



northern
beaches
council

MINUTES

NORTHERN BEACHES COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 18 FEBRUARY 2025

Minutes of the Northern Beaches Council Meeting

held on Tuesday 18 February 2025

at the Civic Centre, Dee Why

Commencing at 6.00pm

ATTENDANCE:

Councillors

Sue Heins (Mayor)

Ruth Robins (Deputy Mayor)

Jody Williams

Joeline Hackman

Nicholas Beaugeard

Kristyn Glanville

Bonnie Harvey

Sarah Grattan

Candy Bingham

Bob Giltinan OAM JP

Vincent De Luca OAM

Rowie Dillon

Miranda Korzy

Officers

Scott Phillips

Kelly Loveridge

David Kerr

Todd Dickinson

Louise Kerr

Campbell Pfeiffer

Caroline Foley

Eskil Julliard

Sarah Dunstan

Kristie Debney

Jeremy Smith

Mal McDonald

Craig Sawyer

Michael McDermid

Lesley Milbourne

Mat Maish

Dylan Buckley

Max Alexander

Chief Executive Officer

Chief Operating Officer

Director Community & Recreation

Director Environment & Open Space

Director Planning & Place

Director Transport & Assets

Chief Financial Officer

General Counsel

Executive Manager Governance & Risk

Executive Manager Property, Buildings & Beach Services

Executive Manager Parks & Open Space

Executive Manager Strategic & Place Planning

Executive Manager Transport & Civil Infrastructure

Manager Corporate Strategy

Manager Governance

Senior Advisor Governance

Service Desk Analyst

Service Delivery Analyst

Notes

The meeting commenced at 6.00pm, adjourned at 8.19pm, resumed at 8.33pm, moved into closed session at 11.02pm, resumed in open session at 11.31pm and concluded at 11.32pm.

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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

005/25 RESOLVED

Cr Robins / Cr Giltinan

That Council accept the application for a leave of absence from Councillors Hrnjak and Singh for the February Ordinary Council meeting.

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE ORDINARY NORTHERN BEACHES COUNCIL MEETING HELD ON 10 DECEMBER 2024

006/25 RESOLVED

Cr Harvey / Cr Williams

That the minutes of the Ordinary Northern Beaches Council Meeting held on 10 December 2024, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED

3.2 MINUTES OF THE EXTRAORDINARY NORTHERN BEACHES COUNCIL MEETING HELD ON 28 JANUARY 2025

007/25 RESOLVED

Cr Harvey / Cr Williams

That the minutes of the Extraordinary Northern Beaches Council Meeting held on 28 January 2025, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

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 Grattan declared a not significant non-pecuniary interest in relation to Item 9.3 Review and Revocation of Various Policies and will leave the meeting for the discussion and voting on the item. The reason provided was:

“I am the CEO of a Northern Beaches charity that runs a series of “op shops” that is eligible to utilise the fee waiver proposed to be revoked.”

- Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 11.3 Outcome of Public Exhibition - Naming Proposal - Ronda Alterator Reserve and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I knew the late Ronda Alterator OAM however I did not socialise with them and did not have a close relationship with them.”

- Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 14.7 Notice of Motion No 6/2025 - The Late Joan Somerville OAM and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“I knew the late Joan Somerville OAM, however I did not socialise with them and did not have a close relationship with them.”

- Councillor Robins declared a not significant non-pecuniary interest in relation to Item 11.3 Outcome of Public Exhibition - Naming Proposal - Ronda Alterator Reserve and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“The late Ronda Alterator OAM was known to me.”

- Councillor Glanville declared a not significant non-pecuniary interest in relation to Item 9.3 Review and Revocation of Various Policies and will remain in the meeting for the discussion and voting on the item. The reason provided was:

“My husband is an employee of Lifeline Northern Beaches, which is a not for profit that would potentially be eligible under this policy.”

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

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

5.1 PUBLIC FORUM

- Robert Bruce addressed Council on rates and financing.
- Douglas Stewart addressed Council on arts, craft and Council spending.

5.2 PUBLIC ADDRESS

Item 11.1 Draft Tree Management Policy - Public Exhibition

- Deborah Collins, on behalf of Canopy Keepers addressed Council in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

008/25 RESOLVED

Cr Robins / Cr Beauguard

That

1. Items 7.1, 9.1, 12.1, 12.2, 12.3, 14.3, 14.7 and 17.1 are dealt with by exception with the recommendations being adopted.
2. The report for item 17.1 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: Unanimous

CARRIED

7.1 MAYORAL MINUTE NO 1/2025 - ACKNOWLEDGEMENT OF AUSTRALIA DAY HONOURS 2025 RECIPIENTS

009/25 RESOLVED

Cr Robins / Cr Beauguard

That Council:

1. Acknowledge the Northern Beaches recipients of the 2025 Australia Day Honours.
2. Write to congratulate them on their recognition and thank them for their contribution to our community.

