

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 FEBRUARY 2023

Minutes of an Ordinary Council Meeting
held on Tuesday 28 February 2023
at the Civic Centre, Dee Why
Commencing at 6:01pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Sue Heins (Deputy Mayor)
Kristyn Glanville
David Walton
Candy Bingham
Miranda Korzy
Michael Gencher
Rory Amon
Vincent De Luca OAM
Stuart Sprott (from 8:03pm)
Bianca Crvelin
Ruth Robins
Jose Menano-Pires
Sarah Grattan (remote)
Georgia Ryburn

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate & Legal
David Kerr	Director Community & Belonging
Yianni Mentis	Acting Director Environment and Sustainability
Louise Kerr	Director Planning & Place
Karen Twitchett	Director, Workforce & Technology
Jorde Frangoples	Director Transport & Assets
Sarah Dunstan	Executive Manager Governance and Risk
Lesley Milbourne	Manager Governance
Claudia Brodtke	Senior Advisor - Governance
Mat Maish	Senior Advisor - Governance
Don Morales	IT Officer Administration & Special Projects
Chris Netting	IT Support Officer
Eskil Julliard	General Counsel
Steven Lawler	Executive Manager Parks & Recreation
Andrew Pigott	Executive Manager Strategic & Place Planning
Eva Havenstein	Executive Manager Capital Projects
Ed McPeake	Manager Greener Communities
Caroline Foley	Executive Manager Financial Planning & Systems
Andrew Ward-Harvey	Executive Manager Waste Management & Cleansing

Notes

The meeting commenced at 6:01pm, adjourned at 8:15pm, resumed at 8:23pm, moved into closed session at 8:25pm, resumed in open session at 10:40pm and concluded at 11:04pm.

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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

005/23 **RESOLVED**

Cr Bingham / Cr Crvelin

That in accordance with 6.26 of the Code of Meeting Practice, Councillor Grattan be granted remote attendance to the February meeting.

VOTING

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

ABSENT: Cr Glanville and Cr Sprott

CARRIED

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 13 DECEMBER 2022

NOTE 1: Councillor Glanville returned to the chamber at 6:08pm

006/23 **RESOLVED**

Cr Robins / Cr Heins

That the minutes of the Ordinary Council Meeting held 13 December 2022, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Cr Sprott

CARRIED

3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 24 JANUARY 2023

007/23 RESOLVED

Cr Crvelin / Cr Ryburn

That the minutes of the Extraordinary Council Meeting held 24 January 2023, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

ABSENT: Cr Sprott

CARRIED

4.0 DISCLOSURES OF INTEREST

- Councillor Glanville declared a pecuniary interest in relation to Item 18.1 and will leave the meeting for the discussion and voting on the item. The reason provided was:

"As disclosed on my last return, I own a small amount of shares in High Street To My Street Pty Ltd "Bundlfresh", a local business which home delivers groceries from local retailers on the Northern Beaches area"

- Councillor Gencher declared a not significant non-pecuniary interest in relation to Item 12.1 and remained in the meeting for the discussion and voting on the item. The reason provided was:

"I have known Dan Maurici, an employee of Henroth Pty Ltd personally. I have known this person for over 25 years."

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 Grattan left the chamber at 6:14pm and returned at 6:32pm

NOTE 3: Councillor Regan left the chamber at 6:45pm

NOTE 4: In the absence of Councillor Regan, Councillor Heins assumed the Chair

NOTE 5: Councillor Walton left the chamber at 7:01pm and returned at 7:03pm

NOTE 6: Councillor Amon left the chamber at 7:20pm and returned at 7:21pm

NOTE 7: Councillor Gencher left the chamber at 7:21pm and returned at 7:22pm

NOTE 8: Councillor Regan returned to the chamber at 7:21pm and assumed the Chair

NOTE 9: Councillor Heins left the chamber at 7:23pm and returned at 7:27pm

NOTE 10: Councillor Glanville left the chamber at 7:26pm and returned at 7:28pm

5.1 PUBLIC FORUM

- Mark Horton, on behalf of Friends of Mona Vale, addressed Council on provisions for art displays in Mona Vale.
- Krysia Lee addressed Council on conservation zones.
- Michelle Martin addressed Council on the North Manly squash facility.
- Peter Conroy addressed Council on the role of Council in representing the views of its residents.

PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME

008/23 **RESOLVED**

Cr Korzy / Cr De Luca

That Peter Conroy be granted an extension of one minute to address the meeting.

VOTING

FOR: Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr De Luca, Cr Crvelin, Cr Robins and Cr Ryburn

AGAINST: Cr Glanville, Cr Regan, Cr Heins and Cr Menano-Pires

ABSENT: Cr Sprott and Cr Grattan

CARRIED

- Andrew Petersen addressed Council on Council's development control plan.
- Jack Goodman addressed Council on Manly squash courts.
- David Murray addressed Council on predicting the future of Pittwater.

