



northern  
beaches  
council

# **MINUTES**

## **NORTHERN BEACHES COUNCIL**

held at the Civic Centre, Dee Why on

**TUESDAY 26 MARCH 2024**

## Minutes of the Northern Beaches Council

held on Tuesday 26 March 2024

at the Civic Centre, Dee Why

Commencing at 6:01pm

### ATTENDANCE:

#### Councillors

Sue Heins (Mayor)  
Georgia Ryburn (Deputy Mayor)  
Kristyn Glanville – *left the meeting at 8:37pm*  
Sarah Grattan – *left the meeting at 10:20pm*  
Candy Bingham  
Miranda Korzy  
Michael Gencher  
Karina Page  
Vincent De Luca OAM  
Stuart Sprott  
Bianca Crvelin - *joined the meeting at 6:05pm*  
Ruth Robins  
Jose Menano-Pires - *joined the meeting at 6:05pm*  
Michael Regan – *joined the meeting at 6:40pm*  
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
Kylie Walshe	Executive Manager Community, Arts & Culture
Andrew Ward-Harvey	Executive Manager Waste Manage & Cleansing
Jeremy Smith	Acting Executive Manager Parks & Recreation
Caroline Foley	Executive Manager Financial Planning & Systems
Yianni Mentis	Executive Manager Environment & Climate Change
Nikki Griffith	Manager Place & Economic Development
Azmeena Kelly	Executive Manager Environmental Compliance
Sarah Dunstan	Executive Manager Governance & Risk
Lesley Milbourne	Manager Governance
Lauren Reti	Senior Advisor – Governance
Mat Maish	Senior Advisor – Governance
Rorie Brooks	Service Desk Analyst
Dane Hennessy	Service Delivery Analyst

#### Notes

*The meeting commenced at 6:01pm, adjourned at 8:13pm, resumed at 8:25pm, moved into closed session at 10:48pm, resumed in open session at 10:51pm and concluded at 11:29pm*

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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 NORTHERN BEACHES COUNCIL HELD 27 ON FEBRUARY 2024

037/24 RESOLVED

#### ***Cr Robins / Cr Bingham***

That the minutes of the Northern Beaches Council held on 27 February 2024, 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 Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Page, Cr Heins, Cr Ryburn, Cr De Luca, Cr Sprott, Cr Robins and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Crvelin, Cr Menano-Pires 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.*

- Councillor Robins declared a not significant non-pecuniary interest in relation to Item 12.1, Response to Notice of Motion No 18/2022 – Local Village and Neighbourhood Place Framework, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

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

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 10.1, Outcome of Public Exhibition - Gambling Harm Minimisation Policy, and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*“I consulted with the Wesley Mission as part of my research on gambling harm. I am also a member of the Harbord Diggers, which is a registered club with gaming machines.”*

- Councillor Crvelin declared a not significant non-pecuniary interest in relation to Item 8.2, Northern Beaches Council Discretionary Fund – Quarterly Report, and will leave the meeting for the discussion and voting on the item. The reason provided was:

*“The Council Discretionary Fund was used to fund a Croatian language school for the community”*

## **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 joined the meeting at 6:05pm*

*NOTE: Councillor Menano-Pires joined the meeting at 6:05pm*

### **5.1 PUBLIC FORUM**

- Martin Cullen addressed Council on environmentalism.
- Douglas Price addressed Council on R2 zoning for the Northern Beaches.

### **5.2 PUBLIC ADDRESS**

#### **Item 7.1 Mayoral Minute No 5/2024 - Special Entertainment Precincts**

- Samuel Wilkins addressed Council in support of this item (via a statement read by Council staff).
- Mike Beresford-Jones, on behalf of Brookiefest Precinct, addressed Council in support of this item (via a statement read by Council staff).

#### **Item 13.1 Public Exhibition - Draft North Narrabeen Reserve Plan of Management**

- Bryce Ellis addressed Council in support of this item.
- Austen Shephard, on behalf of Northern Sydney and Beaches Hockey Association, addressed Council in support of this item.
- Jacob Hall addressed Council against this item.

#### **Item 15.3 Notice of Motion No 6/2024 - Ticketless Parking System**

- Mark Horton addressed Council in support of this item.