RESOLVED BY EXCEPTION

9.1 USE OF DELEGATED AUTHORITY BY THE MAYOR OVER CHRISTMAS AND NEW YEAR RECESS PERIOD 2024-25

010/25 RESOLVED

Cr Robins / Cr Beauguard

That Council note the report.

RESOLVED BY EXCEPTION

12.1 AMENDED AFFORDABLE HOUSING CONTRIBUTIONS SCHEME – 159-167 DARLEY STEET, MONA VALE

011/25 RESOLVED

Cr Robins / Cr Beauguard

That Council adopt the amended Affordable Housing Contributions Scheme at Attachment 3 of this report.

RESOLVED BY EXCEPTION

12.2 PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT AT 16 MACPHERSON STREET, WARRIEWOOD

012/25 **RESOLVED**

Cr Robins / Cr Beauguard

That:

1. Council place the draft Planning Agreement for 16 Macpherson Street, Warriewood and supporting documentation on public exhibition.
2. The outcomes of the public exhibition be reported to Council.

RESOLVED BY EXCEPTION

12.3 NORTHERN BEACHES BUSINESS INDUSTRY AND STAKEHOLDER COMMITTEE CONFIRMED MINUTES - 4 DECEMBER 2024

013/25 **RESOLVED**

Cr Robins / Cr Beauguard

That Council note:

1. The confirmed minutes of the Northern Beaches Business Industry and Stakeholder Committee meeting held on 4 December 2024.
2. Meeting minutes do not seek action from Council.

RESOLVED BY EXCEPTION

14.3 NOTICE OF MOTION NO 2/2025 - IMPROVING DECISION MAKING CONCERNING CAPITAL WORKS EXPENDITURE

014/25 **RESOLVED**

Cr Robins / Cr Beauguard

That Council provide a report to Councillors within 6 months regarding:

1. Different methodologies used by government and other large institutions for objectively calculating the net costs and benefits of large capital expenditure projects, including Cost Benefit Analysis (CBA) and Cost Effectiveness Analysis (CEA).
2. What would be the cost, per project, of undertaking such an analysis for each proposed capital works project?
3. If a suitable methodology exists, what expenditure threshold/s would be appropriate to trigger a requirement for such analysis?

RESOLVED BY EXCEPTION

14.7 NOTICE OF MOTION NO 6/2025 - THE LATE JOAN SOMERVILLE OAM

015/25 **RESOLVED**

Cr Robins / Cr Beaugeard

That:

1. Council note with sadness the passing of Mrs Joan Somerville OAM, a Life Member of Warringah Amateur Swimming Association and Hall of Fame inductee and Life Member of Queenscliff Ladies Amateur Swimming Club.
2. In view of Mrs Somerville's outstanding service to swimming since 1961, particularly as a Foundation member and long time President of Queenscliff Ladies Amateur Swimming Club, Council liaise with the Somerville family for an appropriate memorial in honour of her outstanding service.

RESOLVED BY EXCEPTION

17.1 RFT 2024/175 - LEASE AND LICENCE VILLAGE PARK CAFE/RESTAURANT, 1 PARK STREET MONA VALE

016/25 **RESOLVED**

Cr Robins / Cr Beaugeard

That:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept the tender submission received from A.K.C.N Group Pty Ltd for RFT 2024/175 – Café/Restaurant for Lease at 1 Park Street, Mona Vale.
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021 enter negotiations with A.K.C.N Group Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - a. a comprehensive Request for Tender process was undertaken for the site with no complying tenders
 - 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 where the premises is currently vacant, the best outcome for Council is likely to be achieved by direct negotiation.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with A.K.C.N Group Pty Ltd are that:
 - a. while the tender from A.K.C.N did not complete all of the required information, as a tenant of Council in another premises, it is known to have strong industry experience and the capability to deliver the desired tender outcomes

- b. the tender from A.K.C.N Group Pty Ltd demonstrated an understanding of the market and a vision for the premises through the supplied business plan.
5. Council delegate authority to the Chief Executive Officer to undertake direct negotiations with A.K.C.N Group Pty Ltd and do all things necessary and execute all relevant documentation to give effect to this resolution including if negotiations are successful, execution of a lease and licence.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.2 MAYORAL MINUTE NO 2/2025 - NSW GOVERNMENT - IMPACT OF COST SHIFTING TO LOCAL GOVERNMENT

Cr Heins

That Council:

1. Write urgently to the Premier, the Treasurer, the Minister for Local Government, the Shadow Premier, the Shadow Treasurer, the Shadow Minister for Local Government, the Member for Pittwater, the Member for Davidson, the Member for Wakehurst and the Member for Manly calling on them to:
 - a. deliver State assistance to Northern Beaches Council budgets by reducing direct levies (\$20.3 million in 2024), waste disposal fees (\$3.4 million in 2024) and other cost shifting (\$379 per ratepayer in total) in order to reduce rates
 - b. stop the shifting of additional financial burdens onto our ratepayers without commensurate funding such as additional free parking stickers (\$0.5 million), Beachwatch monitoring (\$0.25 million) and upcoming FOGO reforms (estimated to cost between \$7.9-\$11 million)
 - c. remove rate exemptions for Government owned properties and private education, hospitals, retirement villages, religious organisations and community housing providers
 - d. implement in full the recommendations of the NSW Legislative Council Inquiry into the ability of local government to fund infrastructure and services.

