



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 22 FEBRUARY 2022

Minutes of an Ordinary Council Meeting
held on Tuesday 22 February 2022
at the Civic Centre, Dee Why
Commencing at 6:00pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
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
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
Andrew Pigott	Acting 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
David Walsh	Chief Financial Officer
Lesley Milbourne	Manager Governance
Katie Kirwan	Senior Advisor Governance
Claudia Brodtke	Acting Senior Advisor Governance
Brendan Shaw	Information Management Technology Officer
Shaun Cleland	Information Management Technology Officer

Notes

The meeting commenced at 6:00pm, adjourned at 8:00pm, resumed at 8:15pm, moved into closed session at 9:40pm, resumed in open session at 10:33pm and concluded at 10:39pm

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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

PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

001/22 **RESOLVED**

Cr Regan / Cr Bingham

That in accordance with the Guide for Remote Attendance at Council Meetings by a Councillor, Councillor Glanville be granted permission to attend the meeting remotely as required on the grounds of carer responsibilities.

VOTING

FOR: Cr Walton, Cr Heins, Cr Korzy, 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

ABSENT: Cr Glanville

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 NOVEMBER 2021

Note: Councillor Glanville joined the meeting at 6.02pm

002/22 **RESOLVED**

Cr Regan / Cr Amon

That the minutes of the Ordinary Council meeting held on 23 November 2021, 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

3.2 MINUTES OF ORDINARY COUNCIL MEETING HELD 29 DECEMBER 2021

003/22 RESOLVED

Cr Robins / Cr Gencher

That the minutes of the Ordinary Council Meeting held on 29 December 2021, 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 Amon declared a not significant non-pecuniary interest in relation to Item 12.4 - Statutory Exhibition Finds for a Planning Proposal for 1294-1300 Pittwater Road Narrabeen and 2-4 Albert Street, Narrabeen. The reason provided was:

'I have previously lived one block from this proposed development and had an interest in land one block from this proposed development. I have previously declared a pecuniary interest in relation to this matter on 29 May 2019 and 27 April 2021. I now live and own property two blocks from this proposed development. I do not consider that these matters create a conflict of interest in this case. However, consistent with my prior disclosure I now make that same disclosure for the avoidance of doubt'

- Councillor Miranda Korzy declared a not significant non-pecuniary interest in relation to Item 13.2 and will remain in the meeting for the discussion and voting on this item. The reason provided was:

'I am a member of the Warringah Pittwater Manly Aboriginal Support Group.'

- Councillor Grattan declared a not significant non-pecuniary interest in relation to Item 13.3 – Voting on Volleyfest Alcohol Prohibited Area and will remain in the meeting for the discussion and voting on the item. The reason provided was:

'I have been invited as a guest to the VIP tent at VolleyFest on closing day. I am impartial and this invitation will not have any bearing on my vote.'

- Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 15.2 - Notice of Motion No 2/22 Acknowledgement of Community Services to the People of the Northern Beaches and will remain in the meeting for the discussion and voting on the item. The reason provided was:

'Ray Mathieson is a friend due to our community work together.'

- Councillor Sprott declared a not significant non-pecuniary interest in relation to Item 15.2 - Notice of Motion No 2/22 Acknowledgement of Community Services to the People of the Northern Beaches and will remain in the meeting for the discussion and voting on the item. The reason provided was:

'The acknowledgement of service to a resident and I know the man and would class him as a friend.'

- Councillor Sprott declared a significant non-pecuniary interest in relation to Item 15.3 - Notice of Motion 3/2022 – Waive Outdoor Dining Fees for Businesses and will leave the meeting for the discussion and voting on the item. The reason provided was:

'Partner has a cafe.'

- Councillor Miranda Korzy declared a not significant non-pecuniary interest in relation to Item 15.3 and will remain in the meeting for the discussion and voting on this item. The reason provided was:

'A friend has provided a small business activity in community centres.'

5.0 PUBLIC FORUM AND PUBLIC ADDRESS

NOTE 1: The Mayor requested that each speaker acknowledge 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: Some public speakers have submitted written submissions for tonight's proceedings; these addresses will be read out by the Director Workforce & Technology, Karen Twitchett.

