith Lambert addressed Council in support of this item.

#### **Item 15.2 Notice of Motion No 2/2024 – Innovation Regarding Dog Defecation Bags**



- Penelope Philpott addressed Council against this item.

## **6.0 ITEMS RESOLVED BY EXCEPTION**

004/24 **RESOLVED**

**Cr Ryburn / Cr Grattan** RECOMMENDATION

That

1. Items 9.3, 9.4, 9.5, 11.1, 11.2, 13.1, 18.1 and 18.3 are dealt with by exception with the recommendations being adopted.
2. The reports for items 18.1 and 18.3 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

## **9.3 REVIEW AND REVOCATION OF VARIOUS POLICIES**

005/24 **RESOLVED**

**Cr Ryburn / Cr Grattan**

That Council:

1. Revoke the following policies:
  - a. Fitness Group and Personal Training Policy
  - b. Hire Boats Operations – Beaches and Reserves Policy
  - c. Open Air Cinema Events on Council Controlled Land Policy
  - d. Open Air Concerts Policy
  - e. Reserves – Exclusive Use for Private Functions Policy
  - f. Reserves, Beaches and Headlands Booking Policy.
2. Adopt the Waste Minimisation for Functions and Events Policy.

**RESOLVED BY EXCEPTION**

## **9.4 MONTHLY INVESTMENT REPORT - NOVEMBER 2023**

006/24 **RESOLVED**

**Cr Ryburn / Cr Grattan**

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

**RESOLVED BY EXCEPTION**

**9.5 MONTHLY INVESTMENT REPORT - DECEMBER 2023**

007/24 RESOLVED

***Cr Ryburn / Cr Grattan***

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

**RESOLVED BY EXCEPTION**

**11.1 CONFIRMED MINUTES OF THE ENVIRONMENT STRATEGIC REFERENCE GROUP MEETING - 6 SEPTEMBER 2023**

008/24 RESOLVED

***Cr Ryburn / Cr Grattan***

That Council note the minutes of the Environment Strategic Reference Group meeting held on 6 September 2023.

**RESOLVED BY EXCEPTION**

**11.2 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 6 JUNE 2023 AND 6 SEPTEMBER 2023**

009/24 RESOLVED

***Cr Ryburn / Cr Grattan***

That Council note the minutes of the Northern Beaches Bush Fire Management Committee Meetings held on 6 June 2023 and 6 September 2023.

**RESOLVED BY EXCEPTION**

**13.1 OUTCOME OF PUBLIC EXHIBITION - PROPOSED NAMING OF THE GRANDSTAND AT WELDON OVAL THE LOUDON MARSTON GRANDSTAND**

010/24 RESOLVED

***Cr Ryburn / Cr Grattan***

That Council:

1. Adopt the proposal to name the grandstand at Weldon Oval, John Fisher Park the Loudon Marston Grandstand.
2. In consultation with the Loudon and Marston families, the Warringah Cricket Club, the Manly Bombers Junior AFL Club, and the Manly Warringah Wolves AFL Club install signage at the grandstand.

**RESOLVED BY EXCEPTION**

**18.1 RFT 2023/174 - PROVISION OF CO-LOCATION OF DATA CENTRE SERVICES**011/24 **RESOLVED****Cr Ryburn / Cr Grattan**

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2023/174 – Co-Location Data Centre
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter into negotiations with NEXTDC 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. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation and discussion to determine the most relevant contract to utilise.
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 NEXTDC Ltd are:
  - a. The tender from NEXTDC Ltd demonstrated that the entity has the capability to undertake the works.
  - b. The tender from NEXTDC Ltd demonstrated a clear understanding of the key project risks and provided a sound methodology.
  - c. The tender from NEXTDC Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
  - d. The tender from NEXTDC Ltd offered the best value for money.
5. That Council delegate authority to the Chief Executive Officer to enter into negotiations with NEXTDC Ltd, and subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with NEXTDC Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION****18.3 ALTERNATIVE PROCUREMENT - SPECIALIST MARINE MAINTENANCE SERVICES**012/24 **RESOLVED****Cr Ryburn / Cr Grattan**