AMENDMENT

Cr De Luca / Cr Giltinan

That Council:

1. Write urgently to the Premier, the Treasurer, the Minister for Local Government, the Shadow Premier, the Shadow Treasurer, the Shadow Minister for Local Government, the Member for Pittwater, the Member for Davidson, the Member for Wakehurst and the Member for Manly calling on them to:
 - a. amend the *Local Government Act 1993* to ensure that it is specific as to what services a council can and cannot provide, to eliminate duplication between State and Federal levels and waste on non-core projects and events
 - b. amend the *Local Government Act 1993* to ensure better regulation of project management and capital works, to prevent millions of dollars on cost and project time blow outs
 - c. introduce salary scales for senior executives and management in councils (similar to

the NSW Government's senior executive and senior officers' pay scale) to prevent excessive salaries and benefits, and also introduce legislation to ensure that Council senior executives and officers are not purchased vehicles using ratepayers' money and salary sacrificing/novated leasing is introduced

- d. amend legislation to prevent councils and the Independent Pricing and Regulatory Review Tribunal (IPART) from advertising/notifying and consulting on Special Rate Review increases during a holiday period, particularly Christmas and the New Year
 - e. ensure that IPART conducts a public hearing inviting members of the public to appear and make submissions in relation to any Special Rate Rise application
 - f. deliver State assistance to Northern Beaches Council budgets by reducing direct levies and cost shifting, noting that waste disposal costs DO NOT come out of rates, and by law, such funds are shown as a separate 'Domestic Waste Management Charge' and thus should not be used as a reason to increase rates by Northern Beaches Council
 - g. stop the shifting of additional financial burdens onto ratepayers without commensurate funding such as additional free parking stickers (\$0.5 million) and Beachwatch monitoring, noting that:
 - i. Emergency Services were always funded by councils directly before this was centralised in 2014 when the then Coalition State Government took up funding responsibility and recovery of costs from all councils in a fairer and more transparent manner
 - ii. In relation to free car parking stickers, the former Manly Council introduced digital parking permits in 2010 to reduce defrauding the system; this was rescinded by the Administrator and Council has since proposed to re-introduce digital parking permits this year and next which will prevent fraud and increase Council's revenue
 - iii. FOGO is a direct domestic waste management charge and does not affect rates
 - h. remove rate exemptions for private education schools (unless they are providing special education/services to people with disability or support for low economic and socially disadvantaged noting that:
 - i. If exemptions for Crown Land, hospitals, retirement villages/nursing Homes/Community Housing and well as charities operating under religious organisations were not given exemptions, this could significantly adversely impact vulnerable people, facilities and services diminished and Council makes significant money and income from Crown Land leases and should rates be introduced, this could actually increase Council's costs
 - i. to urgently respond to the recommendations of the NSW Legislative Council Inquiry into the ability of local government to fund infrastructure and services.
2. Noting the CEO's and Director of Transport and Assets advice to Councillors that it is too difficult to dispose of/re-classify/lease Council owned/controlled property, under the *Local Government Act 1993* and *Crown Land Management Act 2016*, that a legal opinion be sought and reported to Council recommending any required changes to this legislation.

017/25 RESOLVED - AMENDMENT DEALT WITH IN SERIATIM

Cr De Luca / Cr Giltinan

That the clauses 1 a - i and point 2 be dealt with in seriatim.

VOTING

FOR: Cr Robins, Cr Hackman, Cr Glanville, Cr Harvey, Cr Bingham, Cr Giltinan, Cr De

Luca, Cr Dillon and Cr Korzy

AGAINST: Cr Williams, Cr Beaugeard, Cr Grattan and Cr Heins

CARRIED

018/25 **RESOLVED**

Cr De Luca / Cr Giltinan

That Council:

1. Write urgently to the Premier, the Treasurer, the Minister for Local Government, the Shadow Premier, the Shadow Treasurer, the Shadow Minister for Local Government, the Member for Pittwater, the Member for Davidson, the Member for Wakehurst and the Member for Manly calling on them to:
 - a. amend the *Local Government Act 1993* to ensure that it is specific as to what services a council can and cannot provide, to eliminate duplication between State and Federal levels and waste on non-core projects and events