#### **Item 15.5 Notice of Motion No 8/2024 - Graffiti Taskforce/Working Group**

- Mark Horton addressed Council in support of this item.

#### **Item 15.8 Notice of Motion No 11/2024 - E-bikes**

- Patrick Daley addressed Council in support of this item.

## 6.0 ITEMS RESOLVED BY EXCEPTION

*NOTE: Councillor Regan joined the meeting at 6:40pm*

*NOTE: Councillor Gencher left the chamber at 6:43pm and returned at 6:44pm*

*NOTE: In accordance with Clause 11.3 of the Code of Meeting Practice, Councillor Page withdrew her Notice of Motion No 10/2024 – Beauty Drive, Whale Beach*

*NOTE: Councillor Crvelin disclosed a non-significant non-pecuniary interest in item 8.2 and left the chamber for the vote*

### 038/24 RESOLVED

#### ***Cr Ryburn / Cr Regan***

That items 8.2, 9.1, 9.2, 10.2, 12.2, 12.3, 12.4 and 13.2 are dealt with by exception with the recommendations being adopted.

#### **VOTING**

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

**AGAINST:** Nil

**ABSENT:** Cr Crvelin

**CARRIED**

## 8.2 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND - QUARTERLY REPORT

### 039/24 RESOLVED

#### ***Cr Ryburn / Cr Regan***

That Council note payments totalling \$5,443 have been allocated from the Northern Beaches Council Discretionary fund for the period 15 December 2023 to 20 March 2024.

**RESOLVED BY EXCEPTION**

## 9.1 MONTHLY INVESTMENT REPORT - JANUARY 2024

### 040/24 RESOLVED

#### ***Cr Ryburn / Cr Regan***

That Council note the Investment Report as at 31 January 2024, including the certification by the Responsible Accounting Officer.

**RESOLVED BY EXCEPTION**

## 9.2 REVIEW AND REVOCATION OF VARIOUS POLICIES

041/24 RESOLVED

**Cr Ryburn / Cr Regan**

That Council:

1. Revoke the Public Collections/Appeals Policy.
2. Adopt the Enterprise Risk and Opportunity Management Policy.
3. Adopt the Fraud and Corruption Control Policy.

**RESOLVED BY EXCEPTION**

## 10.2 CONFIRMED MINUTES OF COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD ON 16 NOVEMBER 2023

042/24 RESOLVED

**Cr Ryburn / Cr Regan**

That Council note the minutes of the Community Safety Advisory Committee meeting held on 16 November 2023.

**RESOLVED BY EXCEPTION**

## 12.2 FIRE & RESCUE NSW - INSPECTION REPORT - 145 OLD PITTWATER ROAD BROOKVALE

043/24 RESOLVED

**Cr Ryburn / Cr Regan**

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address the fire safety deficiencies at 145 Old Pittwater Road, Brookvale.
2. Provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**



**12.3 FIRE & RESCUE NSW - INSPECTION REPORT - 49 FRENCHS FOREST ROAD (EAST) FRENCHS FOREST**

044/24 **RESOLVED**

**Cr Ryburn / Cr Regan**

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address fire safety deficiencies at 49 Frenchs Forest (East) Frenchs Forest.
2. Provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

**12.4 FIRE & RESCUE NSW - INSPECTION REPORTS - 48-52 SYDNEY ROAD, MANLY**

045/24 **RESOLVED**

**Cr Ryburn / Cr Regan**

That Council:

1. Exercise its powers under the *Environmental Planning and Assessment Act 1979* and issue a Notice of Intention to give a Development Control Order (Fire Safety Order No.1) to address fire safety deficiencies at 48-52 Sydney Road, Manly.
2. Provide notice to Fire & Rescue NSW of this determination.

**RESOLVED BY EXCEPTION**

**13.2 PUBLIC EXHIBITION - DRAFT DISPLAY OF BANNERS AND PROMOTIONS ON COUNCIL FACILITIES POLICY**

046/24 **RESOLVED**

**Cr Ryburn / Cr Regan**

That Council place the draft Display of Banners and Promotions on Council Facilities Policy on public exhibition for a minimum of 28 days and the outcome of the public exhibition be reported to Council.