5.2 PUBLIC ADDRESS

Item 12.1 Planning Proposal 10-12 Boondah Road, Warriewood, PEX2022/0001

- Scott Barwick, on behalf of SJB Planning and Henroth, addressed Council against this item.
- Daniel Maurici, on behalf of Henroth, addressed Council against this item.

Item 15.6 Notice of Motion 8/2023 – Conservation Zones

- Angus Gordon addressed Council in support of this item.
- Anna Maria Monticelli, on behalf of Pittwater Environmental Heritage, addressed Council in support of this item.

PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME**009/23 RESOLVED*****Cr De Luca / Cr Gencher***

That Anna Maria Monticelli be granted an extension of one minute to address the meeting.

VOTING

FOR: Cr Glanville, Cr Korzy, Cr Gencher, Cr Amon, Cr De Luca, Cr Crvelin and Cr Robins

AGAINST: Cr Walton, Cr Bingham, Cr Heins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Regan and Cr Sprott

CARRIED**Item 15.7 Notice of Motion 4/2023 – Duffys Forest Community Bridle Trail**

- Wendy Smallwood addressed Council in support of this item.
- Paul Moore addressed Council in support of this item.

Item 18.3 RFT 2022/224 - Manly Dam Link Trail Boardwalk

- Stephen Hancock addressed Council in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

NOTE 1: Councillor Glanville left the chamber at 7:59pm due to a disclosure of interest

010/23 **RESOLVED**

Cr Menano-Pires / Cr Bingham

That

1. Items 9.1, 9.3, 9.4, 9.5, 10.1, 18.1, 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 18.1, 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 Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

ABSENT: Cr Glanville and Cr Sprott

CARRIED

9.1 USE OF DELEGATED AUTHORITY BY THE MAYOR OVER CHRISTMAS AND NEW YEAR RECESS 2022/23

011/23 **RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council note the report.

RESOLVED BY EXCEPTION

9.3 MONTHLY INVESTMENT REPORT - NOVEMBER 2022

012/23 **RESOLVED**

Cr Menano-Pires / Cr Bingham

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

RESOLVED BY EXCEPTION

9.4 MONTHLY INVESTMENT REPORT - DECEMBER 2022

013/23 RESOLVED***Cr Menano-Pires / Cr Bingham***

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

RESOLVED BY EXCEPTION**9.5 MONTHLY INVESTMENT REPORT - JANUARY 2023****014/23 RESOLVED*****Cr Menano-Pires / Cr Bingham***

That Council note the Investment Report as at 31 January 2023, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION**10.1 COUNCIL REPRESENTATION TO THE QUARANTINE STATION COMMUNITY CONSULTATIVE COMMITTEE****015/23 RESOLVED*****Cr Menano-Pires / Cr Bingham***

That Council endorse the nomination of Councillor Bingham as Council's representative on the Quarantine Station Community Consultative Committee for a period of 4 years.

RESOLVED BY EXCEPTION**18.1 EXEMPTION FROM TENDERING FOR PROVISION OF GROCERIES FOR CHILDREN'S SERVICES, GLEN STREET THEATRE AND THE NSW RURAL FIRE SERVICE****016/23 RESOLVED*****Cr Menano-Pires / Cr Bingham***

That Council:

1. Engage Woolworths to purchase groceries online through the Woolworths at Work – Buy Business Groceries program.
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:
 - a. the limited nature of the market for the range of goods required and the services and delivery options offered by Woolworths.
3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to

this resolution including the execution of all necessary documentation.

RESOLVED BY EXCEPTION

18.2 RFT 2022/109 - SOFTWARE PROVIDER FOR CHILDREN'S SERVICES TENDER OUTCOME

017/23 **RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Accept the tender of HubHello Pty Ltd for RFT 2022/109 – Software Provider for Children's Services for the sum of \$60,432.93 excluding GST for 2 years with the opportunity of 3 x 1-year extensions at Council's option.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

18.4 RFT 2022/100 - IRRIGATION MAINTENANCE SERVICES

018/23 **RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Accept the tenders from the companies listed below for RFT 2022/100 – Irrigation Maintenance Services for the period 1 April 2023 to 31 March 2026 with two 12-month options to extend the term subject to satisfactory performance:
 - Spray Alive Irrigation Consultancy Services Pty Ltd
 - Never Stop Irrigation Pty Ltd.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer to exercise Council's options to extend the contract term.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

NOTE 1: Councillor Glanville returned to the chamber at 8:00pm

019/23 **RESOLVED**

Cr Menano-Pires / Cr Regan

That the order of business be changed so Item 15.6, all confidential items, and all remaining staff reports be brought forward in this order and dealt with immediately.