5.1 PUBLIC FORUM

- Dimity Sawyer addressed Council regarding a caveat for height restrictions on DAs along Bicentennial Walkway at Narrabeen Park Parade.
- Robert Steffan addressed Council regarding DA2021/2495 and issues at 28 Abernethy Street, Seaforth.
- Steve Dean addressed Council regarding a caveat for height restrictions on DAs along Bicentennial Walkway at Narrabeen Park Parade.
- Conny Harris addressed Council regarding the Aboriginal Lands State and Environment Planning Policy (ALSEPP) application.
- David Parsons addressed Council regarding money, the Little Manly masterplan and the Spit Tunnel.

5.2 PUBLIC ADDRESS

Item 13.4 Council Representation on the Board of the Northern Beaches Indoor Sports Centre

- Shirley Phelps OAM, addressed Council in support of this item.

Item 15.1 Notice of Motion No 1/2022 – Warringah Aquatic Centre Precinct Plan

- Ann Sharp addressed Council against this item.

Item 15.3 Notice of Motion No 3/2022 – Waive Outdoor Dining Fees for Businesses

- Susan Sparke, President of Mona Vale Chamber of Commerce addressed Council for this item.

6.0 ITEMS RESOLVED BY EXCEPTION

004/22 RESOLVED

Cr Regan / Cr Grattan

That:

1. Items 8.1, 9.1, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 12.2, 13.3, 13.4, 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: Unanimous

CARRIED

8.1 COUNCILLORS WELCOME AND INAUGURAL SPEECHES

005/22 RESOLVED

Cr Regan / Cr Grattan

That Council note all Councillors made their inaugural speeches at the inauguration event on 16 February 2022.

RESOLVED BY EXCEPTION

9.1 USE OF DELEGATED AUTHORITY OVER 2021-2022 RECESS006/22 **RESOLVED*****Cr Regan / Cr Grattan***

That Council note that there were no decisions made under the delegated authority granted by the Council to the Mayor for the period 30 December 2021 to 31 January 2022 inclusive.

RESOLVED BY EXCEPTION**9.4 DRAFT COUNCILLOR EXPENSES AND FACILITIES POLICY FOR PUBLIC EXHIBITION**007/22 **RESOLVED*****Cr Regan / Cr Grattan***

That:

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

RESOLVED BY EXCEPTION**9.5 REPORTING OF MINUTES - COMMITTEES OF PREVIOUS COUNCIL TERM**008/22 **RESOLVED*****Cr Regan / Cr Grattan***

That Council note the following minutes and meeting notes:

1. Places for People Strategic Reference Group meetings of 5 August 2021 and 4 November 2021.
2. Partnership and Participation Strategic Reference Group meetings of 4 August 2021 and 3 November 2021.
3. Community and Belonging Strategic Reference Group meetings of 11 August 2021 and 20 November 2021.
4. Transport and Travel Strategic Reference Group meetings of 12 August 2021 and 11 November 2021.
5. Economic and Smart Communities Strategic Reference Group meetings of 18 August 2021 and 17 November 2021.
6. Environment Strategic Reference Group meetings of 18 August 2021 and 15 November 2021.

7. Audit, Risk and Improvement Committee meetings of 9 June 2021, 14 September 2021 (ordinary), and 14 September 2021 (extraordinary).
8. Community Safety Committee meetings of 7 October and 18 November 2021.
9. Public Art Working Group meeting of 4 November 2021.
10. Bushfire Management Committee meetings of 2 March 2021 and 7 September 2021.

RESOLVED BY EXCEPTION

9.6 CODE OF CONDUCT COMPLAINT STATISTICS

009/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council note the Code of Conduct complaint statistics for the period 1 September 2020 to 31 August 2021 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.

RESOLVED BY EXCEPTION

9.7 QUARTERLY REVIEW - DECEMBER 2021

010/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council:

1. Note the December 2021 Quarterly Budget Review Statement.
2. Approve the following changes to the Current Forecast in the December 2021 Quarterly Budget Review Statement:
 - A. A decrease in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$5.234 million to \$44.058 million.
 - B. A decrease in capital expenditure by \$10.847 million to \$114.093 million.
3. Note the Quarterly Report on Service Performance for the period ended 31 December 2021.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended 31 December 2021.