**RESOLVED BY EXCEPTION**

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 5/2024 - SPECIAL ENTERTAINMENT PRECINCTS

047/24 RESOLVED

**Cr Heins**

That:

1. Council submit an Expression of Interest to the Office of the 24-Hour Economy Commissioner for the establishment of Special Entertainment Precincts within the Northern Beaches.
2. A councillor briefing be held within 2 months where further information on Special Entertainment Precincts is provided, including the merits or otherwise of establishing these precincts on the Northern Beaches, and the outcome of discussions with the Office of the NSW 24-Hour Economy Commissioner and Inner West Council.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 7.2 MAYORAL MINUTE NO 6/2024 - SUBMISSIONS TO THE INQUIRIES INTO THE FINANCIAL SUSTAINABILITY OF LOCAL GOVERNMENT

048/24 RESOLVED

**Cr Heins**

That:

1. A submission to the inquiry by the NSW Parliament's Legislative Council Standing Committee on State Development into the ability of local government to fund infrastructure and services be prepared by Council staff and circulated to Councillors via memorandum for feedback prior to lodgement.
2. A submission to the inquiry by the Parliament of Australia's House of Representatives Standing Committee on Regional Development, Infrastructure and Transport into local government sustainability be prepared by Council staff and presented to the April 2024 Ordinary Council Meeting.

#### VOTING

**FOR:** Unanimous

**CARRIED**

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 8.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2024 - MOTION ON FINANCIAL ASSISTANCE GRANT

049/24 **RESOLVED**

***Cr Page / Cr Ryburn***

That Council submit the following motion to the Australian Local Government Association for consideration at the 2024 National General Assembly of Local Government:

This National General Assembly calls on the Australian Government to:

1. Restore funding of the Financial Assistance Grant program to at least 1% of Commonwealth taxation revenue.
2. Review the annual indexation methodology for Financial Assistance Grant to reflect all cost drivers for councils including significant issues such as cost shifting and climate change.
3. Reset the payment cycle in the Commonwealth's budget to deliver a full year's Financial Assistance Grant in each year, with an additional one-off payment to address the practice of bringing forward the payments.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

### 10.1 OUTCOME OF PUBLIC EXHIBITION - GAMBLING HARM MINIMISATION POLICY

*NOTE: Councillor Sprott left the chamber at 7:24pm and returned at 7:27pm*

*NOTE: Councillor Page left the chamber at 7:38pm and returned at 7:39pm*

*NOTE: Councillor Ryburn left the chamber at 7:39pm and returned at 7:42pm*

#### ***Cr Grattan / Cr Bingham***

That Council:

1. Adopt the Gambling Harm Minimisation Policy.
2. Host a roundtable discussion to be delivered by a third party, with local public health and gambling harm-related stakeholders and invite members of the local community.
3. When renewing or entering new leases and licences on Council-owned or managed land, the Chief Executive Officer use best endeavours to negotiate terms which would minimise or eliminate direct gambling advertising viewable from the public domain.

#### **050/24 RESOLVED - MOTION DEALT WITH IN SERIATIM**

#### ***Cr De Luca / Cr Glanville***

That item 10.1 be dealt with in seriatim.

#### **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:** Cr Regan

#### ***CARRIED***

#### **051/24 RESOLVED - MOTION BE PUT**

#### ***Cr Sprott***

That the motion be now put.

#### **VOTING**

**FOR:** Unanimous

#### ***CARRIED***

#### **052/24 RESOLVED**

#### ***Cr Grattan / Cr Bingham***

That Council:

1. Adopt the Gambling Harm Minimisation Policy.

#### **VOTING**

**FOR:** Unanimous

#### ***CARRIED***

053/24 **RESOLVED**

***Cr Grattan / Cr Bingham***

2. Host a roundtable discussion to be delivered by a third party, with local public health and gambling harm-related stakeholders and invite members of the local community.

**VOTING**

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

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

**CARRIED**

054/24 **RESOLVED**

***Cr Grattan / Cr Bingham***

3. When renewing or entering new leases and licences on Council-owned or managed land, the Chief Executive Officer use best endeavours to negotiate terms which would minimise or eliminate direct gambling advertising viewable from the public domain.