That Council:

1. Enter into a contract with Rachel and Carl Fallon Pty Ltd (trading as Sea Dragon Protective Enclosures) for Specialist Marine Maintenance Services for a period of up to 5 years.
2. Resolve pursuant to section 55 (3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the contract referred to in 1 because of extenuating circumstances by reason of:
  - a. Rachel and Carl Fallon Pty Ltd (trading as Sea Dragon Protective Enclosures) is the only contractor in Sydney that specialises in the maintenance of tidal pools including the supply and installation of sea-nets suitable for tidal pools.
  - b. Engagement of a specialist contractor is critical for Council to manage its environmental risks and ensure professional net maintenance and preservation of numerous

threatened species of fish and seagrass around the pools.

- c. Rachel and Carl Fallon Pty Ltd has been providing services for Northern Beaches Council since amalgamation and has an excellent track record for performance and innovation.
3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of all necessary documentation.

**RESOLVED BY EXCEPTION**

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 1/2024 - COST SHIFTING ONTO LOCAL GOVERNMENT

*NOTE: Councillor Glanville left the chamber at 6:54pm and returned at 6:56pm*

013/24 **RESOLVED**

**Cr Heins**

That Council:

1. Receive and note the findings of Local Government NSW's report, 'Cost Shifting 2023: How State Costs Eat Council Rates'.
2. Place a copy of the cost shifting report on Council's website so that our community can access it.
3. Write to the Premier, the NSW Treasurer and the NSW Minister for Local Government requesting that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 7.2 MAYORAL MINUTE NO 2/2024 - ACKNOWLEDGEMENT OF AUSTRALIA DAY HONOURS RECIPIENTS

014/24 **RESOLVED**

**Cr Heins**

That Council:

1. Acknowledge the Northern Beaches recipients of the 2024 Australia Day Honours.
2. Write to congratulate them on their recognition and thank them for their contribution to our community.

#### VOTING

**FOR:** Unanimous

**CARRIED**

**7.3 MAYORAL MINUTE NO 3/2024 - AFFORDABLE HOUSING**

*NOTE: Councillor Page left the chamber at 7:22pm and returned at 7:23pm*

**Cr Heins**

That Council write to the Hon Chris Minns MP, Premier of NSW; the Hon Paul Scully MP, Minister for Planning and Public Spaces; the Leader of the Opposition, the Hon Mark Speakman MP; and the NSW State Greens and Independent Members of Parliament, calling on the NSW Government to:

1. Provide a meaningful quantity of affordable housing on former or surplus government land at Frenchs Forest.
2. Address the affordable housing shortage on the Northern Beaches that is more than what we currently have allocated.

**015/24 RESOLVED - MOTION BE PUT**

**Cr Menano-Pires**

That the motion be now put.

**VOTING**

**FOR:** Cr Glanville, Cr Grattan, Cr Bingham, Cr Heins, Cr Ryburn, Cr Robins, Cr Menano-Pires and Cr Walton

**AGAINST:** Cr Korzy, Cr Gencher, Cr Page, Cr De Luca, Cr Sprott and Cr Crvelin

**CARRIED**

**016/24 RESOLVED**

**Cr Heins**

That Council write to the Hon Chris Minns MP, Premier of NSW; the Hon Paul Scully MP, Minister for Planning and Public Spaces; the Leader of the Opposition, the Hon Mark Speakman MP; and the leaders of the cross bench parties and Independent Members of Parliament, calling on the NSW Government to:

1. Provide a meaningful quantity of affordable housing on former or surplus government land at Frenchs Forest.
2. Address the affordable housing shortage on the Northern Beaches that is more than what we currently have allocated.
3. Introduce new legislation to ensure affordable housing is always used for its intended purpose and properly regulated by and monitored by a state regulatory body.