RESOLVED BY EXCEPTION

9.8 MONTHLY INVESTMENT REPORT - NOVEMBER 2021

011/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council note the Investment Report as at 30 November 2021, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

9.9 MONTHLY INVESTMENT REPORT - DECEMBER 2021

012/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council note the Investment Report as at 31 December 2021, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION

12.2 FIRE & RESCUE NSW INSPECTION REPORT - 105 FRENCHS FOREST ROAD (WEST) FRENCHS FOREST

013/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council:

1. In accordance with the *Environmental Planning and Assessment Act 1979*, determine not to issue a Fire Safety Order in respect of 105 Frenchs Forest Road (West), Frenchs Forest given it has no statutory authority to do so.
2. Notify the determination of this matter to Fire & Rescue NSW.

RESOLVED BY EXCEPTION

13.3 SUSPENSION OF THE ALCOHOL PROHIBITED AREA ON MANLY BEACH FOR VOLLEYBALL AUSTRALIA VOLLEYFEST SUNDAY 6 MARCH 2022

014/22 **RESOLVED**

Cr Regan / Cr Grattan

That Council:

1. Suspend the Alcohol Prohibited Area at Manly Beach for Volleyball Australia's VolleyFest 2022 event on Sunday 6 March 2022 as outlined in the report for this item.
2. Provide notice of the suspension of the Alcohol Prohibited Area via signage at the VolleyFest

2022 event site.

3. Continue to liaise with Volleyball Australia and Northern Beaches Police Local Area Command about safe management of service of alcohol at VolleyFest 2022 during the suspension of the Alcohol Prohibited Area at Manly Beach.

RESOLVED BY EXCEPTION

13.4 COUNCIL REPRESENTATION ON THE BOARD OF THE NORTHERN BEACHES INDOOR SPORTS CENTRE

015/22 RESOLVED

Cr Regan / Cr Grattan

That Council nominate Mr Alex McTaggart as Council's representative on the Board of the Northern Beaches Indoor Sports Centre.

RESOLVED BY EXCEPTION

18.2 RFT 2021/159 - OUTCOME OF RFT - LEASE AND FITOUT OF HOSPITALITY VENUE - GLEN STREET THEATRE

016/22 RESOLVED

Cr Regan / Cr Grattan

That:

1. Council, in accordance with cl178 (3)(a) of the *Local Government (General) Regulation 2021* decline to accept any of the tenders received for RFT2021/159 - Lease & Fitout of Hospitality Venue - Glen Street Theatre and postpone or cancel the proposal for the contract.
2. A briefing is scheduled for further consideration of this matter.

RESOLVED BY EXCEPTION

18.4 COAST WALK PUBLIC ART COMMISSION - ROBERT DUNN RESERVE

017/22 RESOLVED

Cr Regan / Cr Grattan

That:

1. Following and subject to the formal cessation of the agreement with Stella Stories, Council undertake an open Expression of Interest and Request for Quotation (RFQ) process for the project.
2. The Project Artist Brief for Robert Dunn Reserve, Mona Vale South Headland, is amended to incorporate the specific location for the artwork, as per Council's resolution of 23 March 2021.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 1/2022 - CONGRATULATIONS TO EMERITUS MAYOR JULIE SUTTON OAM

018/22 **RESOLVED**

Cr Regan

That Council acknowledge Emeritus Mayor Julie Sutton OAM on her recent Order of Australia Medal.

VOTING

FOR: Unanimous

CARRIED

7.2 MAYORAL MINUTE NO 2/2022 - AUSTRALIA DAY HONOURS AWARDS

019/22 **RESOLVED**

Cr Regan

That Council acknowledge and congratulate residents who have received awards in this year's Australia Day Honours Awards for their achievements and thank them for their service and dedication to our community.