**VOTING**

**FOR:** Cr Glanville, Cr Grattan, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr Sprott, Cr Robins and Cr Regan

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

**CARRIED**

**PROCEDURAL MOTION - ADJOURN THE MEETING**

055/24 **RESOLVED**

***Cr Sprott / Cr Crvelin***

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

**VOTING**

**FOR:** Unanimous

**CARRIED**

**NOTE:** *The meeting was adjourned at 8:13pm and resumed at 8:25pm*

## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

### 11.1 OUTCOME OF PUBLIC EXHIBITION - DRAFT WASTE AND CIRCULAR ECONOMY STRATEGY

056/24 RESOLVED

**Cr Korzy / Cr Ryburn**

That Council adopt the Northern Beaches Waste and Circular Economy Strategy 2040.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 11.2 RESPONSE TO NOTICE OF MOTION NO 26/2023 - RETURN AND EARN SCHEME

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

057/24 RESOLVED

**Cr Crvelin / Cr Page**

That Council note the response to Notice of Motion No 26/2023 – Return and Earn Scheme.

#### 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, Cr Regan and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Glanville

**CARRIED**

**11.3 NSW BEACHWATCH PROGRAM**058/24 **RESOLVED****Cr Page / Cr Ryburn**

That Council:

1. Respond to the NSW Department of Climate Change, Energy, the Environment and Water advising that:
  - a. Council supports the continuation of the NSW Beachwatch Program.
  - b. Council strenuously objects to the decision to shift the cost of the Beachwatch Program to Sydney councils and on that basis will not be signing up as a partner.
2. Support the Sydney Coastal Councils Group in its advocacy on this matter.
3. Write to the Minister for Climate Change, Energy and the Environment, the Minister for Water, the shadow ministers for those portfolios, as well as all leaders of the crossbench in the Legislative Council conveying Council's concerns as to the decision to shift the cost of the NSW Beachwatch Program to Sydney councils and that this matter also be referred to the state and federal parliamentary inquiries examining the ability of local government to fund infrastructure and services.

**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, Cr Regan and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Glanville

**CARRIED****12.0 PLANNING AND PLACE DIVISION REPORTS****12.1 RESPONSE TO NOTICE OF MOTION NO 18/2022 - LOCAL VILLAGE AND NEIGHBOURHOOD PLACE PLAN FRAMEWORK**059/24 **RESOLVED****Cr Robins / Cr Ryburn**

That Council:

1. Endorse the Community Placemaking Toolkit.
2. Promote the toolkit to the community and business groups.

**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, Cr Regan and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Glanville

**CARRIED**

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

### 13.1 PUBLIC EXHIBITION - DRAFT NORTH NARRABEEN RESERVE PLAN OF MANAGEMENT

*NOTE: Councillor Sprott left the chamber at 9:17pm and returned at 9:19pm*

060/24 **RESOLVED**

***Cr Robins / Cr Crvelin***

That Council place the draft North Narrabeen Reserve Plan of Management on public exhibition for a minimum of 42 days and the outcomes of public exhibition be reported to Council.

#### **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, Cr Regan and Cr Walton

**AGAINST:** Nil

**ABSENT:** Cr Glanville

***CARRIED***

#### **PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**

***Cr Heins / Cr Regan***

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

#### **VOTING**

**FOR:** Cr Grattan, Cr Heins and Cr Regan

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

**ABSENT:** Cr Glanville

***LOST***



## 15.0 NOTICES OF MOTION

### 15.1 NOTICE OF MOTION NO 4/2024 - PUBLIC MEETINGS REGARDING STATE GOVERNMENT PLANNING PROPOSALS

*NOTE: Councillor Ryburn left the chamber at 9:32pm and returned at 9:34pm*

#### ***Cr De Luca / Cr Page***

That Council:

1. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
2. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.
3. Advertise these meetings through media releases, Council's online newsletter, email database, contacting registered community groups and placing posters at all community centres and libraries.
4. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.
5. Write to all Leaders of Parties in the NSW Legislative Council requesting they take action to establish an inquiry into the State Government's proposals and also write to all local State MPs asking them to make representations likewise.

#### **AMENDMENT**

#### ***Cr Korzy***

That Council:

1. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
2. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.
3. Advertise these meetings through media releases, Council's online newsletter, email database, contacting registered community groups and placing posters at all community centres and libraries.
4. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.