**VOTING**

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

**AGAINST:** Cr Gencher, Cr Page, Cr Sprott and Cr Crvelin

**CARRIED**

## 7.4 MAYORAL MINUTE NO 4/2024 - VALE MARTIN MCCALLUM

017/24 RESOLVED

**Cr Heins**

That Council:

1. Acknowledge the wonderful contribution made by the late Martin McCallum.
2. Send its condolences to the family of the late Martin McCallum, the Palm Beach Whale Beach Association and the Barrenjoey Alliance for Arts and Culture.
3. Work with the family of the late Martin McCallum, the Palm Beach Whale Beach Association and the Barrenjoey Alliance for Arts and Culture to find a fitting tribute that recognises his long-standing contribution to our community.

### VOTING

**FOR:** Unanimous

**CARRIED**

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

*NOTE: Councillor Grattan left the chamber at 7:39pm*

018/24 RESOLVED

**Cr De Luca / Cr Page**

That the order of business be changed so items 12.1 be brought forward and dealt with immediately.

### 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

**CARRIED**

## 12.0 PLANNING AND PLACE DIVISION REPORTS

### 12.1 SUBMISSION TO STATE GOVERNMENT - CHANGES TO CREATE LOW AND MID-RISE HOUSING

*NOTE: Councillor Grattan returned to the chamber at 7:49pm*

019/24 RESOLVED

**Cr Korzy / Cr Page**

That Council:

1. Write to the NSW Government calling on the Government to abandon the low and mid-rise housing reforms as outlined in the Department of Planning and Environment 'Explanation of

Intended Effect: Changes to Create Low and Mid-rise Housing' noting that Northern Beaches Council has the capacity to plan for future growth as outlined in our adopted Local Housing Strategy and is best placed to make planning decisions that affect the community due to our knowledge of our unique, fragile natural environment and infrastructure constraints.

2. Endorse the alternate submission as circulated to councillors on 27 February 2024 and tabled, retaining reference to Mona Vale Road and Beaches Link Tunnel, and forward it to the Department of Planning, Housing and Infrastructure.
3. Forward the endorsed submission to the Legislative Council Parliamentary Inquiry into the development of the Transport Oriented Development Program.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION - ADJOURN THE MEETING**

020/24 **RESOLVED**

**Cr Robins / Cr Page**

That in accordance with clause 19.1 of the Code of Meeting Practice the meeting be adjourned for 10 minutes.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION - 1 MOTION OF URGENCY**

*NOTE: Councillor Crvelin left the meeting at 8:37pm*

021/24 **RESOLVED**

**Cr Glanville / Cr Korzy**

That as a matter of urgency Council consider a motion in relation to sediment impacts on Manly Dam.

**VOTING**

**FOR:** Cr Glanville and Cr Korzy

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

**ABSENT:** Cr Crvelin

**LOST**

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

### 9.1 SUBMISSION TO IPART - NSW GOVERNMENT'S DRAFT TERMS OF REFERENCE FOR NSW COUNCIL FINANCIAL MODEL REVIEW

*NOTE: Councillor Crvelin returned to the meeting at 8:40pm*

022/24 **RESOLVED**

***Cr Grattan / Cr Bingham***

That Council endorse the submission to IPART on the NSW Government's 'Draft Terms of Reference for review of the council financial model in NSW', with the inclusion of the following two additional measures:

1. Investigate the legitimacy and how cost shifting from other levels of government to local government impacts financial sustainability and the consideration of funding mechanisms to take account of these cost transfers.
2. Given natural disasters and extreme weather events are becoming more intense and frequent, consider how climate change impacts financial sustainability, including the adequacy of infrastructure, coastal erosion risks, clean-up costs along with the need to fund mitigation and adaptation actions and what funding mechanisms may be available to deal with these additional costs.

#### **VOTING**

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

**AGAINST:** Cr Gencher, Cr Page, Cr De Luca, Cr Sprott and Cr Crvelin

***CARRIED***

### 9.2 PUBLIC EXHIBITION - DRAFT CODE OF MEETING PRACTICE

023/24 **RESOLVED**

***Cr Ryburn / Cr Robins***

That the matter be deferred to a councillor briefing.