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 COUNCILLOR FEES 2021/22, DETERMINATION OF REMUNERATION TRIBUNAL AND SUPERANNUATION PAYMENTS FROM JULY 2022

020/22 **RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Pursuant to Division 5 of Part 2 of Chapter 9 of the *Local Government Act 1993*, fix the annual fee for financial year 1 July 2021 to 30 June 2022 as follows:
 - A. Councillors at \$31,020
 - B. Mayoral additional fee at \$90,370.
2. Pursuant to Division 5 of Part 2 of Chapter 9 of the *Local Government Act 1993*, fix the annual fees payable to the Mayor and Councillors for the remainder of the term of the current council for the period after 30 June 2022 at the relevant maximum amounts determined by the Local Government Remuneration Tribunal.

3. Note that pursuant to section 250 of the *Local Government Act 1993*, the fees payable to the Mayor and Councillors are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.
4. Pursuant and subject to section 254B of the *Local Government Act 1993*, make superannuation contribution payments to Councillors, commencing from 1 July 2022.

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

9.3 COUNCILLOR APPOINTMENTS TO COMMITTEES AND COMMITTEE FRAMEWORK

021/22 **RESOLVED**

Cr Grattan / Cr Regan

That Council:

1. Adopt the Committee Framework as follows:

Category	Summary Definition and Principles	Council resolution required?
Reference Groups	<ul style="list-style-type: none"> • Formal committees (advisory only, not decision making) organised and run by Council • Members involve community and stakeholder representatives and councillors • Members to be appointed in line with the Appointment of Community and Stakeholder Representatives Policy • Terms of reference to identify membership requirements • Supported by staff 	Yes
Statutory Committees	<ul style="list-style-type: none"> • Organised and run by Council in accordance with statutory requirements • Terms of reference to identify membership requirements • Members may involve Mayor, councillors, stakeholders, staff, independent members or community members as required • Supported by staff 	Yes

Joint Stakeholder Committees (External)	<ul style="list-style-type: none"> Organised and run by external agency Terms of reference determined by agency or in consultation with Council Members may involve Mayor, councillors, stakeholders, staff, independent members or community members as required Supported by staff 	Yes
Joint Stakeholder Committees (Council)	<ul style="list-style-type: none"> Organised and run by Council Terms of reference determined by Council Members may involve Mayor, councillors, stakeholders, staff, independent members or community members as required 	Yes
Memberships	<ul style="list-style-type: none"> External associations that offer membership to Council Terms of membership determined by agency Members may include Mayor, councillors or staff 	Yes
Project Working / Project Advisory Groups	<ul style="list-style-type: none"> Project based advisory groups aligned to approved projects for the term of the engagement process. Implemented as required by staff as part of the engagement approach for projects. Supported by staff. Community and stakeholder members only. Mayor and ward councillors may be invited to participate as established by Terms of Reference and approved by CEO. 	No
Community Groups	<ul style="list-style-type: none"> Self-appointed and managed. Includes resident groups, sports groups, environment groups (200+) etc. Invited to be included in all project engagement activities. 	No

- Extend the former Environment, Travel & Transport and Economic & Smart Communities Strategic Reference Groups, including current community and stakeholder members, until a new committee structure is established by Council.
- Determine councillor representation for the following committees and memberships effective from 23 February 2022 to the commencement of the caretaker period for the next ordinary election (scheduled for September 2024) as follows:

Committee or membership	Representation
Environment SRG	Mayor Regan

	Cr Gencher Cr Sprott Cr Glanville (Chair)
Economic and Smart Communities SRG	Cr Heins (Chair) Cr Ryburn Cr Gencher Cr Grattan
Travel and Transport SRG	Mayor Regan Cr Gencher Cr Robins Cr Grattan (Chair)
Audit, Risk and Improvement Committee	Cr Crvelin Cr Heins Cr Grattan
Traffic Committee	Cr Menano-Pires (as Chair)
RFS Bush Fire Management Committee	Cr Walton (as Chair) Cr Heins
Currawong State Park Advisory Committee	Mayor Regan Cr Korzy (commencing from the conclusion of Cr Regan's tenure until the conclusion of Council term)
Manly Warringah War Memorial State Park Advisory Committee	Cr Glanville
Narrabeen Lagoon State Advisory Park Committee	Mayor Regan (for up to 12 months) Cr Amon (commencing from the conclusion of Cr Regan's tenure until the conclusion of the Council term)
PCYC Advisory Committee	Cr Robins
NSW Metro Public Library Association	Cr Korzy
Sydney Coastal Council Group	Cr Korzy
Warringah Council Trust for Acquisition of Environmentally Sensitive Land	Mayor Regan (Chair) Cr Glanville Cr Korzy

4. Defer the Community Safety Advisory Committee and the adoption of the Community Safety Advisory Committee Terms of Reference to the March 2022 ordinary Council Meeting.
5. Note that following adoption of this framework all previous formal committees of Council will conclude and Council acknowledges and thanks all previous members for their contribution.

