



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 22 MARCH 2022**

**Minutes of an Ordinary Council Meeting**  
**held on Tuesday 22 March 2022**  
**at the Civic Centre, Dee Why**  
**Commencing at 6:03pm**

**ATTENDANCE:**

**Councillors**

Michael Regan (Mayor)  
Candy Bingham (Deputy Mayor)  
Rory Amon  
Bianca Crvelin (remotely) joined at 6:05pm  
Vincent De Luca OAM (remotely) joined at 6:05pm  
Michael Gencher  
Kristyn Glanville  
Sarah Grattan  
Sue Heins  
Miranda Korzy  
Jose Menano-Pires  
Ruth Robins  
Georgia Ryburn  
Stuart Sprott  
David Walton

**Officers**

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Sarah Dunstan	Executive Manager Governance and Risk
Kath McKenzie	Executive Manager Community Engagement and Communications
Kylie Walshe	Executive Manager Community Art and Culture
Andrew Pigott	Executive Manager Strategic and Place Planning
Campbell Pfeiffer	Executive Manager Property
Lesley Milbourne	Manager Governance
Katie Kirwan	Senior Advisor Governance
Claudia Brodtke	Acting Senior Advisor Governance
Sylwia Stafford	Information Management Technology Officer
Brendan Smith	Information Management Technology Officer

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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

### REQUEST FOR REMOTE ATTENDANCE

044/22 **RESOLVED**

***Cr Robins / Cr Amon***

That in accordance with the Guide for Remote Attendance at Council Meetings by a Councillor, Councillors Crvelin and De Luca be granted permission to attend the meeting remotely as required on the grounds of illness.

### VOTING

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

**ABSENT:** Cr De Luca and Cr Crvelin

**CARRIED**

## 3.0 CONFIRMATION OF MINUTES

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

045/22 **RESOLVED**

***Cr Amon / Cr Bingham***

That the minutes of the Ordinary Council Meeting held 22 February 2022, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 4.0 DISCLOSURES OF INTEREST

- Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 13.1 Sport and Recreation Grants and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*'I am the Patron of the Manly Croquet Club who are recommended for a grant. I have no active involvement with the sport. I am not an active member of this group.'*

- Councillor Sprott declared a significant non-pecuniary interest in Item 9.5 Utilisation of Community Centres during COVID-19 and Funding Extension of Outdoor Dining Fees Waiver to 30 June 2022 and will leave the meeting for the discussion and voting on the item. The reason provided was :

*"My partner has an outdoor dining licence and I will leave the meeting."*

- Councillor Robins declared a not significant non-pecuniary interest in relation to Item 13.2 Outcome of Public Exhibition and Public Hearing of the Lynne Czinner Park Plan of Management and will remain in the meeting for the discussion and voting on the item. The reason provided was:

*"I own a property that is in the vicinity of Lynne Czinner Park. The property holding will not impact my decision making regarding the park."*

- Councillor Ryburn declared a not significant non-pecuniary interest in relation to Item 11.2 Outcome of Public Exhibition of Wakehurst Parkway Flood Mitigation Feasibility Study and will remain in the meeting for the discussion and voting on this item. The reason provided was:

*"My father is the Principal of Oxford Falls Grammar School – a key stakeholder in the matter. The recommendation to Council does not single out the school/has not identified nor specified impacts of the school (financial or operational etc.)."*

- Councillor Heins declared a significant non-pecuniary in Item 9.5 Utilisation of Community Centres during COVID-19 and Funding Extension of Outdoor Dining Fees Waiver to 30 June 2022 and will leave the meeting for the discussion and voting on this item. The reason provided was:

*"I'm a part of the diabetic support group that will benefit."*

- Councillor Korzy declared a not significant non-pecuniary interest in relation to Item 15.5 Notice of Motion No 10/2022 – Protecting Mona Vale Hospital Site and will remain in the meeting for the discussion and voting on this item. The reason provided was:

*"I'm a member of Save Mona Vale Hospital."*

- Councillor Gencher declared a not significant non-pecuniary interest in relation to Item 13.1 Sport and Recreation Infrastructure Grants Program 2021/22 and Item 18.2 RFT2021/232 – Mona Vale SLSC Restaurant and will remain in the meeting for the discussion and voting on this item. The reason provided was:

*"I'm an executive member of the surf club."*

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

*NOTE 1: 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 2: Councillor De Luca left the meeting at 6:16pm and returned at 6:27pm*

### 5.1 PUBLIC FORUM

- David Murray addressed Council about the story of Lot 3 Mona Vale (Reprise).
- Robert Steffan addressed Council about 28 Abernethy Street, Seaforth - DA 2021/2495.

### 5.2 PUBLIC ADDRESS

#### Item 12.2 Development Delivery Plan for Metropolitan Local Aboriginal Land Council

- Sarah Baker addressed Council in support of this item.
- Nicole Romain addressed Council against this item.