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon and Cr Heins

AGAINST: Cr Beaugeard, Cr Glanville, Cr Harvey, Cr Grattan and Cr Korzy

CARRIED

Cr De Luca / Cr Giltinan

- b. amend the *Local Government Act 1993* to ensure better regulation of project management and capital works, to prevent millions of dollars on cost and project time blow outs

VOTING

FOR: Cr Glanville, Cr Bingham, Cr Giltinan and Cr De Luca

AGAINST: Cr Robins, Cr Williams, Cr Hackman, Cr Beaugeard, Cr Harvey, Cr Grattan, Cr Dillon, Cr Korzy and Cr Heins

LOST

019/25 **RESOLVED**

Cr De Luca / Cr Giltinan

- c. introduce salary scales for senior executives and management in councils (similar to the NSW Government's senior executive and senior officers' pay scale) to prevent excessive salaries and benefits, and also introduce legislation to ensure that Council senior executives and officers are not purchased vehicles using ratepayers' money for personal use and salary sacrificing/novated leasing is introduced

VOTING

FOR: Cr Robins, Cr Glanville, Cr Harvey, Cr Grattan, Cr Bingham, Cr Giltinan and Cr De Luca

AGAINST: Cr Williams, Cr Hackman, Cr Beaugeard, Cr Dillon, Cr Korzy and Cr Heins

CARRIED

020/25 **RESOLVED**

Cr De Luca / Cr Giltinan

- d. amends legislation to prevent councils and the Independent Pricing and Regulatory Review Tribunal (IPART) from advertising/notifying and consulting on Special Rate Review increases during a holiday period, particularly Christmas and the New year

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Glanville, Cr Harvey, Cr Grattan, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon, Cr Korzy and Cr Heins

AGAINST: Nil

ABSENT: Cr Beaugeard

CARRIED

021/25 RESOLVED

Cr De Luca / Cr Giltinan

- e. ensure that IPART conducts a public hearing inviting members of the public to appear and make submissions in relation to any Special Rate Rise application

VOTING

FOR: Cr Robins, Cr Glanville, Cr Harvey, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon and Cr Korzy

AGAINST: Cr Williams, Cr Hackman, Cr Grattan and Cr Heins

ABSENT: Cr Beaugeard

CARRIED

022/25 RESOLVED

Cr De Luca / Cr Giltinan

- f. deliver State assistance to Northern Beaches Council budgets by reducing direct levies and cost shifting, and including various waste disposal costs where levies are not returned to the community.

VOTING

FOR: Cr Robins, Cr Williams, Cr Glanville, Cr Harvey, Cr Grattan, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon, Cr Korzy and Cr Heins

AGAINST: Nil

ABSENT: Cr Hackman and Cr Beaugeard

CARRIED

Cr De Luca / Cr Giltinan

- g. stop the shifting of additional financial burdens onto ratepayers without commensurate funding such as additional free parking stickers (\$0.5 million) and Beachwatch monitoring, noting that:
 - i. Emergency Services were always funded by councils directly before this was centralised in 2014 when the then Coalition State Government took up funding responsibility and recovery of costs from all councils in a fairer and more transparent manner.
 - ii. In relation to free car parking stickers, the former Manly Council introduced

digital parking permits in 2010 to reduce defrauding the system; this was rescinded by the Administrator and Council has since proposed to re-introduce digital parking permits this year and next which will prevent fraud and increase Council's revenue.

- iii. FOGO is a direct domestic waste management charge and does not affect rates.

WITHDRAWN

023/25 RESOLVED

Cr De Luca / Cr Giltinan

- h. remove rate exemptions for private education schools unless they are providing substantial special education/services to people with disability or support for low economic and socially disadvantaged, and further considering:
 - i. exemptions for Crown Land, hospitals, retirement villages/nursing homes/community housing and well as charities operating under religious organisations were not given exemptions, this could consider the impact on vulnerable people, facilities and services diminished and Council makes significant money
 - ii. the impact of income on Crown Land leases should rates be introduced.

VOTING

FOR: Cr Robins, Cr Williams, Cr Glanville, Cr Grattan, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Heins

AGAINST: Cr Hackman, Cr Beugeard, Cr Dillon and Cr Korzy

ABSENT: Cr Harvey

CARRIED

024/25 RESOLVED

Cr De Luca / Cr Giltinan

- i. to urgently respond to the recommendations of the NSW Legislative Council Inquiry into the ability of local government to fund infrastructure and services.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Grattan, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Heins

AGAINST: Cr Dillon and Cr Korzy

ABSENT: Cr Harvey

CARRIED

025/25 RESOLVED - ADJOURN THE MEETING

Cr Bingham / Cr Williams

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

CARRIED

Cr De Luca / Cr Giltinan

2. Noting the CEO's and Director of Transport and Assets advice to Councillors that it is too difficult to dispose of/re-classify/lease Council owned/controlled property, under the *Local Government Act 1993* and *Crown Land Management Act 2016*, that a legal opinion be sought and reported to council recommending any required changes to this legislation.

