



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 13 DECEMBER 2022**

**Minutes of an Ordinary Council Meeting**  
**held on Tuesday 13 December 2022**  
**at the Civic Centre, Dee Why**  
**Commencing at 6:01pm**

**ATTENDANCE:**

**Councillors**

Kristyn Glanville  
David Walton  
Candy Bingham  
Miranda Korzy  
Michael Gencher  
Rory Amon  
Michael Regan (Mayor)  
Sue Heins (Deputy Mayor)  
Vincent De Luca OAM  
Stuart Sprott  
Bianca Crvelin  
Ruth Robins  
Jose Menano-Pires  
Sarah Grattan

**Officers**

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning & Place
Karen Twitchett	Director, Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Sarah Dunstan	Executive Manager Governance and Risk
Melissa Messina	Executive Manager, Early Learning and Customer Services
Nikki Griffith	Manager, Place and Economic Development
Deb Kempe	Team Leader, Economic Development and Tourism
Craig Sawyer	Executive Manager, Transport and Civil Infrastructure
Steve Lawler	Executive Manager, Parks and Recreation
Lesley Milbourne	Manager Governance
Claudia Brodtke	Senior Advisor - Governance
Greg Karageuzian	IT Network Support Officer
Shaun Cleland	Service Delivery Associate

**Closed session**

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning & Place

Karen Twitchett	Director, Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Sarah Dunstan	Executive Manager Governance and Risk
Cameron Pfeiffer	Executive Manager, Property
Lesley Milbourne	Manager Governance
Claudia Brodtke	Senior Advisor - Governance
Greg Karageuzian	IT Network Support Officer
Shaun Cleland	Service Delivery Associate

**Notes**

*The meeting commenced at 6:01pm, adjourned at 8:10 pm, resumed at 8:20pm, moved into closed session at 9.50pm, resumed in open session at 9.54pm and concluded at 9.55pm*

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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 and present*

## 2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

Nil

### PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

383/22 RESOLVED

***Cr Regan / Cr Grattan***

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

#### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2022

384/22 RESOLVED

***Cr Heins / Cr Robins***

That the minutes of the Ordinary Council Meeting held 22 November 2022, 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 Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Ryburn

**CARRIED**

## 4.0 DISCLOSURES OF INTEREST

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

Councillor Sue Heins declared a significant non-pecuniary interest in relation to Item 18.3 and in accordance with 5.10(b) of the Code of Conduct will leave the meeting during discussion and voting on the item. The reason provided was:

*"I am a chairperson of the organisation."*

Councillor Stuart Sprott declared a not significant non-pecuniary interest in relation to Item 13.3 and will remain in the meeting for the discussion and voting on this item. The reason provided was:

*"I am a mountain bike rider."*

## 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

- John Patterson addressed Council about the bin run between Scotland Island and Church Point.

### 5.2 PUBLIC ADDRESS

#### Item 10.1 Avalon Customer Contact Centre

- Dianne Ramsay addressed Council against this item.

#### Item 13.2 Outcome of Public Exhibition - To Rename Geographical Features Referred to or Named by Naturalist George Caley in 1805

- Donal Carr addressed Council against this item.

### PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME

385/22 **RESOLVED**

***Cr Korzy / Cr Sprott***

That Donal Carr be granted an extension of one minute to address the meeting.

### VOTING

**FOR:** Cr Glanville, Cr Walton, Cr Korzy, Cr Gencher, Cr De Luca and Cr Sprott

**AGAINST:** Cr Bingham, Cr Amon, Cr Regan, Cr Heins, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Ryburn

**LOST**

#### Item 13.3 Outcome of Public Exhibition - Draft Let's Play! Northern Beaches Open Space and Outdoor Recreation Strategy and Action Plan

- Karl Brown addressed Council in support of this item.

#### Item 15.1 Notice of Motion No 45/2022 - Proposed Sale of Council Land at 2 Bangaroo Street, North Balgowlah

- Terrence Le Roux addressed Council in support of this item.

*NOTE 1: Councillor Regan left the chamber at 6.22pm and returned at 6.29pm*

*NOTE 2: In the absence of Councillor Regan, Councillor Heins assumed the Chair*

*NOTE 3: Councillor Amon left the chamber at 6.24pm and returned 6.25pm*

- David Perks addressed Council in support of this item.