#### **VOTING**

**FOR:** Unanimous

***CARRIED***

### 9.6 QUARTERLY REVIEW - DECEMBER 2023

024/24 **RESOLVED**

***Cr Glanville / Cr Grattan***

That Council:



1. Note the Quarterly Report on Service Performance for the period ended December 2023.
2. Note the December 2023 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the December 2023 Quarterly Budget Review Statement, including:
  - a. a decrease in the forecast surplus from continuing operations, which includes capital grants and contributions, of \$8.014 million to \$32.016 million.
  - b. a decrease in Capital Expenditure of \$24.188 million to \$88.528 million.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended December 2023.
5. Due to the long lead time associated with the supply of plant and fleet, approve capital expenditure of \$3.0 million from the anticipated 2024/25 budget allocation to enable orders to be placed prior to 1 July 2024.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**9.7 USE OF DELEGATED AUTHORITY BY THE MAYOR OVER CHRISTMAS AND NEW YEAR RECESS 2023-24**

025/24 **RESOLVED**

**Cr Sprott / Cr Page**

That Council note the report.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**13.0 TRANSPORT AND ASSETS DIVISION REPORTS**

**13.2 PUBLIC EXHIBITION - NAMING PROPOSAL FOR JEAN HAY AM**

*NOTE: Councillor Menano-Pires left the chamber at 9:01pm due to a declared significant non-pecuniary interest on this item*

026/24 **RESOLVED**

**Cr Page / Cr Ryburn**

That Council place the proposal to name a lookout at Fairlight (as identified in the location map attached to this report) the Jean Hay Lookout in honour of former Mayor of Manly, Jean Hay AM, on public exhibition for a minimum of 28 days and report the outcome of the public exhibition 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 Walton

**AGAINST:** Nil

**ABSENT:** Cr Menano-Pires

**CARRIED**

**15.0 NOTICES OF MOTION**

**15.1 NOTICE OF MOTION NO 1/2024 - UNDERWATER PHOTOGRAPHY AWARD FOR EXCELLENCE**

*NOTE: Councillor Menano-Pires returned to the chamber at 9:10pm*

027/24 **RESOLVED**

***Cr Bingham / Cr Glanville***

That Council:

1. Name the major prize in Council's annual Underwater Photographic Competition as 'The Valerie Taylor Underwater Photography Award For Excellence'.
2. Create a sustainable perpetual trophy for the above award, funded from the existing Ocean Festival budget.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**15.2 NOTICE OF MOTION NO 2/2024 - INNOVATION REGARDING DOG DEFECATION BAGS**

028/24 **RESOLVED**

***Cr De Luca / Cr Menano-Pires***

That Council:

1. Note:
  - a. The advice of the Manager of Waste and Cleansing Services that each year Northern Beaches Council budgets \$100,000 to assist dog owners by providing Dog Defecation Bags at certain parks and reserves.
  - b. At parks that Council has authorised for off-leash dog walking under Part 3 of the *Companion Animals Act 1998*, Clause 20(2) requires local authorities to provide waste receptacles designed for the purpose of disposal of dog faeces at places that are commonly used for dog exercise, however the Act does not require local authorities to provide bags for the same purpose.
  - c. Council provides for a network of 96 bag dispensers located in various off-leash dog parks and tracks and there are additional costs of labour in installing and replacing

bags.

- d. Council does not distinguish between litterbins in off-leash dog parks and other public areas as most bins provided in dog parks and trails are for general use and not specifically for dog faeces, however Council's annual budget for maintaining and servicing the litterbins network on the Northern Beaches is approximately \$3.85 million which equates to approximately \$3,850 per bin, per location, including disposal costs.
- e. Currently, there are no automatic vending machine type products that offer dog waste bags for purchase in Australia.