VOTING

FOR: Cr Bingham, Cr Giltinan and Cr De Luca

AGAINST: Cr Robins, Cr Williams, Cr Hackman, Cr Beaugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Dillon, Cr Korzy and Cr Heins

LOST

7 OUT OF THE 9 POINTS OF THE AMENDMENT HAVE BEEN CARRIED AND BECAME THE MOTION

026/25 RESOLVED - MOTION

Cr De Luca / Cr Giltinan

That Council write urgently to the Premier, the Treasurer, the Minister for Local Government, the Shadow Premier, the Shadow Treasurer, the Shadow Minister for Local Government, the Member for Pittwater, the Member for Davidson, the Member for Wakehurst and the Member for Manly calling on them to:

1. amend the *Local Government Act 1993* to ensure that it is specific as to what services a council can and cannot provide, to eliminate duplication between State and Federal levels and waste on non-core projects and events
2. introduce salary scales for senior executives and management in councils (similar to the NSW Government's senior executive and senior officers' pay scale) to prevent excessive salaries and benefits, and also introduce legislation to ensure that Council senior executives and officers are not purchased vehicles using ratepayers' money for personal use and salary sacrificing/novated leasing is introduced
3. amend legislation to prevent councils and the Independent Pricing and Regulatory Review Tribunal (IPART) from advertising/notifying and consulting on Special Rate Review increases during a holiday period, particularly Christmas and the New year
4. ensure that IPART conducts a public hearing inviting members of the public to appear and make submissions in relation to any Special Rate Rise application
5. deliver State assistance to Northern Beaches Council budgets by reducing direct levies and cost shifting, and including various waste disposal costs where levies are not returned to the community.
6. remove rate exemptions for private education schools unless they are providing substantial special education/services to people with disability or support for low economic and socially disadvantaged, and further considering:
 - a. exemptions for Crown Land, hospitals, retirement villages/nursing homes/community housing and well as charities operating under religious organisations were not given exemptions, this could consider the impact on vulnerable people, facilities and services diminished and Council makes significant money
 - b. the impact of income on Crown Land leases should rates be introduced.
7. to urgently respond to the recommendations of the NSW Legislative Council Inquiry into the ability of local government to fund infrastructure and services.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beaugeard, Cr Glanville, Cr Harvey, Cr

Grattan, Cr Bingham, Cr Giltinan and Cr De Luca

AGAINST: Cr Dillon, Cr Korzy and Cr Heins

CARRIED

9.0 CORPORATE SERVICES DIVISION REPORTS

9.2 AUDIT RISK AND IMPROVEMENT COMMITTEE CONFIRMED MINUTES - 10 SEPTEMBER 2024

027/25 **RESOLVED**

Cr Robins / Cr Grattan

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meetings held on 10 September 2024.

VOTING

FOR: Unanimous

CARRIED

9.3 REVIEW AND REVOCATION OF VARIOUS POLICIES

NOTE: Councillor Grattan left the chamber for debate and voting on this item due to a declared disclosure of interest

Cr Bingham / Cr Robins

That Council:

1. Adopt the:
 - a. Child Safeguarding Policy
 - b. Managing Unreasonable Conduct by Complainants Policy
 - c. Single Use Plastics Policy
 - d. Community Gardens Policy.
2. Revoke the Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy.

AMENDMENT

Cr Glanville / Cr Hackman

That Council:

1. Adopt the:
 - a. Child Safeguarding Policy
 - b. Managing Unreasonable Conduct by Complainants Policy
 - c. Single Use Plastics Policy
 - d. Community Gardens Policy.

- e. Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy
2. Contact local charitable and not for profit organisations (particularly second hand charity shops and 'beach clean' groups) to inform them of the Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy.
3. Write to the relevant NSW Government Minister to suggest the NSW Government consider including swim centre staff as mandatory reporters.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Harvey, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon and Cr Korzy

AGAINST: Cr Heins

ABSENT: Cr Grattan

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

028/25 RESOLVED

Cr Glanville / Cr Hackman

That Council:

1. Adopt the:
 - a. Child Safeguarding Policy
 - b. Managing Unreasonable Conduct by Complainants Policy
 - c. Single Use Plastics Policy
 - d. Community Gardens Policy.
 - e. Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy
2. Contact local charitable and not for profit organisations (particularly second hand charity shops and 'beach clean' groups) to inform them of the Financial Assistance for Charitable or Not for Profit Community Organisations for Waste Disposal at Kimbriki Policy.
3. Write to the relevant NSW Government Minister to suggest the NSW Government consider including swim centre staff as mandatory reporters.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Harvey, Cr Bingham, Cr Giltinan, Cr De Luca, Cr Dillon and Cr Korzy

AGAINST: Cr Heins

ABSENT: Cr Grattan

CARRIED

9.4 MONTHLY INVESTMENT REPORT - NOVEMBER 2024

029/25 RESOLVED

Cr Robins / Cr Bingham

That Council note the Investment Report as at 30 November 2024, including the certification by the

Responsible Accounting Officer.