## 6.0 ITEMS RESOLVED BY EXCEPTION

386/22 RESOLVED

**Cr Heins / Cr Menano-Pires**

That

1. Items 8.1, 9.2, 9.3, 10.2, 12.1, 18.1 and 18.2 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 18.1 and 18.2 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

## 8.1 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

387/22 RESOLVED

**Cr Heins / Cr Menano-Pires**

That Council note payments totalling \$4,457.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 22 September 2022 to 6 December 2022.

**RESOLVED BY EXCEPTION**

## 9.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETINGS HELD ON 13 SEPTEMBER 2022

388/22 RESOLVED

**Cr Heins / Cr Menano-Pires**

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee ordinary and extraordinary meetings held on 13 September 2022.

**RESOLVED BY EXCEPTION**

### **9.3 OUTCOME OF THE PUBLIC EXHIBITION OF THE PROCUREMENT AND CONTRACTS POLICY**

389/22 **RESOLVED**

***Cr Heins / Cr Menano-Pires***

That Council:

1. Note the outcomes of the public exhibition of the revised Procurement and Contracts Policy.
2. Adopt the Procurement and Contracts Policy.

***RESOLVED BY EXCEPTION***

### **10.2 COMMUNITY SAFETY ADVISORY COMMITTEE - CONFIRMED MINUTES OF 1 SEPTEMBER 2022 MEETING**

390/22 **RESOLVED**

***Cr Heins / Cr Menano-Pires***

That Council note the Minutes of the Community Safety Advisory Committee meeting held on 1 September 2022.

***RESOLVED BY EXCEPTION***

### **12.1 PLACEMAKING GRANTS FOR WORLDPRIDE 2023**

391/22 **RESOLVED**

***Cr Heins / Cr Menano-Pires***

That Council pursuant to Section 356 of *the Local Government Act 1993*, approves the allocation of \$20,000 (excluding GST) under the WorldPride 2023 Placemaking Grants Program as outlined in Attachment 1.

***RESOLVED BY EXCEPTION***

### **18.1 EXEMPTION FROM TENDERING FOR A VARIATION TO CONTRACT 2021/004 - MANLY PLACE PLAN REVIEW AND PREPARATION**

392/22 **RESOLVED**

***Cr Heins / Cr Menano-Pires***

That Council:

1. Engage Ethos Urban Pty Ltd, for the additional scope of works required under Contract 2021/004 for Manly Place Plan Review & Preparation for the value of \$30,000 (GST exclusive), plus a 15% contingency, taking the total sum of the Contract to \$279, 466.45 (GST inclusive).

2. Resolves pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the contract referred to at 1 because of extenuating circumstances by reason of the following:
  - A. The contract variation is for additional works that are directly connected to the services that have been carried out by the contractor to date
  - B. Given the dependencies on the services provided to date, engaging a different contractor would be inefficient, costly and/or result in deliverables that are not adequate
  - C. Council has already undertaken a market testing process in relation to the project to seek the best value for money outcome for Council
  - D. The contractor has the experience and expertise to satisfy Council's requirements
  - E. Undertaking a tender process would delay the provision of the services and the carrying out of the additional works
  - F. Council has an immediate and critical need for the services
3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution including the execution of any required documentation.

**RESOLVED BY EXCEPTION**

**18.2 RFT 2022/195 - CLONTARF TIDAL POOL DESIGN AND CONSTRUCTION**

**393/22 RESOLVED**

***Cr Heins / Cr Menano-Pires***

That Council:

1. Accept the tender of SMC Marine Pty Ltd for RFT 2022/195 - Design and Construct Clontarf Reserve Tidal Pool for the sum of \$542,156 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential Evaluation Report.

**RESOLVED BY EXCEPTION**

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 26/2022 - RECOGNITION - DIGITAL IMPROVEMENTS

394/22 **RESOLVED**

**Cr Regan**

That Council formally acknowledge:

1. The dedication and commitment to excellence of our Information Technology and People Central Project teams for the recent recognition in CIO Magazine taking out this year's inaugural CIO50 Best Government Project Award
2. The industry recognition of our Chief Information and Digital Officer, Naren Gangavarapu who placed 5th in CIO's Top 50 of the Nation's most innovative CIOs.

#### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

### 7.2 MAYORAL MINUTE NO 27/2022 - RECOGNITION OF AWARD FOR CUSTOMER SERVICE

395/22 **RESOLVED**

**Cr Regan**

That Council formally acknowledge:

1. The outstanding achievement in winning the 2022 Innovation of the Year Award at the National Local Government Customer Service Network for the Customer Activity Tracker project.
2. The efforts of our Customer Service and Information Technology team and congratulate them on their recognition.

#### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

**S.1 MAYORAL MINUTE NO 28/2022 - DEVELOPMENT ASSESSMENT PERFORMANCE BY COUNCIL RECOGNISED BY THE NSW AUDITOR-GENERAL**

*NOTE: Councillor Glanville left the chamber at 6.45pm*

396/22 **RESOLVED**

**Cr Regan**

That Council:

1. Acknowledge the results of the New South Wales Auditor-General's performance audit, *Development applications: assessment and determination stages* and
2. Congratulate and thank our Development Assessment Team and senior staff on their continued efforts to ensure we have a robust, transparent and efficient development assessment system.

**VOTING**

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

**AGAINST:** Cr Korzy

**ABSENT:** Cr Glanville and Cr Ryburn

**CARRIED**

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

### 9.1 CODE OF CONDUCT COMPLAINT STATISTICS

*NOTE: Councillor Glanville returned to the chamber at 6.51pm*

397/22 **RESOLVED**

#### ***Cr Menano-Pires / Cr Robins***

That Council note the Code of Conduct complaint statistics for the period 1 September 2021 to 31 August 2022 as reported to the Office of Local Government in accordance with part 11.2 of the Procedures for the Administration of the Northern Beaches Council Code of Conduct.

#### **VOTING**

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

**ABSENT:** Cr Ryburn

**CARRIED**

### 9.4 RESPONSE TO NOTICE OF MOTION NO. 16/2022 - REVIEW OF FEES AND CHARGES

*NOTE 1: Councillor Amon left the chamber at 7:04pm and returned at 7:06 pm*

*NOTE 2: Councillor Grattan left the chamber at 7:14pm and returned at 7:16 pm*

398/22 **RESOLVED**

#### ***Cr Sprott / Cr Gencher***

That Council note the information in this report and staff investigate further ways we can improve the cost-neutrality of services and consistency of fees and charges and bring back to a Councillor briefing in March 2023.

#### **VOTING**

**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Robins

**AGAINST:** Cr Amon, Cr Regan, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Ryburn

**CARRIED**

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

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

**399/22 RESOLVED**

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

That the order of business be changed so items 10.1 and 15.1 be brought forward and dealt with immediately.

**VOTING**

**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr De Luca, Cr Crvelin and Cr Robins

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

**ABSENT:** Cr Sprott and Cr Ryburn

**CARRIED**

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

### 10.1 AVALON CUSTOMER CONTACT CENTRE

*NOTE 1: Councillor Sprott left the chamber at 7:30 pm and returned at 7:34pm*

*NOTE 2: Councillor Walton left the chamber at 7:49pm and returned at 7:50pm*

*NOTE 3: Councillor Sprott left the chamber at 7:51pm and returned at 7:55pm*

*NOTE 4: Councillor Heins left the chamber at 7:59pm and returned at 8:01pm*

#### ***Cr Korzy / Cr De Luca***

That:

1. The CEO defers and reviews this matter until after road and civil works towards the Avalon Shared Spaces project are complete or the March 2023 Council meeting – whichever is later.
2. Staff immediately improve signposting for the Avalon Customer Contact Centre and inform residents that it is operational via social media and local print media.
3. Staff investigate ways of improving the centre, including establishing of a tourist information bureau.

#### **AMENDMENT**

#### ***Cr Menano-Pires / Cr Grattan***

That:

1. Council reduces operations at the Avalon Beach Customer Service Contact Centre to 2 days per week for a period of up to 6 months.
2. Community information be provided on alternative service options and locations.