2. Resolve to:

- a. Acknowledge these facilities provided to dog owners presently to help them but more are needed, however substantial costs are prohibitive.
- b. Request Council's Chief Executive Officer to ensure that staff liaise with Innovation NSW, Global Australia, relevant Universities as well as invite expressions of interest from the public to ascertain whether any organisation can develop and introduce paid vending machines for dog defecation bags and the costs, noting the number of grants on offer for such innovation projects by Investment NSW, GrantsAssist, Innovate NSW and others.
- c. Request that the Chief Executive Officer report back to Council within 6 months as to the outcome of Council's activities in (2b) above.

**VOTING**

**FOR:** Cr Glanville, Cr Gencher, Cr Page, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Menano-Pires

**AGAINST:** Cr Grattan, Cr Bingham, Cr Korzy, Cr Heins, Cr Ryburn, Cr Robins and Cr Walton

***There being an equal number of votes the Mayor used her casting vote against the motion which was declared LOST.***

**15.3 NOTICE OF MOTION NO 3/2024 - REVIEW OF CONDITION OF PITTWATER ROCK POOLS**

*NOTE: Councillor Sprott left the chamber at 9:38pm and returned at 9:43pm*

*NOTE: Councillor Page left the chamber at 9:45pm and returned at 9:46pm*

*NOTE: Councillor Glanville left the chamber at 9:46pm and returned at 9:47pm*

*NOTE: Councillor Robins left the chamber at 9:46pm and returned at 9:47pm*

*NOTE: Councillor Ryburn left the chamber at 10:12pm and returned at 10:13pm*

***Cr Korzy / Cr Glanville***

That Councillors be provided with a briefing within 3 months on:

- 1. The condition of each rockpool within the Pittwater and Narrabeen Wards, north of Narrabeen lagoon.

2. The cleaning and maintenance regime: reporting on frequency of all aspects of cleaning, including removal of sand, seaweed, testing and results of water condition, variations from scheduled days and time for cleaning, equipment used and repairs carried out - both small and significant.
3. Options for improving condition and cleanliness of rockpools, particularly over the summer months.

## **AMENDMENT**

### ***Cr Gencher / Cr De Luca***

That Councillors be provided with a preliminary briefing on costs, scope and timing of the following:

1. An overall condition report of each rockpool across the Northern Beaches Council local government area.
2. The cleaning and maintenance regime: reporting on frequency of all aspects of cleaning, including chemicals utilised, removal of sand, seaweed, testing and results of water condition, variations from scheduled days and time for cleaning, equipment used, and repairs carried out - both small and significant.
3. Options for improving condition and cleanliness of rockpools, particularly over the summer months.
4. Evaluation of the safety measures implemented at each rockpool, including signage, lifeguard presence (if applicable), and accessibility features such as access, handrails, and ramps.
5. Assessment of the ecological impact of current cleaning and maintenance practices on the surrounding marine environment, including any potential harm to marine life or disruption of ecosystems.
6. Examination of the budget allocated for rockpool maintenance and any potential constraints or limitations that may affect the effectiveness of current cleaning and maintenance efforts.
7. Investigation into community engagement and feedback mechanisms regarding rockpool conditions, including opportunities for public input and involvement in decision-making processes.
8. Analysis of historical trends and data related to rockpool usage, visitor demographics, and any patterns or issues observed over time.
9. Exploration of innovative or alternative approaches to rockpool maintenance and improvement, such as eco-friendly cleaning methods, community-led initiatives, or partnerships with local organisations or businesses.
10. Consideration of broader implications, such as the integration of rockpool management into broader coastal conservation and management strategies, to ensure long-term sustainability and resilience of these assets.

### **029/24 RESOLVED - AMENDMENT BE PUT**

#### ***Cr Sprott / Cr Korzy***

That the amendment be now put.