#### ***THE AMENDMENT LAPSED FOR WANT OF A SECONDER AND DEBATE RESUMED ON THE ORIGINAL MOTION***

#### ***Cr De Luca / Cr Page***

That Council:

1. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
2. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.

3. Advertise these meetings through media releases, Council's online newsletter, email database, contacting registered community groups and placing posters at all community centres and libraries.
4. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.
5. Write to all Leaders of Parties in the NSW Legislative Council requesting they take action to establish an inquiry into the State Government's proposals and also write to all local State MPs asking them to make representations likewise.

#### **MOTION BE PUT**

##### ***Cr Sprott***

That the motion be now put.

#### **VOTING**

**FOR:** Cr Bingham, Cr Gencher, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Walton

**AGAINST:** Cr Grattan, Cr Korzy, Cr Page, Cr Heins, Cr Ryburn, Cr Robins, Cr Menano-Pires and Cr Regan

**ABSENT:** Cr Glanville

#### **LOST**

#### **AMENDMENT**

##### ***Cr Regan/Cr Menano-Pires***

That Council:

1. Defer the following actions:
  - a. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
  - b. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.
  - c. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.
2. Write to all Leaders of Parties in the NSW Legislative Council requesting they take action to establish an inquiry into the State Government's proposals and also write to all local State MPs asking them to make representations likewise.
3. Advertise our submission through media releases, Council's online newsletter, email database, contacting registered community groups and placing our submission at all community centres and libraries and encourage residents to write to the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs.

#### **VOTING**

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

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

**ABSENT:** Cr Glanville

#### **LOST**

**THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION**

061/24 **RESOLVED**

**Cr De Luca / Cr Page**

That Council:

1. Conduct public education meetings (one for each ward) on the current proposals by the State Government to create increased housing development.
2. Provide at these meetings contact details for the Premier, Minister for Planning and Public Spaces, Leader of the Opposition and Crossbench MPs, and points for residents to raise in written submissions which reflect Council's endorsed submission.
3. Advertise these meetings through media releases, Council's online newsletter, email database, contacting registered community groups and placing posters at all community centres and libraries.
4. Request Council's Chief Executive Officer to provide Council's planning staff attendance at these meetings, to outline the proposals and answer any questions.
5. Write to all Leaders of Parties in the NSW Legislative Council requesting they take action to establish an inquiry into the State Government's proposals and also write to all local State MPs asking them to make representations likewise.

**VOTING**

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

**AGAINST:** Cr Heins, Cr Menano-Pires and Cr Regan

**ABSENT:** Cr Glanville

**CARRIED**

**15.2 NOTICE OF MOTION NO 5/2024 - THE URBAN GREENING OF THE NORTHERN BEACHES**

*NOTE: Councillor Grattan left the meeting at 10:20pm*

062/24 **RESOLVED**

**Cr Sprott / Cr De Luca**

That Council:

1. Note the councillor briefing presentation titled, Tree Canopy to Reduce Urban Heat Effect and Protect our Roads, presented on 6 December 2022 (Attachment 1) which identified potential median strip planting sites on the Northern Beaches.
2. Delegate authority to the Chief Executive Officer to take all necessary action in regard to negotiations with Transport for NSW to instigate tree, shrub and garden planting on the identified median strip sections of Warringah Road.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

**15.3 NOTICE OF MOTION NO 6/2024 - TICKETLESS PARKING SYSTEM**

*NOTE: Councillor Page left the chamber at 10:23pm and returned at 10:24pm*

063/24 **RESOLVED**

**Cr Gencher / Cr Walton**

That Council:

1. Note:
  - a. The recent decision by Council to transition to a ticketless parking system, which involves the adoption of the Revenue NSW Print and Post service for issuing parking fines.
  - b. The decision to cease leaving paper/physical parking dockets on cars raises concerns among the community regarding potential inconvenience, procedural fairness and financial burdens.
  - c. The new system may hinder the ability to dispute fines or respond promptly due to reliance on email notifications, which could be misplaced or overlooked.
  - d. The Minister for Finance, the Hon Courtney Houssos MLC, has highlighted shortcomings in the ticketless parking system, particularly regarding the timeliness of notifications to drivers and the difficulty in gathering evidence for fine reviews.
2. Staff provide a report at the earliest opportunity which:
  - a. Evaluates the feasibility, possibility and legal implications of reversing the decision of Council to discontinue the ticketless parking system.
  - b. Assesses the feasibility and associated costs of introducing a paper-based parking

notification system, coupled with the incorporation of Revenue NSW's Print and Post service for issuing parking fines. This evaluation should emphasise the preservation of transparency and accessibility for residents, as underscored by concerns voiced by Minister Houssos and the community. Key considerations include the provision of immediate written notifications to drivers upon fine issuance and streamlining evidence gathering processes for fine reviews.

- c. Details the current process or procedure adopted by Council with the introduction of the ticketless parking system, aimed at identifying any gaps or missing requirements that could enhance community benefits.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

**PROCEDURAL MOTION – CHANGE TO ORDER OF BUSINESS**

064/24 **RESOLVED**

**Cr De Luca / Cr Ryburn**

That item 15.6 be moved forward and dealt with immediately.

**VOTING**

**FOR:** 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 Regan

**ABSENT:** Cr Glanville and Cr Grattan

**CARRIED**

**15.6 NOTICE OF MOTION NO 9/2024 - INFORMATION ON COUNCIL'S WEBSITE - HOW TO MAKE A SUBMISSION, INCLUDING AN OBJECTION, TO A DEVELOPMENT APPLICATION**

065/24 **RESOLVED**

**Cr De Luca / Cr Sprott**

That Council:

1. Note some councils provide information on their websites and in notifications of Development Applications (DAs) on how to make a submission, including an objection to a DA (see example attached).
2. Place on its website information on how to make a submission to a DA (including where a submission may be by way of objection) and reasons that may be cited in submissions

pursuant to the *Environmental Planning and Assessment Act 1979* and planning instruments.

**VOTING**

**FOR:** 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 Regan

**ABSENT:** Cr Glanville and Cr Grattan

**CARRIED**

**PROCEDURAL MOTION - EXTENSION OF MEETING**

066/24 **RESOLVED**

***Cr De Luca / Cr Robins***

That in accordance with clause 19.3 of the Code of Meeting Practice the meeting time be extended by 30 minutes.

**VOTING**

**FOR:** 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, Cr Sprott and Cr Regan

**ABSENT:** Cr Glanville and Cr Grattan

**CARRIED**

## 18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

NOTE: Councillor Menano-Pires left the chamber at 10:46pm

067/24 RESOLVED

**Cr Heins / Cr Ryburn**

That:

1. The order of business be changed so that confidential items be brought forward and dealt with immediately.
2. 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 2023/133 - Lease of Cafe/Restaurant - Flying Fox Cafe on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].
 

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
  - B. Item 18.2 RFP 2023/169 - Provision of Conduct Review Panel 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 proposals. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.
  - C. Item 18.3 Minutes of the Property Steering Committee Meeting Held on 2 February 2023 and 19 October 2023 on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].
 

This report discusses/provides advice concerning Council assets. 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 place them at a commercial advantage.
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 Bingham, Cr Korzy, Cr Page, Cr Heins, Cr De Luca and Cr Robins

**AGAINST:** Cr Gencher, Cr Ryburn, Cr Sprott, Cr Crvelin, Cr Regan and Cr Walton

**ABSENT:** Cr Glanville, Cr Grattan and Cr Menano-Pires

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

*NOTE: The meeting moved into closed session at 10:48pm*

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

071/24 **RESOLVED**

***Cr Sprott / Cr Ryburn***

That Council resume in open session.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

*NOTE: The meeting resumed in open session at 10:51pm*

**15.4 NOTICE OF MOTION NO 7/2024 - RIALTO LANE, MANLY**

*NOTE: Councillor De Luca left the chamber at 10:53pm and returned at 10:54pm*

072/24 **RESOLVED**

***Cr Ryburn / Cr Page***

That Council receive a report setting out opportunities and constraints to providing the activation of Rialto Lane, Manly, including but not limited to:

1. Any costs associated with works to facilitate widening of the pedestrian area to provide seating, impacts of such changes on the function of Rialto Lane as a delivery zone as identified in the Draft Manly Place Plan, pedestrian safety and/or impacts on the existing rights of landowners/businesses.
2. Whether efforts by existing businesses to activate the lane could be accommodated in an updated design of the lane.
3. Opportunities and limitations for outdoor dining without changes to the widening of the pedestrian area consistent with Council's Outdoor Dining and Footpath Merchandise Guidelines. This may include planter-box or fencing options and/or include 'decorative screening' (Draft Manly Place Plan, 'Concept design idea for Rialto Lane' pt. 4, pg. 100).