#### **VOTING**

**FOR:** Cr Walton, Cr Bingham, Cr Sprott, Cr Menano-Pires and Cr Grattan

**AGAINST:** Cr Glanville, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Crvelin and Cr Robins

**ABSENT:** Cr Ryburn

#### **LOST**

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

#### **400/22 RESOLVED**

#### ***Cr Korzy / Cr De Luca***

That:

1. The CEO defers and reviews this matter until after road and civil works towards the Avalon Shared Spaces project are complete or the March 2023 Council meeting – whichever is later.
2. Staff immediately improve signposting for the Avalon Customer Contact Centre and inform



residents that it is operational via social media and local print media.

3. Staff investigate ways of improving the centre, including establishing of a tourist information bureau or other services.

#### **VOTING**

**FOR:** Cr Glanville, Cr Walton, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins and Cr Menano-Pires

**AGAINST:** Cr Bingham and Cr Grattan

**ABSENT:** Cr Ryburn

**CARRIED**

#### **PROCEDURAL MOTION - ADJOURN THE MEETING**

401/22 **RESOLVED**

**Cr Regan / Cr Heins**

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

#### **VOTING**

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

**ABSENT:** Cr Ryburn

**CARRIED**

#### **15.1 NOTICE OF MOTION NO 45/2022 - PROPOSED SALE OF COUNCIL LAND AT 2 BANGAROO STREET, NORTH BALGOWLAH**

*NOTE: Councillor Sprott left the chamber at 8:54pm and returned at 8:57pm*

402/22 **RESOLVED**

**Cr Bingham / Cr Grattan**

Due to community concern resulting from a published 'expressions of interest' that Council:

1. Confirm that a community consultation process will be undertaken in relation to 2 Bangaroo Street, North Balgowlah.
2. Place information on its website to detail the process to be undertaken in relation to any potential sale of 2 Bangaroo Street North Balgowlah.
3. Bring the matter back to Council for a further briefing.

4. Note that any final decision on the potential sale of the site is to be determined by Council at a future Council meeting.
5. Notes that:
  - A. There is no proposal to destroy or sell a riparian zone at North Balgowlah.
  - B. The draft Conservation Zones review (as exhibited) does not propose that the current R2 zoned land, which has been subdivided into three lots, be rezoned to a Conservation Zone.
  - C. Any construction of a dwelling house would be subject to Council approval.
  - D. Council has no report stating that new development should not occur on these sites.
  - E. DA approval is current to subdivide the land to enable the construction of dwellings on each new allotment. The impacts of the riparian zone are a matter for consideration in the design and assessment of any future DA, as they are for all development located close to riparian zones.

**VOTING**

**FOR:** Cr Walton, Cr Bingham, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

**AGAINST:** Cr Glanville, Cr Korzy and Cr De Luca

**ABSENT:** Cr Ryburn

**CARRIED**

**PROCEDURAL MOTION - MOTION BE PUT**

403/22 **RESOLVED**

**Cr Amon / Cr Walton**

That the motion be now put.

**VOTING**

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

**AGAINST:** Cr Glanville and Cr Korzy

**ABSENT:** Cr Ryburn

**CARRIED**

## 12.0 PLANNING AND PLACE DIVISION REPORTS

### 12.2 SUSPENSION OF ALCOHOL FREE ZONE AT MARKET LANE MANLY, MARKET LANE LIVE - SMALL BAR

404/22 **RESOLVED**

**Cr Heins / Cr Grattan**

That Council:

1. Suspend the operation of that part of the Alcohol-Free Zone (AFZ) for the area of Market Lane, Manly as shown on Attachment 1 for a period of 3 years and only during the hours of trading specified in DA2021/2065.
2. Authorise the Chief Executive Officer to do all things necessary to give effect to the suspension of the relevant part of the Market Lane Alcohol Free Zone including the publication of notices of suspension as required under section 645 of the *Local Government Act 1993*.

#### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

### 12.3 DRAFT ECONOMIC DEVELOPMENT STRATEGY "BUSINESS ON THE BEACHES"

405/22 **RESOLVED**

**Cr Heins / Cr Amon**

That:

1. Council place the draft Economic Development Strategy on public exhibition for 8 weeks.
2. The outcomes of the public exhibition of the draft Economic Development Strategy be reported to Council.

#### VOTING

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

**ABSENT:** Cr Ryburn

**CARRIED**

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

406/22 **RESOLVED**

**Cr Korzy / Cr Gencher**

That the order of business be changed so item 13.3 be brought forward and dealt with immediately.