VOTING

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

AGAINST: Cr Korzy, Cr Amon, Cr De Luca, Cr Robins and Cr Ryburn

ABSENT: Cr Sprott

CARRIED

15.6 NOTICE OF MOTION NO 8/2023 - CONSERVATION ZONES

NOTE 1: Councillor Sprott arrived at 8:02pm

Cr Korzy / Cr Glanville

That Council adopt the following principles with regard to reviewing the Local Environment Plans (LEP) of Pittwater, Warringah and Manly:

1. Acknowledge the overall purpose of the LEP revision must be to recognise the role of Northern Beaches Council in protecting the unique environment of Sydney's northern beaches and to adopt the highest standards of environmental protection in the existing LEPs and not to adopt a lowest common denominator approach to environmental protection.
2. Retain all Conservation Zones from the Pittwater Local Environment Plan 2014 (LEP) in the Northern Beaches Council's single Local Environment Plan, now under development.
3. Include any properties in areas with recognised biodiversity, tree canopy, biodiversity corridors, as well as hazards including bushfire, flood, coastal erosion, and landslip in Conservation Zones.
4. Build on the existing Pittwater development control plan controls, including by incorporating controls into the new Northern Beaches LEP to strengthen their enforceability, and ensuring future DCP controls maximise conservation of nature and tree canopy.
5. Include new controls in the LEP outlining Foreshore Scenic Protection areas and limiting excavations, removal or destruction of significant rocks and cliffs, as well as removal of building spoil from developments in Conservation Zones.
6. Report back to Council before completion and exhibition of the draft LEP on heritage items proposed for the new LEP, ensuring all existing in the current Pittwater LEP are included, and that those nominated at the time of council amalgamations in 2016 or subsequently are considered.
7. If these actions cannot be achieved under a single, harmonised Northern Beaches LEP, exclude the former Pittwater Council area from that LEP and update the current Pittwater LEP, as outlined in Points 2, 3, 4 and 5.
8. Table a report to Council on the Outcome of the Public Exhibition of the Draft Conservation Zones Review, including all submissions received with redactions as appropriate, before finalising and exhibiting the single Draft Northern Beaches Council LEP.

AMENDMENT***Cr Walton / Cr Menano-Pires***

That the matter be deferred to a briefing to be held on Tuesday 7 March 2023.

VOTING

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

AGAINST: Cr Korzy, Cr Amon, Cr De Luca and Cr Sprott

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

020/23 RESOLVED***Cr Walton / Cr Menano-Pires***

That the matter be deferred to a briefing to be held on Tuesday 7 March 2023.

VOTING

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

AGAINST: Cr Korzy, Cr Amon and Cr De Luca

CARRIED**PROCEDURAL MOTION - ADJOURN THE MEETING****021/23 RESOLVED*****Cr Bingham / Cr Amon***

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

VOTING

FOR: Unanimous

CARRIED

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

022/23 RESOLVED

Cr Heins / Cr Bingham

That:

1. In accordance with the requirements of section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
 - A. Item 18.3 RFT 2022/224 - Manly Dam Link Trail Boardwalk 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 18.5 Response to Notice of Motion No 38/2022 - Soft Plastics Recycling on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].

This report discusses/provides advice concerning options for soft plastics recycling. 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 confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
 - C. Item 18.6 Minutes of the Property Steering Committee Meeting held on 28 July 2022 and 21 September 2022. on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council [10A(2)(d(ii)) *Local Government Act 1993*].

This report discusses/provides advice concerning Council assets. 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 provide commercial information to parties that, if disclosed, would place them at a commercial advantage.
 - D. Item 18.7 Facilitating a Group Power Purchase Agreement for Northern Beaches Businesses on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) *Local Government Act 1993*].

This report discusses/provides advice concerning commercial proposals. 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.

- E. Item 18.8 Mayoral Minute No 1/2023 - Personnel Matters 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 senior staff of Council.

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

VOTING

FOR: Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin and Cr Ryburn

ABSENT: Cr Robins, Cr Menano-Pires and Cr Grattan

CARRIED

NOTE 1: The meeting moved into closed session at 8:25pm

19.0 REPORT OF CONFIDENTIAL RESOLUTIONS

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

18.1 EXEMPTION FROM TENDERING FOR PROVISION OF GROCERIES FOR CHILDREN'S SERVICES, GLEN STREET THEATRE AND THE NSW RURAL FIRE SERVICE

016/23**RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Engage Woolworths to purchase groceries online through the Woolworths at Work – Buy Business Groceries program.
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:
 - a. the limited nature of the market for the range of goods required and the services and delivery options offered by Woolworths.
3. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including the execution of all necessary documentation.