4. Advice on opportunities to further activate Rialto Lane, including whether a shared zone could be provided at certain periods to overcome any conflicting land uses.
5. Feedback from any business owners which may be affected by changes to the role and function of the lane and its immediate surrounds.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

**15.5 NOTICE OF MOTION NO 8/2024 - GRAFFITI TASKFORCE/WORKING GROUP**

073/24 **RESOLVED**

***Cr Gencher / Cr Sprott***

That:

1. Council note:
  - a. Council's graffiti removal program operates under a contract provision model, where costs are determined by a lump sum based on the number of contractor staff provided and the terms of the contract. Despite any rise in graffiti incidents, there is no corresponding increase in cost to Council throughout the contract period. As a result, accurately quantifying the costs of graffiti removal for each ward is not feasible. Council budgets over \$500,000 for graffiti removal each year. Currently Cleansing Services is undergoing contract negotiation with service provider UMS to establish a new combined graffiti and bus shelter cleaning contract.
  - b. Council currently lacks specific policies addressing graffiti. At the March 2020 Ordinary Council meeting, it was resolved to revoke the 3 graffiti policies previously held by the former Manly, Warringah and Pittwater Councils. These policies were deemed obsolete, as the identification, removal, and reporting of graffiti are now managed through Council's operational and procedural processes.
  - c. Under the service provision, reported graffiti incidents are to be inspected and removed and the database updated within 5 days of lodgement. Approximately 90% of graffiti is removed within 2 days. Offensive graffiti must be removed within 24 hours from the time of reporting.
  - d. Council's responsibility solely encompasses graffiti removal from assets owned by Council itself, excluding private property, state, or crown-owned assets. These include public transport facilities, sound barrier walls, fences adjoining public land, footbridges over state-designated roads, hoardings, abandoned buildings, shopfronts, utility assets such as AUSGRID poles, green kiosks, and Transport for NSW signal boxes, etc. Given that these are under the authority of their respective owners and not maintained by Council, reports concerning them are forwarded on to the respective owners and stakeholders, via the owner's reporting mechanism. Additionally, the number and frequency of reports are high which limits the ability of Council to follow up on all reports, and many asset owners do not have direct customer facing mechanism to follow up on reports.

- e. Engaging in graffiti, whether through damaging or defacing property, constitutes an offense under the *Graffiti Control Act 2008*. While Council assumes responsibility for removing graffiti from council property and assets, enforcement and prosecution related to graffiti offenses fall under the jurisdiction of the NSW Police. Crime statistics typically do not separate graffiti as an individual category; instead, it is grouped under 'malicious damage to property.' Consequently, there is no distinct data specifically attributed to graffiti incidents of vandalism.
2. Council receive a report outlining the opportunities to establish a specialised taskforce or working group within 6 months, inclusive of essential community stakeholders such as a Councillor from each ward, local Members of Parliament, representatives from the local area command, residents' associations, local schools, sporting groups, youth organisations, chambers of commerce, local businesses, property owners, and individual community representatives. This collaborative initiative is dedicated to formulating pragmatic solutions for the various graffiti-related challenges. The goal is to develop a comprehensive graffiti mitigation strategy and action plan that addresses the distinct needs of each ward and the broader Local Government Area.