VOTING

FOR: Unanimous

CARRIED

9.5 MONTHLY INVESTMENT REPORT - DECEMBER 2024

030/25 **RESOLVED**

Cr Robins / Cr Beaugeard

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

VOTING

FOR: Unanimous

CARRIED

9.6 QUARTERLY REVIEW - DECEMBER 2024

Cr Robins / Cr Williams

That Council:

1. Note the Quarterly Report on Service Performance for the period ended December 2024.
2. Note the December 2024 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the December 2024 Quarterly Budget Review Statement, including:
 - a. an increase in the forecast surplus from continuing operations, which includes capital grants and contributions, of \$4.210 million to \$38.526 million
 - b. a decrease in Capital Expenditure of \$3.805 million to \$109.983 million.
4. Approve the re-allocation of \$99,592 from the internally restricted reserve 'Merger Savings Fund' from 'Creative art space at the northern end of the Northern Beaches' to urgent works at Glen Street Theatre.
5. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended December 2024.

AMENDMENT

Cr Korzy / Cr Harvey

That Council:

1. Note the Quarterly Report on Service Performance for the period ended December 2024.
2. Note the December 2024 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the December 2024 Quarterly Budget Review Statement, including:

- a. an increase in the forecast surplus from continuing operations, which includes capital grants and contributions, of \$4.210 million to \$38.526 million
 - b. a decrease in Capital Expenditure of \$3.805 million to \$109.983 million with the Glen Street Theatre renewal works of \$0.122 million to be fully funded from Depreciation/Working Capital.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended December 2024.

VOTING

FOR: Cr Hackman, Cr Glanville, Cr Harvey, Cr Dillon and Cr Korzy

AGAINST: Cr Robins, Cr Williams, Cr Beaugeard, Cr Grattan, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Heins

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

031/25 RESOLVED - MOTION

Cr Robins / Cr Williams

That Council:

1. Note the Quarterly Report on Service Performance for the period ended December 2024.
2. Note the December 2024 Quarterly Budget Review Statement.
3. Approve the changes to the Current Forecast in the December 2024 Quarterly Budget Review Statement, including:
 - a. an increase in the forecast surplus from continuing operations, which includes capital grants and contributions, of \$4.210 million to \$38.526 million
 - b. a decrease in Capital Expenditure of \$3.805 million to \$109.983 million.
4. Approve the re-allocation of \$99,592 from the internally restricted reserve 'Merger Savings Fund' from 'Creative art space at the northern end of the Northern Beaches' to urgent works at Glen Street Theatre.
5. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended December 2024.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beaugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Bingham and Cr Heins

AGAINST: Cr De Luca

ABSENT: Cr Giltinan, Cr Dillon and Cr Korzy

CARRIED

9.7 DRAFT SUBMISSION - OFFICE OF LOCAL GOVERNMENT DRAFT MODEL MEETING CODE

Cr Williams / Cr Grattan

That Council endorse the submission provided at Attachment 1 for provision to the Office of Local

Government by 28 February 2025.

AMENDMENT

Cr Harvey / Cr Glanville

That Council:

1. Endorse the submission provided at Attachment 1 for provision to the Office of Local Government by 28 February 2025.
2. Write to the Minister for Local Government to request a meeting as part of the consultation on the Government's review of the councillor conduct and meeting practices framework.

VOTING

FOR: Cr Glanville, Cr Harvey, Cr Grattan, Cr Dillon and Cr Korzy

AGAINST: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Heins

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE FOLLOWING AMENDMENT

AMENDMENT

Cr De Luca / Cr Bingham

That Council endorse the submission provided at Attachment 1 for provision to the Office of Local Government by 28 February 2025, subject to the removal of clause 17.6 from the draft submission.

VOTING

FOR: Cr Bingham, Cr Giltinan and Cr De Luca

AGAINST: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Dillon, Cr Korzy and Cr Heins

LOST

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

032/25 RESOLVED - MOTION

Cr Williams / Cr Grattan

That Council endorse the submission provided at Attachment 1 for provision to the Office of Local Government by 28 February 2025.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Dillon, Cr Korzy and Cr Heins

AGAINST: Cr Bingham, Cr Giltinan and Cr De Luca

CARRIED

11.0 ENVIRONMENT AND OPEN SPACE DIVISION REPORTS

11.1 DRAFT TREE MANAGEMENT POLICY - PUBLIC EXHIBITION

033/25 RESOLVED

Cr Korzy / Cr Glanville

That the draft Tree Management Policy be placed on public exhibition for a minimum of 28 days with the outcome reported to Council.