#### Item 15.5 Notice of Motion 10/2022 – Protecting Mona Vale Hospital Site

- Mark Horton addressed Council in support of this item.
- Richard West addressed Council in support of this item.

## 6.0 ITEMS RESOLVED BY EXCEPTION

*Note 1: Councillor Heins left the chamber at 6.30pm and returned at 6.31pm*

### 046/22 RESOLVED

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

That

1. Items 8.3, 9.2, 9.3, 9.4, 10.1, 11.3, 11.4, 18.2 and 18.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 18.2 and 18.4 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 Heins, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Bingham, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

### **CARRIED**

### 8.3 NORTHERN BEACHES COUNCIL DISCRETIONARY FUND QUARTERLY REPORT

047/22 **RESOLVED**

**Cr Amon / Cr Robins**

That Council note payments totalling \$5745.00 have been allocated from the Northern Beaches Council Discretionary Fund for the period 24 November 2021 to 16 March 2022.

**RESOLVED BY EXCEPTION**

### 9.2 PUBLIC EXHIBITION OF THE DRAFT LEGISLATIVE COMPLIANCE POLICY

048/22 **RESOLVED**

**Cr Amon / Cr Robins**

That:

1. Council place the draft Northern Beaches Council Legislative Compliance Policy on exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Northern Beaches Council Legislative Compliance Policy be reported to Council.

**RESOLVED BY EXCEPTION**

### 9.3 COUNCILLOR EXPENSES 1 JULY 2021 TO DECEMBER 2021

049/22 **RESOLVED**

**Cr Amon / Cr Robins**

That Council note the councillor expenditure in accordance with the Councillor Expenses and Facilities Policy over the period 1 July 2021 to 31 December 2021.

**RESOLVED BY EXCEPTION**

### 9.4 MONTHLY INVESTMENT REPORT - FEBRUARY 2022

050/22 **RESOLVED**

**Cr Amon / Cr Robins**

That Council note the Investment Report as at 28 February 2022, including the certification by the Responsible Accounting Officer.

**RESOLVED BY EXCEPTION**



### **10.1 PUBLIC EXHIBITION OF PROPOSAL TO RE-ESTABLISH MANLY ALCOHOL FREE ZONE AND OTHER BOUNDARY REVISIONS**

051/22 **RESOLVED**

**Cr Amon / Cr Robins**

That Council:

1. Undertake public consultation, in accordance with section 644A of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones 2009, in relation to the proposed re-establishment of the Alcohol-Free Zones in Manly for the period of 1 July 2022 to 30 June 2026.
2. Undertake public consultation, in accordance with section 644A of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones 2009, in relation to the proposed establishment of Alcohol-Free Zones in Belrose, Freshwater and Narrabeen at the locations shown in Maps 2, 3 and 4 in Attachment 1 to the report for this item for a period that aligns with the respective expiry dates for each of the existing adjacent AFZs.

**RESOLVED BY EXCEPTION**

### **11.3 PUBLIC EXHIBITION OF THE DRAFT GREENDALE CREEK FLOOD STUDY**

052/22 **RESOLVED**

**Cr Amon / Cr Robins**

That:

1. Council place the Draft Greendale Creek Flood Study (2022) on public exhibition for a minimum of 28 days commencing no earlier than May 2022.
2. That the outcome of the public exhibition be reported back to Council.

**RESOLVED BY EXCEPTION**

### **11.4 ASSISTANCE TO RESIDENTS AND BUSINESSES AFFECTED BY MARCH 2022 FLOOD**

053/22 **RESOLVED**

**Cr Amon / Cr Robins**

That Council:

1. In accordance with Section 356(1) of the *Local Government Act 1993* grant financial assistance in the form of free flood affected waste collections for residential properties and businesses within the Northern Beaches Local Government Area that were affected by the flood event of 8 March 2022.
2. Provide the assistance from 10 March 2022 for a period of up to 28 days.

**RESOLVED BY EXCEPTION**

## 18.2 RFT 2021/232 - MONA VALE SLSC RESTAURANT

054/22 **RESOLVED**

***Cr Amon / Cr Robins***

That Council:

1. Accept the tender of Douglas Fraser and Kylie Fraser for RFT 2021/232 – Lease and Fit-out of the Restaurant (off-the-plan) at Mona Vale Surf Life Saving Club for the initial annual base rental amount of \$100,000 excluding GST subject to rent adjustment by CPI for each year thereafter, plus annual turnover rent being 3% of turnover for turnover in excess of \$1 million dollars in each lease year.
2. Delegate authority to the Chief Executive Officer to carry out all things necessary to give effect to this resolution, including execution of any required documentation under delegated authority.

***RESOLVED BY EXCEPTION***

## 18.4 LEGAL NEGOTIATIONS

055/22 **RESOLVED**

***Cr Amon / Cr Robins***

That Council proceed with Option 1 in the confidential report for this Item.