6. Note that the effect of this resolution will temporarily amend the relevant terms of reference/charters for the Audit, Risk and Improvement Committee and continuing Strategic Reference Groups, to enable the appointment of councillors to these committees for a period longer than two years as specified in their relevant charters.
7. Note that it will have an opportunity to establish new committees and project working groups, in line with the Committee Framework, as required.

VOTING

FOR: Unanimous

CARRIED

9.10 MONTHLY INVESTMENT REPORT - JANUARY 2022

022/22 **RESOLVED**

Cr Crvelin / Cr Grattan

That Council note the Investment Report as at 31 January 2022, including the certification by the Responsible Accounting Officer.

VOTING

FOR: Unanimous

CARRIED

11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS**11.1 UPDATE ON ENVIRONMENTAL ASSESSMENTS FOR PROPOSED TRIAL OF PALM BEACH (NORTH) AND MONA VALE BEACH (SOUTH) DOG OFF-LEASH AREAS**

Note: Councillor Crvelin left the chamber at 7:23pm and returned at 7:25pm

023/22 **RESOLVED**

Cr Amon / Cr Regan

That, for the purposes of undertaking the environmental assessments in respect of the potential off-leash dog areas at the sections of Palm Beach (North) and Mona Vale Beach (South) referred to in Council Resolution 111/21 of 27 April 2021, the parameters in Table 1, Table 2, and Table 3 for the report of this item, and the areas shown at Attachment 1 and Attachment 2 of the report for this item, be utilised.

VOTING

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

AGAINST: Cr Heins, Cr Korzy and Cr Bingham

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

12.1 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF LOCAL ENVIRONMENTAL PLANS

024/22 RESOLVED

Cr Regan / Cr Heins

That Council note the Development Applications approved with variations to development standards during the period 1 October 2021 to 31 December 2021.

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

12.3 SUBMISSION ON INFRASTRUCTURE CONTRIBUTIONS REFORMS

Note: Councillor Grattan left the chamber at 7:42pm and returned at 7:44pm

025/22 RESOLVED

Cr Heins / Cr Menano-Pires

That:

1. Council endorse the attached submission to the Department of Planning and Environment and the Independent Pricing and Regulatory Tribunal.
2. Staff write to the Department of Planning and Environment and the Independent Pricing and Regulatory Tribunal and confirm Council's endorsement of the submissions made on 10 December 2021.
3. Council write to The Hon. Anthony Roberts MA (Comms) MP, Minister for Planning, and Minister for Homes seeking support on the following matters:
 - A The future Warriewood Valley Contributions Plan Amendment 16 Revision 4 and Frenchs Forest Contributions Plan be listed for review within four (4) years from the date each plan comes into effect, instead of the prescribed date of 1 July 2024.
 - B Confirmation of support for the changes announced in the joint media release of 24 November 2021, in particular:
 - a. that Regional Infrastructure Contributions will be spent in the regions that they are collected.
 - b. Council is able to retain its ability to levy for community facility construction costs.
4. That the submission also be forwarded to the Shadow Minister for Planning as well as the

spokespersons for planning on the cross bench of the Upper House.

VOTING

FOR: Unanimous

CARRIED

12.4 STATUTORY EXHIBITION FINDINGS FOR A PLANNING PROPOSAL FOR 1294-1300 PITTWATER ROAD NARRABEEN AND 2-4 ALBERT STREET, NARRABEEN

Note: Councillor Amon left the chamber at 7:50 pm due to a disclosure of interest

026/22 **RESOLVED**

Cr Crvelin / Cr Heins

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning and Environment for finalisation to amend the Warringah Local Environment Plan (LEP) 2011 to:
 - A. Increase the maximum building height standard at 1298 (front portion) and 1300 Pittwater Road, Narrabeen (Building A) from 8.5 metres to 12 metres to accommodate an additional floor and increased floor to floor heights at the ground and first floors.
 - B. Increase the maximum building height standard at 4 Albert Street, 1294 and 1296 Pittwater Road, and part of (rear portion) 1298 Pittwater Road, Narrabeen from 8.5 metres to 11 metres.
 - C. Permit the additional uses of commercial premises, medical centre and shop top housing at 1298-1300 Pittwater Road, Narrabeen (Building A). The medical centre and commercial premises must not have a gross floor area exceeding 1,150 square metres.
 - D. Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contributions Scheme.
2. Adopt the site-specific amendment to Warringah Development Control Plan for 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen.
3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of statutory notification of the amendment to Warringah Local Environment Plan 2011.
4. Write to all persons who made a submission during the public exhibition period advising them of Council's decision.

VOTING

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

AGAINST: Cr De Luca

ABSENT: Cr Amon

CARRIED

PROCEDURAL MOTION - ADJOURN THE MEETING

Note: Councillor Amon returned to the chamber at 7:59pm

027/22 **RESOLVED**

Cr Regan / Cr Heins

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

VOTING

FOR: Unanimous

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 PUBLIC EXHIBITION OF THE DRAFT NORTHERN BEACHES PROPERTY STRATEGY

028/22 **RESOLVED**

Cr Grattan / Cr Menano-Pires

That:

1. Council place the draft Northern Beaches Property Management Framework on public exhibition for a minimum of 28 days.
2. A report be provided to Council with the outcomes of the public exhibition, together with any recommended changes to the Draft Property Management Framework.

VOTING

FOR: Unanimous

CARRIED

13.2 OUTCOME OF PUBLIC EXHIBITION TO RENAME WALWORTH COURT, NEWPORT

029/22 **RESOLVED**

Cr Gencher / Cr Amon

That Council defer the item to the April 2022 ordinary Council meeting.

VOTING

FOR: Unanimous

CARRIED

14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

14.1 APPOINTMENT OF PERFORMANCE REVIEW PANEL - CHIEF EXECUTIVE OFFICER

030/22 RESOLVED

Cr Regan / Cr Bingham

That for the term of Council:

1. Council undertake the process of performance management of the Chief Executive Officer in accordance with the *Guidelines for the Appointment & Oversight of General Managers* dated July 2011 issued by the Division of Local Government (now Office of Local Government).
2. Council resolve the composition of the Chief Executive Officer's Performance Review Panel to consist of the Mayor, Deputy Mayor, one Councillor nominated by Council, and one Councillor nominated by the Chief Executive Officer.
3. Council elect Councillor Ryburn to be the on the Chief Executive Officer's Performance Review Panel.
4. Council note the Chief Executive Officer nominates Councillor Walton to be the on the Chief Executive Officer's Performance Review Panel.
5. Council delegate to the Panel the whole process of performance management of the Chief Executive Officer, including discussions about performance and performance reviews, any actions that should be taken, the determination of the new performance agreement, the reporting of performance findings and recommendations to Council, and (with the agreement of the Chief Executive Officer) the appointment of an external facilitator to assist with the process.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY – METROPOLITAN ABORIGINAL LAND COUNCIL – PROPOSED AMENDMENTS TO THE STATE ENVIRONMENTAL PLANNING POLICY (ABORIGINAL LANDS) 2019

031/22 RESOLVED

Cr Regan / Cr Amon

That as a matter of urgency Council considers a motion in relation to Metropolitan Aboriginal Land Council – Proposed Amendments to the State Environmental Planning Policy (Aboriginal Lands) 2019 to include sites in Oxford Fall and Belrose.

VOTING

FOR: Unanimous

CARRIED

15.0 NOTICES OF MOTION

15.1 NOTICE OF MOTION NO 1/2022 - WARRINGAH AQUATIC CENTRE PRECINCT PLAN

032/22 RESOLVED

Cr Menano-Pires / Cr Regan

That Council prepare a high level concept report on a Draft Precinct Plan, to be presented to Council within three months, for the Warringah Aquatic Centre Precinct, including, but not limited to:

1. Upgrade / refurbishment of existing facilities.
2. An integrated multi discipline indoor sports centre.
3. Potential health and environmental considerations.

VOTING

FOR: Unanimous

CARRIED

15.2 NOTICE OF MOTION NO 2/2022 - ACKNOWLEDGEMENT OF COMMUNITY SERVICE TO THE PEOPLE OF THE NORTHERN BEACHES

033/22 RESOLVED

Cr Ryburn / Cr Bingham

That Council:

1. Prepare a report identifying existing or new structures or locations to be named in honour of Manly resident Ray Mathieson, in appreciation of his years of service and contributions to the Northern Beaches community.
2. Report back in a confidential briefing within two months.
3. Report back to Council with recommendations, outlining any costings for the above, within four months.

VOTING

FOR: Cr Glanville, Cr Walton, 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 Heins and Cr Korzy

CARRIED

15.3 NOTICE OF MOTION NO 3/2022 - WAIVE OUTDOOR DINING FEES FOR BUSINESSES

Note 1: Councillor Sprott left the chamber at 8:58pm due to a disclosure of interest in the item

Note 2: Councillor De Luca left the chamber at 8:59pm and returned at 9:00pm

Note 3: Councillor Amon left the chamber at 9:04pm and returned at 9:07pm

034/22 **RESOLVED**

Cr Ryburn / Cr Regan

That:

1. Council continue to waive outdoor dining fees for businesses to 30 June 2022 noting the \$345,000 estimated cost to Council.
2. Council staff bring a report to the next ordinary Council meeting identifying capital projects recommended for deferral to offset the costs.
3. Council staff provide a report on utilisation of council facilities for community activities during the Covid pandemic, indicating how many long-term bookings have been lost since January 2020 compared with the previous two years. The report is to be provided within the next two weeks to enable consideration of reduction of fees for use at the next Council meeting.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, 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 Sprott

CARRIED

15.4 NOTICE OF MOTION NO 4/2022 - SIMPLIFYING SMALL BUSINESS APPLICATIONS

Note: Councillor Sprott returned to the chamber at 9:20pm

035/22 **RESOLVED**

Cr Heins / Cr Gencher

That:

1. Council develop an easy to understand 'small business planning package' on the planning pathways available to small businesses on the Northern Beaches that includes:
 - A. Information on exempt development
 - B. Complying development
 - C. Development consent requirements related to small business
 - D. Where a DA is required the package should contain simplified information on the documents required to accompany applications for business uses.
2. Consultation with councillors and the small business community on the 'small business planning package' is conducted prior to any launch.
3. Staff provide an update on progress of the 'small business package' at a councillor briefing within three months.

VOTING

FOR: Unanimous

CARRIED

15.5 NOTICE OF MOTION NO 5/2022 - MANLY VALE STREETScape AND TOWN CENTRE

036/22 **RESOLVED**

Cr Grattan / Cr Bingham

That Council:

1. Investigate potential "quick win" opportunities to improve the streetscape and liveability in the vicinity of Roseberry Street, Manly Vale/Balgowlah, including:
 - A. Providing a 'Welcome to Manly Vale' sign
 - B. Creating a pocket park in front of the Northern Beaches Council depot
 - C. Opening a pedestrian access way from Roseberry Street to Manly West Park
 - D. Writing to landowners and tenants to encourage them to keep their properties tidy and clear of rubbish
 - E. Planting additional street trees along Roseberry Street and adjacent streets
 - F. Changing on-street parking to reduce congestion and improve pedestrian safety

with staff providing a report on the result of investigations to Council within three months.

2. Seek available grant funding to help expedite these projects.
3. Write to Transport for NSW requesting a review and consideration of options to assist Council reduce traffic congestion in the block bordered by Balgowlah Road/ Condamine Street/ Roseberry Street and Kenneth Road, including relevant recommendations of the 2018 Bitzios Balgowlah/Manly Vale Traffic & Parking Review.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

037/22 **RESOLVED**

Cr Regan / Cr Sprott

That the order of business be changed so the matter of urgency regarding Metropolitan Aboriginal Land Council – Proposed Amendments to the State Environmental Planning Policy (Aboriginal Lands) 2019 be brought forward and dealt with immediately.

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

038/22 **RESOLVED**

Cr Regan / 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 2021/106 - Slope Stabilisation and Retaining Structure Panel on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial 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 RFT 2021/157 - Provision and Installation of Mobile Library Shelving 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. The matter of urgency regarding Metropolitan Aboriginal Land Council – Proposed Amendments to the State Environmental Planning Policy (Aboriginal Lands) 2019 on the basis that the discussion may involve matters relating to privileged legal advice, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (10A(2)(g) *Local Government Act 1993*).

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 9:40pm

PROCEDURAL MOTION – RESUME IN OPEN SESSION

042/22 RESOLVED

Cr Regan / Cr Bingham

That Council resume in open session.

VOTING

FOR: Unanimous

CARRIED

NOTE: The meeting resumed in open session at 10.33pm

MATTER OF URGENCY - PROPOSED AMENDMENTS TO THE STATE ENVIRONMENTAL PLANNING POLICY (ABORIGINAL LANDS) 2019

001/22 RESOLVED

Cr Regan / Cr Grattan

That Council delegate authority to the CEO to publish Council's draft submission on the Draft Northern Beaches Aboriginal Land Development Delivery Plan (DPP) on Council's website for the purpose of obtaining community feedback prior to the Ordinary Council meeting on the 22 March 2022.

VOTING

FOR: Unanimous

CARRIED

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

In accordance with Council's Code of Meeting Practice clause 15.22 the resolutions of confidential reports resolved by exception earlier in the meeting and resolutions passed in closed session were displayed on the public screens and livestream of the meeting webcast

18.1 RFT 2021/106 - SLOPE STABILISATION AND RETAINING STRUCTURE PANEL

040/22 RESOLVED

Cr Heins / Cr Grattan

That Council:

1. Accept the tenders submitted by the tenderers detailed below for RFT 2021/106 – for the period 15 March 2022 to 14 March 2024 with four options to extend the term by 12 months subject to satisfactory performance.
 - A. Pan Civil Pty Ltd
 - B. Retaining Specialists Pty Limited

- C. The RIX Group Pty Ltd
 - D. Byrne Civil Engineering Constructions Pty Ltd.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation with the companies listed above.
 3. Delegate authority to the Chief Executive Officer to exercise Council's option to extend the master agreements for up to four additional 12-month periods.

VOTING

FOR: Unanimous

CARRIED

18.2 RFT 2021/159 - OUTCOME OF RFT - LEASE AND FITOUT OF HOSPITALITY VENUE - GLEN STREET THEATRE

016/22 **RESOLVED**

Cr Regan / Cr Grattan

That:

1. Council, in accordance with cl178 (3)(a) of the *Local Government (General) Regulation 2021* decline to accept any of the tenders received for RFT2021/159 - Lease & Fitout of Hospitality Venue - Glen Street Theatre and postpone or cancel the proposal for the contract.
2. A briefing is scheduled for further consideration of this matter.

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 12.

18.3 RFT 2021/157 - PROVISION AND INSTALLATION OF MOBILE LIBRARY SHELVING

041/22 **RESOLVED**

Cr Korzy / Cr Robins

That Council:

1. Accept the tender of Abax Kingfisher Pty Ltd for RFT 2021/157 – Services for Provision and Installation of Mobile Library Shelving for the sum of \$ **363,671.66** excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Unanimous

CARRIED

18.4 COAST WALK PUBLIC ART COMMISSION - ROBERT DUNN RESERVE

017/22RESOLVED

Cr Regan / Cr Grattan

That:

1. Following and subject to the formal cessation of the agreement with Stella Stories, Council undertake an open Expression of Interest and Request for Quotation (RFQ) process for the project.
2. The Project Artist Brief for Robert Dunn Reserve, Mona Vale South Headland, is amended to incorporate the specific location for the artwork, as per Council's resolution of 23 March 2021.

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 12.

The meeting concluded at 10.39pm

This is the final page of the minutes comprising 29 pages numbered 1 to 29 of the ordinary Council Meeting held on Tuesday 22 February 2022 and confirmed on Tuesday 22 March 2022

Mayor

Chief Executive Officer