**VOTING**

**FOR:** Cr Glanville, Cr Bingham, Cr Korzy, Cr Gencher, Cr De Luca and Cr Sprott

**AGAINST:** Cr Walton, Cr Amon, Cr Regan, Cr Heins, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Ryburn

**LOST**

**12.4 FIRE AND RESCUE NSW INSPECTION REPORT - 4-7 VILLIERS PLACE AND 69 MIDDLETON ROAD, CROMER**

407/22 **RESOLVED**

**Cr Grattan / Cr Heins**

That Council:

1. In accordance with the *Environmental Planning and Assessment Act 1979*, exercise its power to issue a Fire Safety Order No.1 to address the identified fire safety deficiencies at 4-7 Villiers Place and 69 Middleton Road, Cromer.
2. Provide notice to Fire & Rescue NSW of this determination.

**VOTING**

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

**AGAINST:** Cr Amon

**ABSENT:** Cr Ryburn

**CARRIED**

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

### 13.1 MANLY STREETS AS SHARED SPACES - FEEDBACK ON THE TRIAL AND NEXT STEPS

408/22 **RESOLVED**

***Cr Bingham / Cr Grattan***

That Council:

1. Support the retention of the Market Place and The Corso installations for another 12 months with the future option of formalising these areas as built out dining areas, subject to future funding availability.
2. Support the removal of the Darley Road installation and the reinstatement of the on-street parking with suitable timed parking restrictions as approved by the Northern Beaches Council Local Traffic Committee.

#### **VOTING**

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

**ABSENT:** Cr Ryburn

**CARRIED**

**13.2 OUTCOME OF PUBLIC EXHIBITION - TO RENAME GEOGRAPHICAL FEATURES REFERRED TO OR NAMED BY NATURALIST GEORGE CALEY IN 1805**

409/22 **RESOLVED**

***Cr Regan / Cr Amon***

That the item is referred to a Councillor Briefing.

**VOTING**

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

**AGAINST:** Cr Glanville

**ABSENT:** Cr Ryburn

**CARRIED**

### **13.3 OUTCOME OF PUBLIC EXHIBITION - DRAFT LET'S PLAY! NORTHERN BEACHES OPEN SPACE AND OUTDOOR RECREATION STRATEGY AND ACTION PLAN**

*NOTE 1: Councillor Regan left the chamber at 9:28pm*

*NOTE 2: In the absence of the Mayor, Councillor Heins assumed the chair*

*NOTE 3: Councillor Sprott left the chamber at 9:229pm and returned to the chamber at 9:33pm*

#### ***Cr Robins / Cr Amon***

That Council:

1. Note the outcome of the public exhibition.
2. Adopt Let's Play! Northern Beaches Open Space and Outdoor Recreation Strategy and Action Plan.
3. Rescind the relevant sections of Council's current recreation strategies and policy, as outlined in this report.

#### ***AMENDMENT***

#### ***Cr Korzy / Cr Glanville***

1. That the CEO prepare a further amended version of the Let's Play strategy, which removes references to:
  - A. Regularisation of any illegally cleared or otherwise unauthorised trails including at Manly Dam War Memorial Park (Manly Dam), the Mona Vale Downhill mountain bike trail at Ingleside Chase, Whitney Reserve at Mona Vale, Deep Creek at North Narrabeen (known as Mt Narra to mountain bike riders), Trafalgar Reserve at Newport, and;
  - B. Any mountain biking annual events at Manly Dam.
2. That the CEO investigate options for alternative locations for another mountain bike park to be created on the Northern Beaches and included in the amended Let's Play Strategy. Such a park should include extensive trails for riders from beginners to advanced, with a mix of gradients, surfaces and obstacles.
3. The further amended version of the Let's Play strategy be presented to Councillors at the February 2023 meeting.

#### **VOTING**

**FOR:** Nil

**AGAINST:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires and Cr Grattan

**ABSENT:** Cr Regan and Cr Ryburn

#### **LOST**

**THE AMENDMENT WAS LOST AND DEBATE CONTINUED ON THE ORIGINAL MOTION.**

410/22 **RESOLVED**

***Cr Robins / Cr Amon***

That Council:

1. Note the outcome of the public exhibition.
2. Adopt Let's Play! Northern Beaches Open Space and Outdoor Recreation Strategy and Action Plan.
3. Rescind the relevant sections of Council's current recreation strategies and policy, as outlined in this report.