***RESOLVED BY EXCEPTION***

## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 4/2022 - ACKNOWLEDGEMENT OF COMMUNITY AND EMERGENCY SERVICES VOLUNTEERS DURING THE RECENT FLOOD EVENT

056/22 **RESOLVED**

**Cr Regan**

That Council write and formally thank the volunteers from the Northern Beaches State Emergency Services, Rural Fire Services, to the presidents of the local surf clubs and sporting clubs, and to Council staff who provided support during the recent flooding event.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

### 8.1 RESPONSE TO MAYORAL MINUTE NO 20/2021 - FUTURE NEW YEAR'S EVE EVENTS ON THE NORTHERN BEACHES

057/22 **RESOLVED**

**Cr Regan / Cr Menano-Pires**

That:

1. Council note the findings of the investigation into alternative options for New Year's Eve including the use of drones and/or laser light shows.
2. Council support the continued delivery of the New Year's Eve fireworks events at Dee Why, Manly Cove and Bayview for 2022.
3. A report be brought back to Council outlining the proposed carbon emission offset program for New Year's Eve fireworks on the Northern Beaches, outlining options and identifying funding requirements by August 2022.
4. Council staff identify an operational budget to fund a fireworks display at Lionel Watts for 2022 New Year's Eve.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

**8.2 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS FOR EVENTS AT MARKET LANE, SYDNEY ROAD, THE CORSO, RIALTO SQUARE MANLY, MANLY BEACH AND MANLY OVAL**

***Cr Bingham / Cr Grattan***

That Council:

1. Suspend the operation of the alcohol free zone (AFZ) at Market Lane, Manly for the Market Lane Live Pop up Wine Garden designated area from 1 April 2022 until 30 June 2022, pending the determination of Development Application DA DA2021/2065. If Development Application DA2021/2065 is approved and permits the consumption of alcohol on the site, suspension of the AFZ within the pop up Wine Garden area will be sought for the duration of the DA consent period.
2. Suspend the operation of the alcohol free zones (AFZ) at Market Lane, Sydney Road, The Corso, and Rialto Square during the 10 day program of PLAY Manly from 21 April 2022 to 30 April 2022 to allow for pop up activations of food and beverage offerings in those locations.
3. Suspend the operation of the alcohol prohibited area (APA) at Manly Beach for the World Surf League event from 11am to 5pm for the period from Tuesday 17 May 2022 to Tuesday 24 May 2022.
4. Suspend the operation of alcohol prohibited area (APA) at Manly Oval and alcohol-free zones (AFZ) at alternative venues Market Lane, Sydney Road, the Corso, Rialto Square and Manly Oceanfront for the Taste of Manly event from 11:30am to 6pm on Saturday and Sunday 28 and 29 May 2022.
5. Authorise the Chief Executive Officer to do all things necessary to give effect to the above including the publication of notices of suspension.

**PROCEDURAL MOTION - MOTION DEALT WITH IN SERIATIM - ITEM 8.2 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS FOR EVENTS AT MARKET LANE, SYDNEY ROAD, THE CORSO, RIALTO SQUARE MANLY, MANLY BEACH AND MANLY OVAL**

058/22 **RESOLVED**

***Cr Grattan / Cr Ryburn***

That item 8.2 be dealt with in seriatim.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**PROCEDURAL MOTION - MOTION- ITEM 8.2 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS FOR EVENTS AT MARKET LANE, SYDNEY ROAD, THE CORSO, RIALTO SQUARE MANLY, MANLY BEACH AND MANLY OVAL**

059/22 **RESOLVED**

**Cr Bingham / Cr Amon**

That Council:

1. Suspend the operation of the alcohol free zone (AFZ) at Market Lane, Manly for the Market Lane Live Pop up Wine Garden designated area from 1 April 2022 until 30 June 2022, pending the determination of Development Application DA DA2021/2065. If Development Application DA2021/2065 is approved and permits the consumption of alcohol on the site, suspension of the AFZ within the pop up Wine Garden area will be sought for the duration of the DA consent period.

**VOTING**

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

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

**CARRIED**

**PROCEDURAL MOTION - MOTION- ITEM 8.2 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS FOR EVENTS AT MARKET LANE, SYDNEY ROAD, THE CORSO, RIALTO SQUARE MANLY, MANLY BEACH AND MANLY OVAL**

060/22 **RESOLVED**

***Cr Bingham / Cr Ryburn***

That Council:

2. Suspend the operation of the alcohol free zones (AFZ) at Market Lane, Sydney Road, The Corso, and Rialto Square during the 10 day program of PLAY Manly from 21 April 2022 to 30 April 2022 to allow for pop up activations of food and beverage offerings in those locations.
3. Suspend the operation of the alcohol prohibited area (APA) at Manly Beach for the World Surf League event from 11am to 5pm for the period from Tuesday 17 May 2022 to Tuesday 24 May 2022.
4. Suspend the operation of alcohol prohibited area (APA) at Manly Oval and alcohol-free zones (AFZ) at alternative venues Market Lane, Sydney Road, the Corso, Rialto Square and Manly Oceanfront for the Taste of Manly event from 11:30am to 6pm on Saturday and Sunday 28 and 29 May 2022.
5. Authorise the Chief Executive Officer to do all things necessary to give effect to the above including the publication of notices of suspension.

**VOTING**

**FOR:** Unanimous

**CARRIED**

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

### 9.1 PUBLIC EXHIBITION OF THE DRAFT CODE OF MEETING PRACTICE

#### *Cr Grattan / Cr Robins*

That:

1. Council amend Section 8 Modes of Address of the Northern Beaches Code of Meeting Practice 2022 to remove gendered language prior to public exhibition.
2. Council place the draft Northern Beaches Code of Meeting Practice 2022 on public exhibition for a minimum of 28 days.
3. The outcome of the public exhibition of the draft Northern Beaches Code of Meeting Practice 2022 be reported to Council.

#### **AMENDMENT**

061/22 **RESOLVED**

#### *Cr Menano-Pires / Cr Bingham*

That:

1. Council place the draft Northern Beaches Code of Meeting Practice 2022 on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the draft Northern Beaches Code of Meeting Practice 2022 be reported to Council.
3. Staff include a question to the community as part of the public exhibition process to consider the appropriateness of the gendered language of the mode of address.

#### **VOTING**

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

**AGAINST:** Cr Gencher and Cr Amon

#### **CARRIED**

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

062/22 **RESOLVED**

#### *Cr Menano-Pires / Cr Bingham*

That :

1. Council place the draft Northern Beaches Code of Meeting Practice 2022 on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the draft Northern Beaches Code of Meeting Practice 2022 be reported to Council.

3. Staff include a question to the community as part of the public exhibition process to consider the appropriateness of the gendered language of the mode of address.

**VOTING**

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

**AGAINST:** Cr Gencher and Cr Amon

**CARRIED**

**9.5 UTILISATION OF COMMUNITY CENTRES DURING COVID-19 AND FUNDING  
EXTENSION OF OUTDOOR DINING FEES WAIVER TO 30 JUNE 2022**

*Note: Councillors Sprott and Heins left the chamber at 7:16pm due to a disclosure of interest*

063/22 **RESOLVED**

**Cr Crvelin / Cr Regan**

That:

1. The operating and capital expenditure budget changes for the 2021/22 financial year outlined in Table 1 of this report are endorsed for inclusion in the March 2022 Quarterly Budget Review.
2. Council consider fee reductions or waiver to hirers at community centres on a case-by-case basis, in accordance with the provisions in the adopted fees and charges.

**VOTING**

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

**ABSENT:** Cr Heins and Cr Sprott

**CARRIED**



## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

### 10.2 REVIEW OF PUBLIC ART SELECTION PROCESS AND PANEL TERMS OF REFERENCE

*Note 1: Councillors Heins and Sprott returned to the chamber at 7:18pm*

*Note 2: Councillor Amon left the chamber at 7:16pm and returned at 7.18pm*

064/22 **RESOLVED**

**Cr Heins / Cr Grattan**

That Council:

1. Note the outcome of the review of Council's public art commissioning process and the Public Art Selection Panel Terms of Reference.
2. Combine the Public Art Working Group and Public Art Selection Panel into one Public Art Selection Panel.
3. Adopt the amended Public Art Selection Panel Terms of Reference with the following addition:
  - A. Include the following new clause after the existing clause 4  
*'5. Relationship to other Panels*  
*The Panel Chair may at any time invite members of the Design Sustainability Advisory Panel (DSAP) or other Council appointed panels or committees to provide advice on any matter before the panel.'*
  - B. Include the following as a new dot point as an addition under Recommendation 3(b)
    - *One local resident of the Northern Beaches with expertise in arts and culture.*
4. Determine not to exercise the option to extend the Public Art Artist Panel contracts past May 2022.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

### 10.3 COMMUNITY SAFETY ADVISORY COMMITTEE

#### ***Cr Regan / Cr Sprott***

That Council:

1. Adopt the draft Community Safety Advisory Committee Terms of Reference with the change to Item 8, Timetable for Meetings to:
  - A. The Committee is to meet **quarterly (four (4) times)** through the year.
2. Councillor representation on the Community Safety Advisory Committee to include the Mayor (Chair), Councillors Bingham, Gencher, Heins and Robins.

#### **AMENDMENT**

#### ***Cr Amon/Cr Sprott***

That Council:

1. Adopt the draft Community Safety Advisory Committee Terms of Reference with the change to Item 8, Timetable for Meetings to:
  - A. The Committee is to meet **quarterly (four (4) times)** through the year.
2. Councillor representation on the Community Safety Advisory Committee to include the Mayor (Chair), Councillors Bingham, Gencher, Heins and De Luca.

#### **VOTING**

**FOR:** Cr Korzy, Cr Amon, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Ryburn

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

#### **LOST**

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

065/22 **RESOLVED**

#### ***Cr Regan / Cr Sprott***

That Council:

1. Adopt the draft Community Safety Advisory Committee Terms of Reference with the change to Item 8, Timetable for Meetings to:
  - A. The Committee is to meet **quarterly (four (4) times)** through the year.
2. Councillor representation on the Community Safety Advisory Committee to include the Mayor (Chair), Councillors Bingham, Gencher, Heins and Robins.

#### **VOTING**

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

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

#### **CARRIED**

## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

### 11.1 RESPONSE TO NOTICE OF MOTION 46/2021 - SAVE THE KOALAS

*Note 1: Councillor Grattan left the chamber at 7:28pm and returned at 7:30pm*

*Note 2: Councillor De Luca left the meeting at 7:31pm*

066/22 **RESOLVED**

**Cr Korzy / Cr Sprott**

That Council notes the information provided in this report.

#### VOTING

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

**ABSENT:** Cr De Luca

**CARRIED**

### 11.2 OUTCOME OF PUBLIC EXHIBITION OF WAKEHURST PARKWAY FLOOD MITIGATION FEASIBILITY STUDY

*Note: Councillor De Luca returned to the meeting at 7:34pm*

067/22 **RESOLVED**

**Cr Regan / Cr Grattan**

That Council:

1. Note the Community Engagement Report at Attachment 1.
2. Immediately progress the detailed design and environmental assessments for reducing flooding at the Oxford Falls and Oxford Falls Road west sites.
3. Undertake a peer and technical review of the options at The Bends site in conjunction with key stakeholders to determine if the environmental impact of options at that location can be reduced further.
4. Note the confirmation from Transport for NSW of the availability of funding and continue to negotiate the alignment of the funding agreement with agreed milestones.
5. Request a further report from staff on progress within 6 months.

#### VOTING

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

**AGAINST:** Cr Glanville and Cr Korzy

**CARRIED**

## PROCEDURAL MOTION - ADJOURN THE MEETING

068/22 **RESOLVED**

***Cr Regan / Cr Bingham***

That in accordance with clause 19.1 of the Code of Meeting Practice the meeting be adjourned for 15 minutes.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 12.0 PLANNING AND PLACE DIVISION REPORTS

### 12.1 DRAFT PLANNING AGREEMENT AT 3 CENTRAL ROAD, AVALON BEACH (VPA2021/0003) FOR PUBLIC EXHIBITION

069/22 **RESOLVED**

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

That Council:

1. Place the draft Planning Agreement and Explanatory Note on public exhibition for a minimum of 28 days in accordance with legislative requirements.
2. Be presented with a report on the outcomes of the public exhibition of the draft Planning Agreement.

### VOTING

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

**ABSENT:** Cr De Luca

**CARRIED**

## 12.2 DEVELOPMENT DELIVERY PLAN FOR METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL

070/22 RESOLVED

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

That:

1. Council finalise and forward the submission attached as Attachment 1 to the report for this item to the Department of Planning and Environment for its consideration.
2. That concerns are raised in relation to the following issues:
  - A. The draft Development Delivery Plan does not adequately address the statutory requirements of the State Environmental Planning Policy (Planning Systems) 2021 (formerly State Environmental Planning Policy (Aboriginal Lands) 2019), in particular, having appropriate regard to the Greater Sydney Regional Plan.
  - B. The draft Development Delivery Plan inaccurately and selectively suggests compliance with Council's Local Strategic Planning Statement and Local Housing Strategy. The adopted Local Housing Strategy states that development in existing non-urban areas is not required to meet Council's housing targets and is not consistent with good planning principles as established by the Government through its strategic planning framework.
  - C. There has been no proper independent review or assessment of the draft Development Delivery Plan.
  - D. The Department of Planning and Environment is conflicted in its role as both a partner with Metropolitan Local Aboriginal Land Council in the preparation of the Development Delivery Plan and as the determining authority for the Development Delivery Plan/State Environmental Planning Policy amendment. A more rigorous approach should be established that addresses the conflict of roles of the Department of Planning and Environment including via a probity plan.
  - E. The draft Development Delivery Plan applies to only nine sites and does not address all current Metropolitan Local Aboriginal Land Council holdings (approximately 39% of 'Deferred Lands' is currently owned by Metropolitan Local Aboriginal Land Council).
  - F. A more collaborative process should be established going forward that addresses the conflict of roles for the Department of Planning and Environment via a probity plan.
  - G. The statutory consequences of the Development Delivery Plan are significant. Council will potentially lose its planning powers for the sites. Key strategic planning issues should be addressed now.
  - H. The proposals will result in an intensification of development, inappropriate development and incompatible land uses in areas exposed to high risk of bush fire, are likely to increase risks to life and property and present difficulties in evacuation.
  - I. The proposal will result in impacts on core habitat, known habitat for various threatened species of flora and fauna and Threatened Ecological Communities.
  - J. The proposal will result in impacts on watercourses, wetlands, water dependent ecosystems, associated biodiversity and the quality and quantity of overland flow as it enters local and downstream waterways, including the highly valued Narrabeen Lagoon.
  - K. Future investigations should respond to the recommendations in the submission by the Aboriginal Heritage Office.
  - L. Any development outcome will require additional infrastructure not currently planned under the existing Northern Beaches 7.12 Contributions Plan that applies to the land.

- M. No commitments are made to improved building standards and the achievement of a low-carbon development with high-efficiency in energy, water and waste, including opportunities to increase the uptake of renewable energy, reduce carbon emissions, support precinct-scale efficiency initiatives, a circular economy and investigate alternative water supplies.
- N. Detailed urban design studies are required, along with alignment with the draft Design and Place State Environmental Planning Policy 2021 and Urban Design Guide.
- O. Write to our local Federal and State MPs, relevant ministers both Federal and State, to negotiate an alternate solution and financial model so that the MLALC can benefit financially from its land and that the land preserved as is – in perpetuity. Note suggestions from submissions including an ongoing lease fee to have the Land maintained as an Aboriginal National Park, or a State owned National Park. Alternatively, a one off payment from the Government to MLALC to ensure the land is maintained as bushland.
3. Note Council's objection to NSW Planning Minister Anthony Roberts' recent scrapping of the nine principles for sustainable development that were designed to manage risks of climate change by considering risks of floods and fire before building new homes. This is particularly egregious given the recent major flooding, storm and bushfire events impacting the Northern Beaches LGA.

**VOTING**

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

**AGAINST:** Cr Korzy

**ABSENT:** Cr De Luca

**CARRIED**

**PROCEDURAL MOTION - MOTION DEALT WITH IN SERIATIM*****Cr Korzy / Cr Sprott***

That item 12.2 be dealt with in seriatim.

**VOTING**

**FOR:** Cr Walton, Cr Korzy and Cr Sprott

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

**ABSENT:** Cr De Luca

**LOST**

### 12.3 DEPARTMENT OF PLANNING AND ENVIRONMENT LEP EMPLOYMENT ZONE REFORMS

071/22 **RESOLVED**

***Cr Regan / Cr Amon***

That Council:

1. Note its opposition to the Department of Planning and Environment's LEP Employment Zone Reforms, particularly the proposal to combine the B1 and B2 business zones and the IN1 and IN2 industrial zones across the Northern Beaches Local Government Area. The consolidation of these zones will allow a range of higher impacts uses across more of the Local Government Area and may cause an adverse impact on neighbouring residential areas.
2. Write to the NSW Department of Planning and Environment, NSW Minister for Planning and Minister for Homes, and the four local State Members: Rob Stokes MP, Jonathon O'Dea MP, James Griffin MP and Brad Hazzard MP, expressing these concerns and urging the NSW Government to reconsider the approach to the Employment Zones Reform.
3. Note the staff report and recommended translations for Employment zones for the Manly, Pittwater and Warringah LEPs in attachments 105.
4. Note the proposed public exhibition by the Department of Planning and Environment of the Employment Zone translations.
5. Note outcomes of that public exhibition will be notified to Council and that Council's LEPs will be amended by the Department of Planning and Environment via a 'self-repealing State Environmental Planning Policy.

#### **VOTING**

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

**ABSENT:** Cr De Luca

**CARRIED**

## 13.0 TRANSPORT AND ASSETS DIVISION REPORTS

### 13.1 SPORT AND RECREATION INFRASTRUCTURE GRANTS PROGRAM 2021/2022

*Note: Councillor De Luca returned to the meeting at 8.54pm*

#### 072/22 RESOLVED

#### **Cr Amon / Cr Bingham**

That Council approves the funding of these projects through the 2021/2022 Sport and Recreation Infrastructure Grants Program:

1. Collaroy Plateau Cricket Club; to upgrade the Collaroy Plateau Cricket Club building at Collaroy Plateau Park with a new awning, \$10,000.
2. Mona Vale Golf Club; to upgrade the path to the 1st tee at the Mona Vale Golf Course, \$10,000.
3. Belrose Tennis Club; to upgrade lighting on three tennis courts with LED lights at the Belrose Tennis Centre, \$30,000.
4. Manly Croquet Club; to install new solar panels at the Manly Croquet Club building at Keirle Park, Manly, \$10,000.
5. Manly Warringah BMX Club; contribution towards the installation of a new undercover area and an upgrade of the track start shelter with a concrete surface at the BMX complex at JJ Melbourne Hills Memorial Reserve, \$10,000.
6. Narrabeen Junior Rugby Union Club; contribution towards an upgrade of the rugby union / baseball clubhouse at North Narrabeen Reserve including a new outdoor electric BBQ, \$10,000.
7. Mona Vale Surf Lifesaving Club; to install new surf lifesaving equipment racks in the Mona Vale Surf Lifesaving Club building at Mona Vale beach, \$10,000.
8. Manly Warringah Kayak Club; contribution towards an upgrade of the female amenities in the Manly Warringah Kayak Club building at Berry Reserve, \$10,000.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**



### 13.2 OUTCOME OF THE PUBLIC EXHIBITION AND THE PUBLIC HEARING OF THE LYNNE CZINNER PARK PLAN OF MANAGEMENT

073/22 **RESOLVED**

**Cr Robins / Cr Menano-Pires**

That Council:

1. Note its consideration of the submissions received in respect of the draft Lynne Czinner Park Plan of Management.
2. Note its consideration of the report on the public hearing into the categorisation of Lynne Czinner Park, Warriewood, which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802, as Park, Natural Area (Bushland) and Natural Area (Watercourse).
3. Amend the Concept Plan as per Attachment 3 and the concept plan as shown in the Draft Plan of Management at Attachment 2 to move the proposed pump track slightly further away from future potential residential properties.
4. Note its opinion that the amendments to the Draft Lynne Czinner Park Plan of Management as per Attachment 2 are not substantial.
5. In relation to the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979*:
  - A. Note its consideration of the Review of Environmental Factors at Attachment 5 of the report for this item in relation to the activity contemplated in the amended Draft Plan of Management, being landscaping works for recreational purposes at Lynne Czinner Park, Warriewood, which are set out in, and incorporate the mitigation measures and conditions at Attachment 5 (Activity).
  - B. Note that it has taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Activity.
  - C. Determine that the Activity will not significantly affect the environment.
6. Adopt the Draft Lynne Czinner Park Plan of Management at Attachment 2 as the plan of management for the land to which it applies, being Lynne Czinner Park, Warriewood which is comprised of Lot 1 DP 1251955, Lot 2 DP 1251955, Lot 3 DP 1251955, Lot 13 DP 1092788 and Lot 8 DP 1092802.
7. Categorise Lynne Czinner Park, Warriewood as Park, Natural Area (Bushland) and Natural Area (Watercourse), as shown in the Draft Lynne Czinner Park Plan of Management at Attachment 2, in accordance with section 36 of the *Local Government Act 1993*.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 15.0 NOTICES OF MOTION

### 15.1 NOTICE OF MOTION NO 6/2022 - FLOODING ON THE NORTHERN BEACHES

074/22 **RESOLVED**

**Cr De Luca / Cr Ryburn**

That:

1. Council write to the affected property owners and follows up the assistance offered and to check in on recovery.
2. The Chief Executive Officer be requested to write to the Premier of NSW, The Hon Dominic Perrottet MP (responsible for Resilience NSW), Minister for Metropolitan Roads, The Hon Natalie Ward MLC, the Minister for Environment, The Hon James Griffin MP, and request that Council actively and positively be included in the recently announced independent flood inquiry that will examine and report on the causes of, preparedness for, response to, and recovery from, the 2022 catastrophic flood event.

#### VOTING

**FOR:** Unanimous

**CARRIED**

### 15.2 NOTICE OF MOTION NO 7/2022 - EMERGENCY AND SUPPORT SERVICES DURING THE RECENT FLOODS

*Note: Councillor De Luca withdrew Notice of Motion No 7/2022 as the matter was dealt with in Mayoral Minute No 4/2022*

### 15.3 NOTICE OF MOTION NO 8/2022 - MASTERPLAN FOR KILLARNEY OVAL

075/22 **RESOLVED**

**Cr Sprott / Cr Robins**

That Staff:

1. Review the masterplan for Killarney Oval taking into consideration the sporting codes and uses.
2. Brief councillors on the findings of the review of the masterplan for Killarney Oval within six months.
3. Provide a briefing within 3 months on the Open Space Strategy and including an update on its progress.
4. Organise a workshop to identify opportunities and priorities for progressing the Open Space Strategy and also indoor sports.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

### 15.4 NOTICE OF MOTION NO 9/2022 - PARKING INCLUSIONS FOR SECONDARY DWELLINGS ON THE NORTHERN BEACHES

**Cr Sprott / Cr Heins**

That Council:

1. Recognise the increased parking congestion on some residential streets that additional secondary dwellings/granny flat residences are causing.
2. Write to the NSW Minister for Planning and call on him to amend the parking controls for secondary dwellings in the State Environment Policy (Housing) 2021 to require the provision of one off-street parking space to the secondary dwelling to ease the congestion of on-street parking in local streets.

#### **VOTING**

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

**AGAINST:** Cr Glanville, Cr Walton, Cr Amon, Cr Regan, Cr Crvelin, Cr Menano-Pires, Cr Grattan and Cr Ryburn

**LOST**

## 15.5 NOTICE OF MOTION NO 10/2022 - PROTECTING MONA VALE HOSPITAL SITE

### ***Cr Korzy / Cr Gencher***

That Council advocate with the NSW and federal governments to:

1. Retain the entirety of the Mona Vale hospital site in public ownership.
2. For the footprint of the now demolished main hospital building and emergency ward to be maintained as open land for the rebuilding of a new public acute services hospital.
3. For any further development on the hospital land to be for public health services only.

### **AMENDMENT**

076/22 **RESOLVED**

### ***Cr Gencher / Cr Amon***

That Council advocate with the NSW and federal governments to:

1. Retain the entirety of the Mona Vale hospital site in public ownership.
2. For any further development on the hospital land to be for public services only.

### **VOTING**

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

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

**CARRIED**

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

077/22 **RESOLVED**

### ***Cr Gencher / Cr Amon***

That Council advocate with the NSW and federal governments to:

1. Retain the entirety of the Mona Vale hospital site in public ownership.
2. For any further development on the hospital land to be for public services only.

### **VOTING**

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

**AGAINST:** Cr Regan and Cr Grattan

**CARRIED**

## 18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

078/22 RESOLVED

**Cr Bingham / Cr Heins**

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 18.1 RFT 2021/212 - Cottage Restorations, Alterations and Additions at Currawong State Park, Currawong Beach, Pittwater. 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 18.3 EOI 2021/049 - Recreational Site Re-development Vacant Clubhouse and Recreation Space, Nolan Reserve, North Manly 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.

- C. Item 18.5 Mayoral Minute No 5/2022 - Renewal of Appointment of Chief Executive Officer 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].

This report discusses/provides advice concerning renewal of appointment of the Chief Executive Officer.

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:** Unanimous

**CARRIED**

*Note: The meeting moved into closed session at 9.47pm*

## 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 2021/212 - COTTAGE RESTORATIONS, ALTERATIONS AND ADDITIONS AT CURRAWONG STATE PARK, CURRAWONG BEACH, PITTWATER.

079/22 **RESOLVED**

**Cr Korzy / Cr Regan**

That Council:

1. Accept option "C" of the tender of Carfax Commercial Constructions Pty Ltd for RFT 2021/212 - Cottage restorations, alterations and additions at Currawong Beach for the sum of \$1,736,233.19 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.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

### 18.2 RFT 2021/232 - MONA VALE SLSC RESTAURANT

054/22**RESOLVED**

**Cr Amon / Cr Robins**

That Council:

1. Accept the tender of Douglas Fraser and Kylie Fraser for RFT 2021/232 – Lease and Fit-out of the Restaurant (off-the-plan) at Mona Vale Surf Life Saving Club for the initial annual base rental amount of \$100,000 excluding GST subject to rent adjustment by CPI for each year thereafter, plus annual turnover rent being 3% of turnover for turnover in excess of \$1 million dollars in each lease year.
2. Delegate authority to the Chief Executive Officer to carry out all things necessary to give effect to this resolution, including execution of any required documentation under delegated authority.

#### **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.*

**18.3 EOI 2021/049 - RECREATIONAL SITE RE-DEVELOPMENT VACANT CLUBHOUSE AND RECREATION SPACE, NOLAN RESERVE, NORTH MANLY**

080/22 **RESOLVED**

**Cr Regan / Cr Bingham**

That Council defer Item 18.3 to the April 2022 ordinary Council Meeting.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**18.4 LEGAL NEGOTIATIONS**

055/22**RESOLVED**

**Cr Amon / Cr Robins**

That Council proceed with Option 1 in the confidential report for this Item.

**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.*

**18.5 MAYORAL MINUTE NO 5/2022 - RENEWAL OF APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

081/22 **RESOLVED**

**Cr Regan**

That Councillors delegate to the Mayor the authority to renew the appointment of Mr Ray Brownlee for a five (5) year term commencing 1 April 2022 in accordance with the attached draft contract of employment.

**VOTING**

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

**AGAINST:** Cr De Luca

**CARRIED**

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

082/22 **RESOLVED**

**Cr Regan / Cr Bingham**

That Council resume in open session.

**VOTING**

**FOR:** Unanimous

**CARRIED**

*Note: The meeting resumed in open session at 10.28pm*

*The meeting concluded at 10.32pm*

This is the final page of the minutes comprising 32 pages numbered 1 to 32 of the Ordinary Council Meeting held on Tuesday 22 March 2022 and confirmed on Tuesday 26 April 2022

\_\_\_\_\_  
Mayor

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