



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 MAY 2022

Minutes of an Ordinary Council Meeting
held on Tuesday 24 May 2022
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

Candy Bingham (Deputy Mayor) *Chairperson*
Rory Amon
Bianca Crvelin
Vincent De Luca OAM
Michael Gencher
Kristyn Glanville
Sarah Grattan
Sue Heins
Miranda Korzy
Jose Menano-Pires
Ruth Robins
Georgia Ryburn

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
Campbell Pfeiffer	Executive Manager Property
David Walsh	Chief Financial Officer
Lesley Milbourne	Manager Governance
Katie Kirwan	Senior Advisor Governance
Tamara Lukic	Governance Officer
Ximena Von Oven	Governance Officer
Brendan Shaw	Information Management Technology Officer
Greg Karageuzian	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:10pm, resumed at 8:22pm, moved into closed session at 9:23pm, adjourned again at 9:24pm and resumed at 9:26pm, resumed in open session at 9:36pm and concluded at 9:37pm.

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1.0 ACKNOWLEDGEMENT OF COUNTRY

NOTE: The Deputy Mayor acknowledged the traditional custodians of the land on which the meeting gathered, and paid respect to Elders past and present.

NOTE: In the absence of the Mayor, the Deputy Mayor took the chair.

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE AND REMOTE ATTENDANCE

APOLOGIES

131/22 RESOLVED

Cr De Luca / Cr Robins

That the apologies from Councillors Regan, Sprott and Walton be accepted.

VOTING

FOR: Unanimous

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 APRIL 2022

132/22 RESOLVED

Cr Amon / Cr Crvelin

That the minutes of the Ordinary Council Meeting held 26 April 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 15.6 Notice of Motion No 22/2022 – Financial Feasibility of the Hop Skip and Jump Bus Service and will remain in the meeting for the discussion and voting on the item. The reason provided was:

‘I regularly use the Hop, Skip & Jump Service.’

- Councillor Gencher declared a not significant non-pecuniary interest in relation to Item 15.7 Notice of Motion No 21/2022 School Zones and will remain in the meeting for the discussion and voting on the item. The reason provided was:

‘My Notice of Motion was in regard to a proposed School Zone adjacent to the public school that is attended by my child - Mona Vale Public School.’

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE: The Deputy 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

- Michelle Martin addressed Council about North Manly Squash Facility.
- Robert Steffan addressed Council about public safety and ongoing environmental damage.
- Conny Harris addressed Council about replacement of the iconic one lane bridge between Morgan Rd and Oxford Falls Rd with two lane bridge.
- Mark Horton addressed Council about graffiti at Mona Vale.
- David Murray addressed Council about mayoral portraits.

5.2 PUBLIC ADDRESS

Item 10.1 Response to Notice of Motion 44/2021 – Toy Library

- Sandra Gillett on behalf of Cubby House Toy Library addressed Council in support of this item.

Item 12.1 Outcome of Public Exhibition – Frenchs Forest Town Centre Contributions Plan

- Gail MacDonald addressed Council against the item.
- Gregory Hogan addressed Council against the item.

Item 12.2 Adoption of the Northern Beaches Section 7.12 Contributions Plan 2022

- Michael Jones addressed Council for the item.

Item 12.3 Outcome of Public Exhibition of Planning Agreement for 3 Central Road, Avalon Beach (VPA2021/0003)

- Warren Moss addressed Council against the item.

Item 15.2 Notice of Motion 16/2022 – Review of Fees and Charges

- Steve Carrodus on behalf Manly Business Chamber addressed Council in support of this item.

Item 15.4 Notice of Motion 18/2022 – Local Village and Neighbourhood Place Plan Framework

- Michelle Washington addressed Council in support of this item.

Item 15.6 Notice of Motion 20/2022 – Financial Feasibility of the Hop Skip and Jump Bus Service

- Ellen Collier addressed Council against this item.
- Richard Payne addressed Council against this item.

6.0 ITEMS RESOLVED BY EXCEPTION

133/22 **RESOLVED**

Cr Heins / Cr Grattan

That

1. Items 8.1, 9.1, 9.2, 9.5, 9.7, 9.8, 18.2 and 18.3 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The reports for items 18.2 and 18.3 are to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as they relate to matters specified in section 10A (2) of the *Local Government Act 1993*.