### VOTING

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

### 15.7 NOTICE OF MOTION NO 10/2024 - BEAUTY DRIVE, WHALE BEACH

*NOTE: In accordance with Clause 11.3 of the Code of Meeting Practice, this Notice of Motion was withdrawn*

### 15.8 NOTICE OF MOTION NO 11/2024 - E-BIKES

074/24 **RESOLVED**

**Cr Walton / Cr Ryburn**

That:

1. Northern Beaches Council, in consultation with Transport for NSW and the Northern Beaches Police Local Area Command, convene a meeting of key stakeholders to advocate for improved road rules and regulation of e-bikes to help ensure:
  - a. safety of pedestrians on shared pathways and footpaths
  - b. effective compliance and enforcement actions of e-bikes that are modified to remove pedal assist requirements, speed limiting requirements or allowing excessive power in wattage.
2. The Northern Beaches' NSW Members of Parliament are directly engaged with the outcomes of Council's e-bike 2023 audit and this current and past Notices of Motion relevant to the proper regulation of e-bikes through improved road rules in NSW.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

**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 2023/133 - LEASE OF CAFE/RESTAURANT - FLYING FOX CAFE**

068/24 **RESOLVED**

***Cr Sprott / Cr Walton***

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 RFT2023/133 – Lease of Flying Fox Café.
2. In accordance with section 178(3)(e) of the Local Government (General) Regulation 2021, enter into negotiations, through a commercial leasing agent, with a suitably qualified food and beverage operator with a view to entering into a contract in relation to the subject matter of the tender, being a lease for the café located within Council Community Land Lot 100 DP 1007142 forming part of Winnererremy Bay, Mona Vale (Site).
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. Two comprehensive Request for Tender processes have now been undertaken for the Site and have not identified a suitable operator.
  - b. The current soft market conditions for hospitality businesses have resulted in fewer operators seeking new locations and opportunities to invest capital in new sites.
  - c. 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.
  - d. In the circumstances, the best outcome for Council is likely to be achieved by using the services of a commercial leasing agent to identify a suitably qualified food and beverage operator for the Site.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations, through a commercial leasing agent, with a suitably qualified food and beverage operator for the Site as referred to in point 2 above are that:

- a. It is common practice within the hospitality industry for suitably qualified tenants to be identified via commercial negotiations through a leasing agent.
  - b. The operator will be suitably qualified and have the experience, expertise and financial capacity to successfully operate the Site.
5. Delegate authority to the Chief Executive Officer to:
- a. undertake the negotiations through the leasing agent referred to in point 4 above
  - b. appoint a suitably qualified operator for the Site
  - c. do all things necessary and execute all relevant documentation to give effect to this resolution.

**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:** Nil

**ABSENT:** Cr Glanville, Cr Grattan and Cr Korzy

**CARRIED**

**18.2 RFP 2023/169 - PROVISION OF CONDUCT REVIEW PANEL**

069/24 **RESOLVED**

***Cr Walton / Cr Robins***

That Council:

1. Accept the proposals submitted by the 6 firms listed below for RFP 2023/169 – Provision of Conduct Review Panel for appointment to Council's Conduct Review Panel for an initial term of 2 years, with 2 options to extend for a period of one year each, at the discretion of Council:
  - a. Anti Corruption Consultants Australia Pty Ltd
  - b. Centium Pty Ltd
  - c. Nemesis Consultancy Group Pty Ltd
  - d. Noble Shore Pty Ltd
  - e. O'Connor Marsden & Associates Pty Ltd
  - f. WEIR Consulting Pty Ltd.
2. Delegate to the Chief Executive Officer authority to execute all necessary documentation to give effect to this resolution and to exercise Council's options to extend the contract term.

**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:** Nil

**ABSENT:** Cr Glanville, Cr Grattan and Cr Korzy

**CARRIED**

**18.3 MINUTES OF THE PROPERTY STEERING COMMITTEE MEETING HELD ON 2 FEBRUARY 2023 AND 19 OCTOBER 2023**

070/24 **RESOLVED**

**Cr Crvelin / Cr Ryburn**

That Council:

1. Note the confirmed minutes of the Property Steering Committee Ordinary Meetings held on the 2 February 2023 and 19 October 2023.
2. Receive a comprehensive briefing on matters relevant to the Property Steering Committee.

**VOTING**

**FOR:** 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 Glanville and Cr Grattan

**CARRIED**

*The meeting concluded at 11:29pm*

This is the final page of the minutes comprising 29 pages numbered 1 to 29 of the Northern Beaches Council held on Tuesday 26 March 2024 and confirmed on Tuesday 30 April 2024

\_\_\_\_\_  
Mayor

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