## **VOTING**

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

**AGAINST:** Cr Glanville and Cr Korzy

**ABSENT:** Cr Ryburn

## **CARRIED**

030/24 **RESOLVED - AMENDMENT**

**Cr Gencher / Cr De Luca**

That Councillors be provided with a preliminary briefing on costs, scope and timing of the following:

1. An overall condition report of each rockpool across the Northern Beaches Council local government area.
2. The cleaning and maintenance regime: reporting on frequency of all aspects of cleaning, including chemicals utilised, removal of sand, seaweed, testing and results of water condition, variations from scheduled days and time for cleaning, equipment used, and repairs carried out - both small and significant.
3. Options for improving condition and cleanliness of rockpools, particularly over the summer months.
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5. Assessment of the ecological impact of current cleaning and maintenance practices on the surrounding marine environment, including any potential harm to marine life or disruption of ecosystems.
6. Examination of the budget allocated for rockpool maintenance and any potential constraints or limitations that may affect the effectiveness of current cleaning and maintenance efforts.
7. Investigation into community engagement and feedback mechanisms regarding rockpool conditions, including opportunities for public input and involvement in decision-making processes.
8. Analysis of historical trends and data related to rockpool usage, visitor demographics, and any patterns or issues observed over time.
9. Exploration of innovative or alternative approaches to rockpool maintenance and improvement, such as eco-friendly cleaning methods, community-led initiatives, or partnerships with local organisations or businesses.
10. Consideration of broader implications, such as the integration of rockpool management into broader coastal conservation and management strategies, to ensure long-term sustainability and resilience of these assets.

**VOTING**

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

**AGAINST:** Cr Glanville, Cr Grattan, Cr Bingham, Cr Korzy and Cr Robins

**CARRIED**

***THE AMENDMENT WAS CARRIED AND BECAME THE MOTION***

031/24 **RESOLVED - MOTION**

**Cr Gencher / Cr De Luca**

That Councillors be provided with a preliminary briefing on costs, scope and timing of the following:

1. An overall condition report of each rockpools across the Northern Beaches Council local government area.
2. The cleaning and maintenance regime: reporting on frequency of all aspects of cleaning, including chemicals utilised, removal of sand, seaweed, testing and results of water condition, variations from scheduled days and time for cleaning, equipment used, and repairs

carried out - both small and significant.

3. Options for improving condition and cleanliness of rockpools, particularly over the summer months.
4. Evaluation of the safety measures implemented at each rockpool, including signage, lifeguard presence (if applicable), and accessibility features such as access, handrails, and ramps.
5. Assessment of the ecological impact of current cleaning and maintenance practices on the surrounding marine environment, including any potential harm to marine life or disruption of ecosystems.
6. Examination of the budget allocated for rockpool maintenance and any potential constraints or limitations that may affect the effectiveness of current cleaning and maintenance efforts.
7. Investigation into community engagement and feedback mechanisms regarding rockpool conditions, including opportunities for public input and involvement in decision-making processes.
8. Analysis of historical trends and data related to rockpool usage, visitor demographics, and any patterns or issues observed over time.
9. Exploration of innovative or alternative approaches to rockpool maintenance and improvement, such as eco-friendly cleaning methods, community-led initiatives, or partnerships with local organisations or businesses.
10. Consideration of broader implications, such as the integration of rockpool management into broader coastal conservation and management strategies, to ensure long-term sustainability and resilience of these assets.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## **16.0 QUESTIONS WITH NOTICE**

### **16.1 QUESTION WITH NOTICE NO 2/2024 - BALGOWLAH GOLF CLUB LEASE**

*NOTE: In accordance with clause 4.19 of the Code of Meeting practice the Acting Director Transport & Assets provided a verbal answer to the question at item 16.1*

## **17.0 RESPONSES TO QUESTIONS**

### **17.1 RESPONSE TO QUESTION WITH NOTICE NO 11/2023 - HOP SKIP & JUMP SERVICE COSTS**

*NOTE: Councillor Menano-Pires asked questions in relation to this item*

## **18.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

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

032/24 **RESOLVED**

**Cr Sprott / Cr Robins**

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 18.2 RFT 2021/130 - Manly Life Saving Club & Associated Community Facilities Design Consultancy Services - Update 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 passed 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:** Cr Glanville, Cr Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr Ryburn, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Page