VOTING

FOR: Unanimous

CARRIED

8.1 COMMUNITY SATISFACTION RESEARCH SURVEY 2022

134/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council note the 2022 Community Satisfaction Research Survey and consider the results as part of the Council's ongoing strategic and business planning.

RESOLVED BY EXCEPTION

9.1 QUARTERLY REVIEW - MARCH 2022

135/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Note the March 2022 Quarterly Budget Review Statement.
2. Approve the following changes to the Current Forecast in the March 2022 Quarterly Budget Review Statement:
 - A. An increase in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$3.551 million to \$47.610 million.
 - B. A decrease in capital expenditure by \$17.084 million to \$97.009 million.
3. In recognition of the extreme delays in the supply of operational plant and fleet, approve capital expenditure of \$2 million from the anticipated 2022/23 budget allocation to enable orders to be placed.
4. Note the update on the Narrabeen Lagoon Entrance Clearance Works grant.
5. Note the Quarterly Report on Service Performance for the period ended 31 March 2022.
6. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended 31 March 2022.

RESOLVED BY EXCEPTION

9.2 MONTHLY INVESTMENT REPORT - APRIL 2022

136/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council note the Investment Report as at 30 April 2022, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.5 PUBLIC EXHIBITION OF THE DRAFT APPOINTMENT OF COMMITTEE MEMBERS POLICY

137/22 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council place the draft Appointment of Committee Members Policy on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the draft Appointment of Committee Members Policy

be reported to Council.

RESOLVED BY EXCEPTION

9.7 OUTCOME OF PUBLIC EXHIBITION OF DRAFT LEGISLATIVE COMPLIANCE POLICY

138/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Note the outcomes of the public exhibition of the draft Legislative Compliance Policy.
2. Adopt the draft Legislative Compliance Policy provided at Attachment 1.

RESOLVED BY EXCEPTION

9.8 DRAFT COUNCILLOR AND STAFF INTERACTION POLICY

139/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council adopt the draft Councillor and Staff Interaction Policy provided at Attachment 1.

RESOLVED BY EXCEPTION

**18.2 EXEMPTION FROM TENDER PROCESS FOR STREET SWEEPING SERVICE
(FORMER PITTWATER COUNCIL LGA)**

140/22 **RESOLVED**

Cr Heins / Cr Grattan

That Council:

1. Enter into a contract with Specialised Pavement Services Pty Ltd to continue to provide street sweeping services in the former Pittwater Local Government Area as described in Contract 2020/048 for the period from 1 August 2022 up to 13 September 2023.
2. Resolve pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the contract referred to in 1 because of extenuating circumstances by reason of the following:
 - A. The overall street sweeping service is being reviewed as part of Council's Service Review process which is not yet complete.
 - B. There is an ongoing need in terms of public amenity and environmental protection to provide this service.
 - C. The short-term nature of the proposed contract would limit the utility and competitiveness of a tender process.
 - D. The proposed contractor has appropriate experience and a history of providing the

service in a satisfactory manner.

- E. While Council's overall approach to its street sweeping service is under consideration, it is appropriate to extend the existing arrangement for a short-term to allow for the orderly implementation of Council's preferred street sweeping model once determined.
3. Authorise the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of any required documentation.

RESOLVED BY EXCEPTION

18.3 RFT 2021/214 - CLEANING FOR COUNCIL BUILDINGS

141/22 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council accepts the tender of Vivid Property Services Pty Ltd for RFT 2021/214 – Cleaning Services for Council Buildings, for the initial annual amount of \$2,012,270.23 (ex GST) and schedule of rates, subject to cost adjustment as per the Fee Review clause C4 for each year thereafter, for the period 1 July 2022 to 30 June 2025 with four optional extensions of one year each, subject to satisfactory performance.
2. Council 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.
3. The Chief Executive Officer be delegated authority to exercise Council's options to extend the contract term.

RESOLVED BY EXCEPTION

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.3 PUBLIC EXHIBITION OF THE DRAFT REVISED INVESTMENT POLICY

142/22 **RESOLVED**

Cr Glanville / Cr Heins

That:

1. The draft Revised Investment Policy be amended at Section 2, to include an additional bullet point:
 - "The exposure of that investment to financial risks associated with climate change"
2. Council endorse the Draft Revised Investment Policy for public exhibition for a period of 28 days.
3. Public Exhibition of the Draft Revised Investment Policy ask for feedback concerning any types of investments not in line with community values, for example due to their impact on

the environment or community, and that Council should avoid investment in.