**VOTING**

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

**AGAINST:** Cr Glanville and Cr Korzy

**ABSENT:** Cr Regan and Cr Ryburn

**CARRIED**



## 18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

411/22 **RESOLVED**

**Cr Grattan / Cr Crvelin**

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- A. Item 18.3 Response to Mayoral Minute No 11/2022 - Proposal to Investigate Options to Increase Capacity at the Women's Shelter on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993]; and matters affecting the security of the Council, Councillors, Council staff or Council property [10A(2)(f) Local Government Act 1993].

This report discusses/provides advice concerning the location and provision of the refuge service. 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 potentially place at risk the customers of the service.

2. The resolutions made by the Council in Closed Session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

### **VOTING**

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

**ABSENT:** Cr Regan and Cr Ryburn

**CARRIED**

*NOTE: The meeting moved into closed session at 9:50pm*

## 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 EXEMPTION FROM TENDERING FOR A VARIATION TO CONTRACT 2021/004 - MANLY PLACE PLAN REVIEW AND PREPARATION

392/22RESOLVED

**Cr Heins / Cr Menano-Pires**

That Council:

1. Engage Ethos Urban Pty Ltd, for the additional scope of works required under Contract 2021/004 for Manly Place Plan Review & Preparation for the value of \$30,000 (GST exclusive), plus a 15% contingency, taking the total sum of the Contract to \$279, 466.45 (GST inclusive).
2. Resolves pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the contract referred to at 1 because of extenuating circumstances by reason of the following:
  - A. The contract variation is for additional works that are directly connected to the services that have been carried out by the contractor to date
  - B. Given the dependencies on the services provided to date, engaging a different contractor would be inefficient, costly and/or result in deliverables that are not adequate
  - C. Council has already undertaken a market testing process in relation to the project to seek the best value for money outcome for Council
  - D. The contractor has the experience and expertise to satisfy Council's requirements
  - E. Undertaking a tender process would delay the provision of the services and the carrying out of the additional works
  - F. Council has an immediate and critical need for the services
3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution including the execution of any required documentation.

#### **RESOLVED BY EXCEPTION**

**Note:** *This is a copy of the resolution that was resolved by exception in open session in section 6.0- Items Resolved by Exception on page 10.*

### 18.2 RFT 2022/195 - CLONTARF TIDAL POOL DESIGN AND CONSTRUCTION

393/22RESOLVED

**Cr Heins / Cr Menano-Pires**

That Council:

1. Accept the tender of SMC Marine Pty Ltd for RFT 2022/195 - Design and Construct Clontarf Reserve Tidal Pool for the sum of \$542,156 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to

give effect to this resolution and to approve contract payments up to the amount specified in the confidential Evaluation Report.

**RESOLVED BY EXCEPTION**

**Note:** *This is a copy of the resolution that was resolved by exception in open session in section 6.0- Items Resolved by Exception on page 11.*

**18.3 RESPONSE TO MAYORAL MINUTE NO 11/2022 - PROPOSAL TO INVESTIGATE OPTIONS TO INCREASE CAPACITY AT THE WOMEN'S SHELTER**

412/22 **RESOLVED**

**Cr Korzy / Cr Regan**

That Council:

1. Advocate to the NSW Department of Communities and Justice, Minister for Women, Minister for Community and Family Services and their respective shadow ministers for ongoing funding to address demand for emergency accommodation for women and families fleeing domestic violence.
2. Register interest to establish a partnership with the NSW Department of Communities and Justice regarding funding within the NSW Government Communities & Justice, Core and Cluster program.
3. Promote the NSW Government Communities & Justice, Core and Cluster program through the Northern Beaches Domestic Violence Network.

**VOTING**

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

**ABSENT:** Cr Heins and Cr Ryburn

**CARRIED**

*NOTE: The meeting resumed in open session at 9:54pm*

*The meeting concluded at 9:55pm*

This is the final page of the minutes comprising 28 pages numbered 1 to 28 of the Ordinary Council Meeting held on Tuesday 13 December 2022 and confirmed on Tuesday 28 February 2023

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Mayor

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Chief Executive Officer