VOTING

FOR: Unanimous

CARRIED

11.2 RESPONSE TO NOTICE OF MOTION NO 35/2024 - REVIEW OF STEWARDSHIP AND CREATION OF TREE MANAGEMENT POLICY

034/25 RESOLVED

Cr Korzy / Cr Harvey

That Council note the report.

VOTING

FOR: Unanimous

CARRIED

11.3 OUTCOME OF PUBLIC EXHIBITION - NAMING PROPOSAL - RONDA ALTERATOR RESERVE

035/25 RESOLVED

Cr De Luca / Cr Robins

That Council:

1. Endorse the proposal to name the reserve at 3 Boondah Road, Warriewood the Ronda Alterator Reserve.
2. Submit an application to the Geographical Names Board of NSW to name the reserve the Ronda Alterator Reserve after the first anniversary of Mrs Alterator's passing.
3. If approved by Geographical Names Board of NSW, install signage at the reserve in consultation with the Alterator family and Narrabeen Youth Club Netball.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.4 MANLY SPECIAL ENTERTAINMENT PRECINCT

Cr Grattan / Cr Williams

That Council:

1. Endorse the lodgment of an application seeking funding from the Special Entertainment Precinct Kickstart Grant Program to commission an acoustic study and facilitate activities towards the establishment of a Special Entertainment Precinct (SEP) trial for the Manly commercial centre.
2. Endorse the establishment of a SEP in the Manly commercial centre as illustrated in Figure 1 of this report, as a requirement of seeking the above grant funding.
3. Note that if Council's grant application is successful:
 - a. a planning proposal is required to be submitted to the Department of Planning, Housing and Infrastructure to establish the SEP trial by 31 December 2025 which would be the subject of a separate report and Council resolution
 - b. at the end of the 18-month trial period, Council can resolve whether to make the SEP permanent or revoke the SEP.

AMENDMENT

Cr Harvey / Cr Glanville

That Council:

1. Endorse the lodgment of an application seeking funding from the Special Entertainment Precinct Kickstart Grant Program to commission an acoustic study and facilitate activities towards the establishment of a Special Entertainment Precinct (SEP) trial for the Manly commercial centre.
2. Endorse the establishment of a SEP in the Manly commercial centre as illustrated in Figure 1 of this report, as a requirement of seeking the above grant funding.
3. Note that if Council's grant application is successful:
 - a. a planning proposal is required to be submitted to the Department of Planning, Housing and Infrastructure to establish the SEP trial by 31 December 2025 which would be the subject of a separate report and Council resolution
 - b. a working group be established involving a diverse group of representatives from the entertainment and live music industry, local businesses, local residents and community groups, NSW Police, Liquor & Gaming NSW and other key stakeholders to inform the preparation and implementation of the SEP trial.
 - c. at the end of the 18-month trial period, Council can resolve whether to make the SEP permanent or revoke the SEP.

VOTING

FOR: Cr Williams, Cr Hackman, Cr Beaugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Korzy and Cr Heins

AGAINST: Cr Robins, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Dillon

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

036/25 RESOLVED - MOTION

Cr Harvey / Cr Glanville

That Council:

1. Endorse the lodgment of an application seeking funding from the Special Entertainment Precinct Kickstart Grant Program to commission an acoustic study and facilitate activities towards the establishment of a Special Entertainment Precinct (SEP) trial for the Manly commercial centre.
2. Endorse the establishment of a SEP in the Manly commercial centre as illustrated in Figure 1 of this report, as a requirement of seeking the above grant funding.
3. Note that if Council's grant application is successful:
 - a. a planning proposal is required to be submitted to the Department of Planning, Housing and Infrastructure to establish the SEP trial by 31 December 2025 which would be the subject of a separate report and Council resolution
 - b. a working group be established involving a diverse group of representatives from the entertainment and live music industry, local businesses, local residents and community groups, NSW Police, Liquor & Gaming NSW and other key stakeholders to inform the preparation and implementation of the SEP trial.
 - c. at the end of the 18-month trial period, Council can resolve whether to make the SEP permanent or revoke the SEP.

VOTING

FOR: Cr Williams, Cr Hackman, Cr Beaugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Korzy and Cr Heins

AGAINST: Cr Robins, Cr Bingham, Cr Giltinan, Cr De Luca and Cr Dillon

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 OUTCOME OF PUBLIC EXHIBITION - PROVISION OF PUBLIC ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Cr Beaugeard / Cr Robins

That Council defer consideration of the outcome of public exhibition for provision of electronic vehicle charging infrastructure to provide the proponent an opportunity to provide additional information to Council in support of the proposal.

AMENDMENT

Cr Glanville / Cr Harvey

That Council provide a report within 3 months on:

1. The coverage gaps in access to EV chargers across the local government area.
2. A process to competitively approach the market for delivery of EV charging facilities, with a view to identifying the operator/s able to deliver the most public benefit for these facilities.

VOTING

FOR: Unanimous

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

037/25 RESOLVED - MOTION

Cr Glanville / Cr Harvey

That Council provide a report within 3 months on:

1. The coverage gaps in access to EV chargers across the local government area.
2. A process to competitively approach the market for the delivery of EV charging facilities, with a view to identifying the operator/s able to deliver the most public benefit for these facilities.
3. Staff consideration of options for consultation for all future applications and placement of EV chargers.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING

038/25 RESOLVED

Cr Hackman / Cr Williams

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

CARRIED

17.0 CONFIDENTIAL MATTERS – CLOSED SESSION

039/25 RESOLVED

Cr Williams / Cr Grattan

That:

1. The order of business change to bring forward 17.2 and 17.3 to be 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 17.2 RFT 2024/021 - Community Centres Keyless Access 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 17.3 RFT 2024/093 - Licence of Manly Visitor Information Centre Kiosk 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.

3. 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.

CARRIED

NOTE: The meeting moved into closed session at 11.02pm

18.0 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

17.1 RFT 2024/175 - LEASE AND LICENCE VILLAGE PARK CAFE/RESTAURANT, 1 PARK STREET MONA VALE

016/25 **RESOLVED**

Cr Robins / Cr Beauguard

That:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept the tender submission received from A.K.C.N Group Pty Ltd for RFT 2024/175 – Café/Restaurant for Lease at 1 Park Street, Mona Vale.
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021 enter negotiations with A.K.C.N Group Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - a. a comprehensive Request for Tender process was undertaken for the site with no complying tenders
 - 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 where the premises is currently vacant, the best outcome for Council is likely to be achieved by direct negotiation.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with A.K.C.N Group Pty Ltd are

that:

- a. while the tender from A.K.C.N did not complete all of the required information, as a tenant of Council in another premises, it is known to have strong industry experience and the capability to deliver the desired tender outcomes
 - b. the tender from A.K.C.N Group Pty Ltd demonstrated an understanding of the market and a vision for the premises through the supplied business plan.
5. Council delegate authority to the Chief Executive Officer to undertake direct negotiations with A.K.C.N Group Pty Ltd and do all things necessary and execute all relevant documentation to give effect to this resolution including if negotiations are successful, execution of a lease and licence.

RESOLVED BY EXCEPTION

17.2 RFT 2024/021 - COMMUNITY CENTRES KEYLESS ACCESS

040/25 **RESOLVED - MOTION**

Cr De Luca / Cr Robins

That the matter be deferred to the April Council meeting.

VOTING

FOR: Unanimous

CARRIED

17.3 RFT 2024/093 - LICENCE OF MANLY VISITOR INFORMATION CENTRE KIOSK

041/25 **RESOLVED**

Cr Glanville / Cr Grattan

That Council:

1. Accept the tender of BC Concepts Pty Ltd for RFT 2024/093 – Licence of the Kiosk at Manly Visitor Information Centre for the sum of \$40,200 per annum (excluding GST) for the first year, and then \$42,000 per annum (excluding GST) for the remainder of the term, subject to annual CPI rent adjustments, for an initial 5-year term, with a 5-year extension option at the Lessee's discretion.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Cr Robins, Cr Williams, Cr Hackman, Cr Beugeard, Cr Glanville, Cr Harvey, Cr Grattan, Cr Bingham, Cr Giltinan, Cr Dillon, Cr Korzy and Cr Heins

AGAINST: Cr De Luca

CARRIED

PROCEDURAL MOTION – RESUME IN OPEN SESSION

042/25 **RESOLVED**

Cr Robins / Cr Grattan

That Council resume in open session.

CARRIED

NOTE: The meeting resumed in open session at 11.31pm

NOTE: In accordance with clause 19.3 of the Code of Meeting Practice the meeting concluded at 11.32 pm

NOTE: The following items were deferred to the ordinary Council meeting of 18 March 2025 in accordance with clause 19.4(a) of the Code of Meeting Practice:

13.2 Outcome of Public Notice for the Proposed Lease and Licence of a Café at Dee Why Beach Reserve

14.1 Notice of Motion No 44/2024 - E-Bikes and E-Scooters

14.2 Notice of Motion No 45/2024 - Service Reviews

14.4 Notice of Motion No 3/2025 - Opportunities to Relocate Manly Environment Centre

14.5 Notice of Motion No 4/2025 - Organisational Savings and Funding Measures

14.6 Notice of Motion No 5/2025 - Services Provided by Northern Beaches Council

The meeting concluded at 11.32pm

This is the final page of the minutes comprising 26 pages numbered 1 to 26 of the Northern Beaches Council Meeting held on Tuesday 18 February 2025 and confirmed on Tuesday 18 March 2025

Mayor

Chief Executive Officer