4. The outcomes of the public exhibition of the Draft Revised Investment Policy be reported to Council.

VOTING

FOR: Unanimous

CARRIED

9.4 PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES COUNCIL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE NORTHERN BEACHES COUNCIL CODE OF CONDUCT

143/22 **RESOLVED**

Cr Heins / Cr Menano-Pires

That:

1. Council place the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct on public exhibition for a minimum of 28 days.
2. The outcomes of the public exhibition of the draft Northern Beaches Council Code of Conduct and Procedures for the Administration of the Northern Beaches Council Code of Conduct be reported to Council.

VOTING

FOR: Cr Glanville, Cr Heins, Cr Korzy, Cr Gencher, Cr Bingham, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Cr Amon and Cr De Luca

CARRIED

9.6 OUTCOME OF PUBLIC EXHIBITION OF DRAFT CODE OF MEETING PRACTICE

NOTE 1: Councillor Glanville left the chamber at 7:06pm and returned at 7:09pm

NOTE 2: Councillor Ryburn left the chamber at 7:07pm and returned at 7:09pm

NOTE 3: Councillor Heins left the chamber at 7:07pm and returned at 7:09pm

Cr Korzy / Cr De Luca

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022.
2. Adopt the draft Northern Beaches Council Code of Meeting Practice 2022 provided at Attachment 1.

3. Revoke the Guidelines for Remote Attendance at Council Meetings by Councillors provided at Attachment 2.
4. Amend the Code of Meeting Practice with the following:
 - A. Increase the notice period for the agenda distribution to 7 days
 - B. Request for remote attendance to be made by 12 noon the day of the meeting if possible
 - C. Amend the Mode of Address and remove Mr and Madam
 - D. Require that agenda and business papers to be published 7 days before the meeting (Clause 4.20).

AMENDMENT

144/22 **RESOLVED**

Cr Heins / Cr Menano-Pires

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022.
2. Adopt the draft Northern Beaches Council Code of Meeting Practice 2022 provided at Attachment 1.
3. Revoke the Guidelines for Remote Attendance at Council Meetings by Councillors provided at Attachment 2.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

CARRIED

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

145/22 **RESOLVED**

Cr Heins / Cr Menano-Pires

That Council:

1. Note the outcome of the public exhibition of the draft Northern Beaches Council Code of Meeting Practice 2022.
2. Adopt the draft Northern Beaches Council Code of Meeting Practice 2022 provided at Attachment 1.
3. Revoke the Guidelines for Remote Attendance at Council Meetings by Councillors provided at Attachment 2.

VOTING

FOR: Cr Heins, Cr Gencher, Cr Glanville, Cr Amon, Cr Bingham, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Cr Korzy

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 RESPONSE TO NOTICE OF MOTION 44/2021 - TOY LIBRARY

146/22 **RESOLVED**

Cr Robins / Cr Amon

That Council defer the recommendation and staff have further discussions with EarlyEd (Early Education Inc) Cubby House Toy Library with regard to entering into a partnership and report back to Council at the next Council meeting.

VOTING

FOR: Unanimous

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 OUTCOME OF PUBLIC EXHIBITION - FRENCHS FOREST TOWN CENTRE CONTRIBUTIONS PLAN

NOTE: Councillor Amon left the chamber at 7:41pm and returned at 7:46pm

Cr Menano-Pires / Cr Heins

That Council:

1. Note the outcomes of the public exhibition of the draft Frenchs Forest Town Centre Contributions Plan.
2. Adopt the draft Frenchs Forest Town Centre Contributions Plan (as amended).
3. Forward the adopted Frenchs Forest Town Centre Contributions Plan to the Independent Pricing and Regulatory Tribunal for review.
4. Notify submitters of the Council decision.

AMENDMENT

Cr Korzy / Cr Glanville

That Council:

1. Note the outcomes of the public exhibition of the draft Frenchs Forest Town Centre Contributions Plan.
2. Adopt the draft Frenchs Forest Town Centre Contributions Plan (as amended).
3. Forward the adopted Frenchs Forest Town Centre Contributions Plan to the Independent Pricing and Regulatory Tribunal for review.
4. Notify submitters of the Council decision.
5. Set up a 12 member Community Reference Group (including three staff appointed by the

CEO) with residents so they can be kept up to date with developments in Frenchs Forest town centre and how this will effect residents.