**CARRIED**

*NOTE: The meeting moved into closed session at 10:29pm*

**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 2023/174 - PROVISION OF CO-LOCATION OF DATA CENTRE SERVICES**

011/24**RESOLVED**

**Cr Ryburn / Cr Grattan**

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2023/174 – Co-Location Data Centre
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter into negotiations with NEXTDC 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. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation and discussion to determine the most relevant contract to utilise.
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 NEXTDC Ltd are:
  - a. The tender from NEXTDC Ltd demonstrated that the entity has the capability to undertake the works.
  - b. The tender from NEXTDC Ltd demonstrated a clear understanding of the key project risks and provided a sound methodology.
  - c. The tender from NEXTDC Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.
  - d. The tender from NEXTDC Ltd offered the best value for money.
5. That Council delegate authority to the Chief Executive Officer to enter into negotiations with NEXTDC Ltd, and subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with NEXTDC Ltd in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**

**PROCEDURAL MOTION - EXTENSION OF MEETING**

*NOTE: Councillor Page returned to the chamber at 10:32pm*

001/24 **RESOLVED**

**Cr Heins / 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 Grattan, Cr Bingham, Cr Gencher, Cr Page, Cr Heins, Cr De Luca, Cr Menano-Pires and Cr Walton

**AGAINST:** Cr Glanville, Cr Korzy, Cr Ryburn, Cr Sprott, Cr Crvelin and Cr Robins

**CARRIED**

**18.2 RFT 2021/130 - MANLY LIFE SAVING CLUB & ASSOCIATED COMMUNITY FACILITIES DESIGN CONSULTANCY SERVICES - UPDATE**

035/24 **RESOLVED - MOTION**

**Cr Menano-Pires / Cr Bingham**

That Council:

1. Subject to federal funding remaining available, delegate authority to the Chief Executive Officer to:
  - a. exercise phase 4 of Contract RFT 2021/130 Design Consultancy Services for Manly



Life Saving Club & Associated Community Facilities, after assessment of any potential price escalation or funding risks

- b. 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 from the August 2022 Ordinary Council report.
2. Write to the federal member for Warringah and relevant ministers requesting an extension to the federal grant and any response be reported to Council.
3. Subject to Item 1, approve engagement of Terroir Pty Ltd for phase 4 of Contract RFT 2021/130 Design Consultancy Services for Manly Life Saving Club & Associated Community Facilities. Totaling \$414,000 excluding GST for phase 4 – DA documentation & approval
4. Note the financial risks of this project as documented in the report.
5. Note that the cost for the full project scope is not confirmed and that construction cannot commence until all funding has been secured.

**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

**CARRIED**

**18.3 ALTERNATIVE PROCUREMENT - SPECIALIST MARINE MAINTENANCE SERVICES**

012/24**RESOLVED**

**Cr Ryburn / Cr Grattan**

That Council:

1. Enter into a contract with Rachel and Carl Fallon Pty Ltd (trading as Sea Dragon Protective Enclosures) for Specialist Marine Maintenance Services for a period of up to 5 years.
2. Resolve pursuant to section 55 (3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the contract referred to in 1 because of extenuating circumstances by reason of:
  - a. Rachel and Carl Fallon Pty Ltd (trading as Sea Dragon Protective Enclosures) is the only contractor in Sydney that specialises in the maintenance of tidal pools including the supply and installation of sea-nets suitable for tidal pools.
  - b. Engagement of a specialist contractor is critical for Council to manage its environmental risks and ensure professional net maintenance and preservation of numerous threatened species of fish and seagrass around the pools.
  - c. Rachel and Carl Fallon Pty Ltd has been providing services for Northern Beaches Council since amalgamation and has an excellent track record for performance and innovation.
3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of all necessary documentation.

**RESOLVED BY EXCEPTION**

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

036/24 **RESOLVED**

**Cr Heins / Cr De Luca**

That Council resume in open session.

**VOTING**

**FOR:** Unanimous

**CARRIED**

*NOTE: The meeting resumed in open session at 11:37pm*

*The meeting concluded at 11:37pm*

This is the final page of the minutes comprising 26 pages numbered 1 to 26 of the Northern Beaches Council held on Tuesday 27 February 2024 and confirmed on Tuesday 26 March 2024

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer