



northern
beaches
council

MINUTES

EXTRAORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 JANUARY 2023

Minutes of an Extraordinary Council Meeting
held on Tuesday 24 January 2023
at the Civic Centre, Dee Why
Commencing at 10:02am

ATTENDANCE:

Councillors

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

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate & Legal
David Kerr	Director Community & Belonging
Todd Dickinson	Director Environment and Sustainability
Andrew Pigott	Acting Director Planning & Place
Karen Twitchett	Director Workforce & Technology
Steven Lawler	Acting Director Transport & Assets
Eskil Julliard	General Counsel
Lesley Milbourne	Acting Executive Manager Governance and Risk
Claudia Brodtke	Senior Advisor - Governance
Mat Maish	Senior Advisor - Governance
Brendan Shaw	Service Delivery Associate
Greg Karageuzian	IT Network Support Officer

Notes

The meeting commenced at 10:02am and concluded at 12:10pm.

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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

PROCEDURAL MOTION - REQUEST FOR REMOTE ATTENDANCE

001/23 **RESOLVED**

Cr Robins / Cr Crvelin

That in accordance with 6.26 of the Code of Meeting Practice, Councillor Ryburn be granted remote attendance to the January 2023 extraordinary meeting.

VOTING

FOR: Unanimous

CARRIED

PROCEDURAL MOTION - APOLOGY

002/23 **RESOLVED**

Cr Heins / Cr Korzy

That the apologies from Councillor Bingham and Councillor Sprott be accepted.

VOTING

FOR: Unanimous

CARRIED

3.0 DISCLOSURES OF INTEREST

- Councillor De Luca declared a not significant non-pecuniary interest in relation to Item 11.1 and will remain in the meeting for the discussion and voting on the item. The reason provided was:

'I know Councillor Yvonne Weldon (member of the Metropolitan Local Aboriginal Lands Council through her capacity as a Councillor of the City of Sydney Council and board member of Domestic Violence NSW. My impartiality is not affected.'

4.0 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 Ryburn left the chamber at 10:06am and returned to the chamber at 10:06am

4.1 - Item 11.1 Planning Proposal Panel Decision – Morgan Road, Belrose (Lizard Rock)

- Joeline Hackman addressed Council in support of this item.
- Karina Page addressed Council in support of this item.
- Greg Hogan addressed Council against this item.
- Conny Harris addressed Council against this item.

11.0 PLANNING AND PLACE DIVISION REPORTS

11.1 PLANNING PROPOSAL PANEL DECISION - MORGAN ROAD, BELROSE (LIZARD ROCK)

NOTE 1: Councillor Ryburn left the chamber at 10:39am and returned at 10:43am

NOTE 2: Councillor Amon left the chamber at 10:43am and returned at 10:46am

NOTE 3: Councillor Walton left the chamber at 12:00pm and returned at 12:03pm

NOTE 4: Councillor Amon left the chamber at 12:00pm and returned at 12:02pm

Cr Grattan / Cr Menano-Pires

That Council:

1. Note the decision of the Strategic Planning Panel of the Sydney North Planning Panel that the planning proposal for Morgan Road, Belrose (Lizard Rock) proceed to a Gateway determination.
2. Decline the offer to be the Planning Proposal Authority for the planning proposal and notify the Planning Panel's Secretariat of Council's decision by 2 February 2023.
3. Write to the Panel and request more detailed reasoning addressing the merits of each of the issues raised by the Northern Beaches Council in its submission to the Department of Planning and Environment of 24 November.
4. Reiterate its strong opposition to the planning proposal and write to the NSW Premier and the NSW Leader of the Opposition to seek their support to overturn the decision of the Strategic Planning Panel of the Sydney North Planning Panel.
5. Ask the Chief Executive Officer and the Mayor request meetings with the NSW Premier and the NSW Leader of the Opposition to oppose this development and request a meeting with the NSW Minister for Aboriginal Affairs to discuss supporting alternatives with the Aboriginal Land Council for different solutions.
6. Write to the Commonwealth Minister for the Environment in relation to the potential that this proposal concerns matters of national environmental significance and is a controlled activity under the *Environment Protection and Biodiversity Conservation Act 1999*.
7. Staff provide a briefing to Councillors in relation to the potential to seek an emergency declaration from the Federal Government on behalf of the Aboriginal community under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.
8. Obtain further legal advice regarding all matters relevant to the progress of the planning proposal.
9. Following the receipt of such advice, investigate and brief Councillors on the proposition of commencing proceedings in the Land and Environment Court to injunct the progress of the planning proposal.
10. Write to the NSW Premier and NSW Leader of the Opposition to rule out further development on the Northern Beaches than that set out in the Northern Beaches Housing Strategy.

AMENDMENT**Cr Amon / Cr Crvelin**

That Council:

1. Note the decision of the Strategic Planning Panel of the Sydney North Planning Panel that the planning proposal for Morgan Road, Belrose (Lizard Rock) proceed to a Gateway determination.
2. Decline the offer to be the Planning Proposal Authority for the planning proposal and notify the Planning Panel's Secretariat of Council's decision by 2 February 2023.
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4. Reiterate its strong opposition to the planning proposal and write to the NSW Premier and the NSW Leader of the Opposition to seek their support to overturn the decision of the Strategic Planning Panel of the Sydney North Planning Panel.
5. Ask the Chief Executive Officer and the Mayor request meetings with the NSW Premier and the NSW Leader of the Opposition to oppose this development and request a meeting with the NSW Minister for Aboriginal Affairs to discuss supporting alternatives with the Aboriginal Land Council for different solutions.
6. Write to the Commonwealth Minister for the Environment in relation to the potential that this proposal concerns matters of national environmental significance and is a controlled activity under the *Environment Protection and Biodiversity Conservation Act 1999*.
7. Staff provide a briefing to Councillors in relation to the potential to seek an emergency declaration from the Federal Government on behalf of the Aboriginal community under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.
8. Obtain further legal advice regarding all matters relevant to the progress of the planning proposal.
9. Following the receipt of such advice, do all things to commence proceedings in the Land and Environment Court to injunct the progress of the planning proposal.
10. Write to the NSW Leader of the Opposition to rule out further development on the Northern Beaches than that set out in the Northern Beaches Housing Strategy.

003/23 RESOLVED**Cr Ryburn / Cr Grattan**

That the motion be now put.

VOTING

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

AGAINST: Cr De Luca

CARRIED

AMENDMENT**Cr Amon / Cr Crvelin**

That Council:

1. Note the decision of the Strategic Planning Panel of the Sydney North Planning Panel that the planning proposal for Morgan Road, Belrose (Lizard Rock) proceed to a Gateway determination.
2. Decline the offer to be the Planning Proposal Authority for the planning proposal and notify the Planning Panel's Secretariat of Council's decision by 2 February 2023.
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9. Following the receipt of such advice, do all things to commence proceedings in the Land and Environment Court to injunct the progress of the planning proposal.
10. Write to the NSW Leader of the Opposition to rule out further development on the Northern Beaches than that set out in the Northern Beaches Housing Strategy.

VOTING

FOR: Cr Gencher, Cr Amon, Cr Regan, Cr Crvelin and Cr Ryburn

AGAINST: Cr Glanville, Cr Walton, Cr Korzy, Cr Heins, Cr De Luca, Cr Robins, Cr Menano-Pires and Cr Grattan

THIS AMENDMENT WAS LOST AND DEBATE RESUMED ON THE ORIGINAL MOTION

004/23 RESOLVED**Cr Grattan / Cr Menano-Pires**

That Council:

1. Note the decision of the Strategic Planning Panel of the Sydney North Planning Panel that the planning proposal for Morgan Road, Belrose (Lizard Rock) proceed to a Gateway determination.
2. Decline the offer to be the Planning Proposal Authority for the planning proposal and notify the Planning Panel's Secretariat of Council's decision by 2 February 2023.
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9. Following the receipt of such advice, investigate and brief Councillors on the proposition of commencing proceedings in the Land and Environment Court to injunct the progress of the planning proposal.
10. Write to the NSW Premier and NSW Leader of the Opposition to rule out further development on the Northern Beaches than that set out in the Northern Beaches Housing Strategy.

VOTING

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

AGAINST: Cr De Luca

CARRIED

The meeting concluded at 12:10pm

This is the final page of the minutes comprising 11 pages numbered 1 to 11 of the Extraordinary Council Meeting held on Tuesday 24 January 2023 and confirmed on Tuesday 28 February 2023

Mayor

Chief Executive Officer