VOTING

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

AGAINST: Cr Heins, Cr Amon, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

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

THE AMENDMENT WAS LOST AND DEBATE RESUMED ON TNE ORIGINAL MOTION

147/22 RESOLVED

Cr Menano-Pires / Cr Heins

That Council:

1. Note the outcomes of the public exhibition of the draft Frenchs Forest Town Centre Contributions Plan.
2. Adopt the draft Frenchs Forest Town Centre Contributions Plan (as amended).
3. Forward the adopted Frenchs Forest Town Centre Contributions Plan to the Independent Pricing and Regulatory Tribunal for review.
4. Notify submitters of the Council decision.
5. Write to the State Government to:
 - A. Note the constraints that Council staff have identified in being able to include community facilities, such as the Community Hub, in this plan despite the approved upzoning generating demand for such facilities.
 - B. Note that works are required to State owned roads and request an update on the timeframe for these works, to ensure that the road network is appropriately upgraded to facilitate this development.
 - C. Request that the State Government offer residents impacted by state road acquisition works early acquisitions, to avoid residents having uncertainty and financial stress of not knowing when the State Government will eventually carry out the roadworks.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

148/22 **RESOLVED**

Cr Bingham / Cr Ryburn

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

VOTING

FOR: Unanimous

CARRIED

12.2 ADOPTION OF THE NORTHERN BEACHES SECTION 7.12 CONTRIBUTIONS PLAN 2022

NOTE: Cr Heins left the chamber at 8:24pm and returned at 8:26pm

149/22 **RESOLVED**

Cr Korzy / Cr Ryburn

That Council:

1. Note the outcomes of the public exhibition of the draft Northern Beaches Section 7.12 Contributions Plan 2022.
2. Support and adopt the Northern Beaches Section 7.12 Contributions Plan 2022. This Plan is to be:
 - A. made available on Council's website
 - B. forwarded to the Department of Planning and Environment.
3. Repeal Northern Beaches Section 7.12 Contributions Plan 2021.
4. Notify any submitters of Council's decision.

VOTING

FOR: Unanimous

CARRIED

12.3 OUTCOME OF PUBLIC EXHIBITION OF PLANNING AGREEMENT FOR 3 CENTRAL ROAD, AVALON BEACH (VPA2021/0003)

150/22 **RESOLVED**

Cr Amon / Cr Gencher

That Council:

1. Note the outcome of the public exhibition of the draft Planning Agreement.
2. Agree to enter into the Planning Agreement.
3. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
4. Advise all submitters of Council's decision regarding the Planning Agreement.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 PROPOSAL TO RENAME UNDERCLIFF RESERVE IN FRESHWATER IRENE CRUMP RESERVE

151/22 **RESOLVED**

Cr Korzy / Cr Heins

That:

1. Council places the proposal to rename Undercliff Reserve in Freshwater, Irene Crump Reserve on public exhibition for a minimum of 28 days.
2. A report on the outcome of the public exhibition is reported back to Council.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 15/2022 - DANGERS OF CHILDREN RUNNING ACROSS ROADS, AND GRAFFITI AT WARRINGAH ROAD AND HILMER STREET AND FORESTWAY

NOTE: This item was deferred to 28 June 2022 Council Meeting

15.2 NOTICE OF MOTION NO 16/2022 - REVIEW OF FEES AND CHARGES

NOTE: This item was deferred to 28 June 2022 Council Meeting

15.3 NOTICE OF MOTION NO 17/2022 - DRAFT PRECINCT PLAN ELANORA HEIGHTS COMMUNITY CENTRE AND PRECINCT

152/22 **RESOLVED**

Cr De Luca / Cr Crvelin

That Council:

1. Prepare a high level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Elanora Heights community centre precinct, including, but not limited to:
 - A. Upgrade / refurbishment of existing facilities
 - B. An integrated multi discipline community centre and pre-school
 - C. Potential inclusion of public toilets, a state-of-the art playground and associated facilities.
2. Contact the Federal Member for Mackellar and State Member for Pittwater, The Hon. Rob Stokes MP, requesting whether any Federal and State funding could be provided for the purpose of Elanora Heights community centre and precinct.

VOTING

FOR: Unanimous

CARRIED

15.4 NOTICE OF MOTION NO 18/2022 - LOCAL VILLAGE AND NEIGHBOURHOOD PLACE PLAN FRAMEWORK

153/22 **RESOLVED**

Cr Ryburn / Cr Grattan

That:

1. Council develop and pilot a community-led framework for the development of a Village Place Plan to enable local communities to initiate projects for their local village or neighbourhood centres.
2. Council consider using Fairlight's engaged residents to pilot solutions with Fairlight residents and businesses owners.
3. Staff provide a report to Council within four months.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 19/2022 - PASSING OF NORTH CURL CURL SURF LIFE SAVING CLUB LIFE MEMBER, MR ALEX WYE

154/22 **RESOLVED**

Cr De Luca / Cr Ryburn

That Council:

1. Note:
 - A. With sadness that on 25 November 2021, esteemed community leader and Life Member of North Curl Curl Surf Life Saving Club, Mr Alex Wye passed away.
 - B. That Mr Wye, over a 40 year period served in various community positions such as Patrol Captain, Club Captain and Director of Surfing Life Saving for North Curl Curl Surf Life Saving, and as an official and active member of North Curl Curl Cool Cats Swimming Club and Dee Why Amateur Swimming Club.
 - C. In honour of Mr Wye, North Curl Curl Surf Club held a Memorial Event on Sunday 24 April 2022 and in recognition of his outstanding service to the Club and the community officially re-named the Captain's room in his name.
2. Acknowledge and commend the outstanding service of Mr Wye to Surf Life Saving and the community.
3. Extend its sympathy to Mr Wye's family and friends on their tragic loss.

VOTING

FOR: Unanimous

CARRIED

15.6 NOTICE OF MOTION NO 20/2022 - FINANCIAL FEASIBILITY OF THE HOP SKIP AND JUMP BUS SERVICE

NOTE: Councillor Menano-Pires withdrew Notice of Motion No 20/2022

15.7 NOTICE OF MOTION NO 21/2022 - SCHOOL ZONES

155/22 **RESOLVED**

Cr Gencher / Cr Amon

That Council write to the Minister for Metropolitan Roads, the Hon Natalie Ward MLC, to make direct representations on behalf of the community in seeking her earliest consideration and advice on the matter of implementing a 40km/h school zone on Mona Vale Road adjacent to Mona Vale Public School – between Foley Street and Pittwater Road - due to ongoing, and ever increasing pedestrian and road safety concerns.

VOTING

FOR: Unanimous

CARRIED

15.8 NOTICE OF MOTION NO 22/2022 - ALCOHOL FREE ZONE

156/22 **RESOLVED**

Cr Gencher / Cr Ryburn

That Council review the Mona Vale Alcohol Free Zone (AFZ) – with consideration to extending and re-establishing the boundary of the existing Mona Vale Alcohol Free Zone area to include:

1. A further 102 metres to the north along Barrenjoey Road - from Darley Street to Seabeach Avenue
2. 135 metres to the east along Seabeach Avenue to Terrol Crescent.

VOTING

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

AGAINST: Cr Glanville and Cr Korzy

CARRIED

15.9 NOTICE OF MOTION NO 23/2022 - PETITION REGARDING PARKING AT CENTRAL ROAD, AVALON

NOTE: Councillor Glanville left the chamber at 9:19pm and returned at 9:21pm

157/22 RESOLVED

Cr Amon / Cr Ryburn

That Council staff:

1. Undertake high level options analysis of car parking along Central Road Avalon.
2. Council staff prepare a desktop concept design to allow detailed community consultation and, subject to the outcomes of that consultation, seek approval from the Northern Beaches Council Local Traffic Committee.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

158/22 RESOLVED

Cr Crvelin / 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 Approval for Undertaking Works on Private Land at 21 - 47 Condover Street and 6 - 12 Birrima Street North Balgowlah on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses/provides advice concerning commercial tenders. On balance, the public interest in preserving the confidentiality of the information about the matter outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would result in the release of commercial in confidence information.

2. The resolutions 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 Heins, Cr Korzy, Cr Gencher, Cr Amon, Cr Bingham, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Cr De Luca

CARRIED

NOTE: The meeting moved into closed session at 9:24pm

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

PROCEDURAL MOTION - ADJOURN THE MEETING

159/22 **RESOLVED**

Cr Korzy / Cr Menano-Pires

That in accordance with clause 19.1 of the Code of Meeting Practice the meeting be adjourned for 2 minutes.

VOTING

FOR: Unanimous

CARRIED

18.1 APPROVAL FOR UNDERTAKING WORKS ON PRIVATE LAND AT 21 - 47 CONDOVER STREET AND 6 - 12 BIRRIMA STREET NORTH BALGOWLAH

160/22 **RESOLVED**

Cr Glanville / Cr Heins

That Council:

1. In accordance with section 67 of the *Local Government Act 1993*, approve the carrying out of works on private land, being 21-47 Condover Street, and 6-12 Birrima Street North Balgowlah, to remove material displaced from Condover Reserve, North Balgowlah during the March 2022 storm event.
2. Carry out the work referred to in 1 at Council's cost, with no fee for the work charged to the owners of the land.
3. Enter into a contract with RARE Environmental Pty Ltd to remove displaced material from Condover Reserve and adjacent private properties in accordance with its quotation for *RFT 2022/022 – Clean-up of landfill from Condover Reserve, North Balgowlah* for the sum of \$254,909.96 excluding GST with contract payments approved up to the limit specified in the confidential evaluation report.
4. Resolve pursuant to section 55(3)(i) of the *Local Government Act 1993* that a satisfactory result would not be achieved by inviting tenders for the contract referred to at 3 because of extenuating circumstances by reason of the following:
 - A. Council has an immediate and critical need for the services
 - B. Undertaking a tender process would delay the provision of the services and the carrying out of the works
 - C. There are potential environmental and other risks associated with delays to the provision of the services and the carrying out of the works
 - D. Council has undertaken a market testing process to seek the best value for money

outcome for Council

E. The proposed contractor has the experience, expertise and equipment to satisfy Council's requirements.

5. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution, including to execute documentation and to approve contract payments up to the amount specified in the confidential evaluation report.

VOTING

FOR: Unanimous

CARRIED

**18.2 EXEMPTION FROM TENDER PROCESS FOR STREET SWEEPING SERVICE
(FORMER PITTWATER COUNCIL LGA)**

161/22RESOLVED

Cr Heins / Cr Grattan

That Council:

1. Enter into a contract with Specialised Pavement Services Pty Ltd to continue to provide street sweeping services in the former Pittwater Local Government Area as described in Contract 2020/048 for the period from 1 August 2022 up to 13 September 2023.
2. Resolve pursuant to section 55(3)(i) of the Local Government Act 1993 that a satisfactory result would not be achieved by inviting tenders for the contract referred to in 1 because of extenuating circumstances by reason of the following:
 - A. The overall street sweeping service is being reviewed as part of Council's Service Review process which is not yet complete.
 - B. There is an ongoing need in terms of public amenity and environmental protection to provide this service.
 - C. The short-term nature of the proposed contract would limit the utility and competitiveness of a tender process.
 - D. The proposed contractor has appropriate experience and a history of providing the service in a satisfactory manner.
 - E. While Council's overall approach to its street sweeping service is under consideration, it is appropriate to extend the existing arrangement for a short-term to allow for the orderly implementation of Council's preferred street sweeping model once determined.
3. Authorise the Chief Executive Officer to do all things necessary 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 9.

18.3 RFT 2021/214 - CLEANING FOR COUNCIL BUILDINGS

162/22RESOLVED

Cr Heins / Cr Grattan

That:

1. Council accepts the tender of Vivid Property Services Pty Ltd for RFT 2021/214 – Cleaning Services for Council Buildings, for the initial annual amount of \$2,012,270.23 (ex GST) and schedule of rates, subject to cost adjustment as per the Fee Review clause C4 for each year thereafter, for the period 1 July 2022 to 30 June 2025 with four optional extensions of one year each, subject to satisfactory performance.
2. Council 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.
3. The Chief Executive Officer be delegated authority to exercise Council's options to extend the contract term.

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.

NOTE: The meeting resumed in open session at 9:36pm

The meeting concluded at 9:37pm

This is the final page of the minutes comprising 24 pages numbered 1 to 24 of the Ordinary Council Meeting held on Tuesday 24 May 2022 and confirmed on Tuesday 28 June 2022

Mayor

Chief Executive Officer