RESOLVED BY EXCEPTION

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

18.2 RFT 2022/109 - SOFTWARE PROVIDER FOR CHILDREN'S SERVICES TENDER OUTCOME

017/23**RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Accept the tender of HubHello Pty Ltd for RFT 2022/109 – Software Provider for Children's Services for the sum of \$60,432.93 excluding GST for 2 years with the opportunity of 3 x 1-year extensions at Council's option.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

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

18.4 RFT 2022/100 - IRRIGATION MAINTENANCE SERVICES

018/23**RESOLVED**

Cr Menano-Pires / Cr Bingham

That Council:

1. Accept the tenders from the companies listed below for RFT 2022/100 – Irrigation Maintenance Services for the period 1 April 2023 to 31 March 2026 with two 12-month options to extend the term subject to satisfactory performance:
 - Spray Alive Irrigation Consultancy Services Pty Ltd
 - Never Stop Irrigation Pty Ltd.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.
3. Delegate authority to the Chief Executive Officer 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 11.

18.8 MAYORAL MINUTE NO 1/2023 - PERSONNEL MATTERS

023/23 **RESOLVED**

MOTION DEALT WITH IN SERIATIM***Cr Regan / Cr Walton***

That item 18.8 be dealt with in seriatim.

VOTING

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

AGAINST: Cr Regan

CARRIED**024/23 RESOLVED*****Cr Regan***

That:

1. Council note the resignation of Mr Ray Brownlee, PSM as outlined in his correspondence of 17 February 2023.

VOTING

FOR: Unanimous

CARRIED**025/23 RESOLVED*****Cr Regan***

2. Council formally acknowledge Mr Brownlee's significant contribution to the Northern Beaches community and this Council and thank him for his service

VOTING

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

ABSENT: Cr De Luca

CARRIED**026/23 RESOLVED*****Cr Regan***

3. Council determine the appointment of Derwent as the external recruitment consultant to recruit a new Chief Executive Officer.

VOTING

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

AGAINST: Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy and Cr Regan

CARRIED

027/23 RESOLVED

Cr Regan

4. Council establish a selection panel to recruit a new Chief Executive Officer comprising the Mayor, Deputy Mayor, up to 4 other Councillors and a suitably qualified person independent of Council.

VOTING

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

AGAINST: Cr Gencher

CARRIED

028/23 RESOLVED

Cr Regan

5. Council determine the members of the selection panel to be the Mayor, Deputy Mayor, Cr Robins, Cr Ryburn, Cr Korzy and Cr Walton.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon, Cr Regan, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Grattan and Cr Ryburn

AGAINST: Cr Menano-Pires

CARRIED

029/23 RESOLVED

Cr Regan

6. Council appoint the Deputy Mayor as the convenor of the selection panel and delegate to the Deputy Mayor the function of overseeing the recruitment process in accordance with the *Guidelines for the Appointment of Oversight of General Managers 2022* including ensuring:
 - A. the Chief Executive Officer's position description is current and evaluated in terms of salary to reflect the responsibilities of the position;
 - B. the proposed salary range reflects the responsibilities and duties of the position;
 - C. the position is advertised according to the requirements of the *Local Government Act*

1993;

- D. information packages are prepared; and
- E. applicants selected for interview are notified.

VOTING

FOR: Unanimous

CARRIED

030/23 RESOLVED

Cr Regan

- 7. The selection panel prepare a confidential report to Council on the selection process and recommend the most meritorious applicant with reasons in accordance with the *Guidelines for the Appointment of Oversight of General Managers 2022*.

VOTING

FOR: Unanimous

CARRIED

031/23 RESOLVED

Cr Regan

- 8. Council appoint an interim Chief Executive Officer for the period from 25 March 2023 until the commencement of the new Chief Executive Officer.

VOTING

FOR: Unanimous

CARRIED

032/23 RESOLVED

Cr Regan

- 9. Subject to the acceptance of the offer to the preferred candidate the acting appointment will be announced to take effect from 25 March 2023.

VOTING

FOR: Unanimous

CARRIED

18.3 RFT 2022/224 - MANLY DAM LINK TRAIL BOARDWALK**033/23 RESOLVED****MOTION BE PUT*****Cr Heins / Cr Robins***

That the motion be now put.

VOTING

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

AGAINST: Cr Glanville

CARRIED**034/23 RESOLVED*****Cr Menano-Pires / Cr Grattan***

That Council:

1. In accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept any of the tenders received for RFT 2022/224 – Manly Dam Link Trail Boardwalk.
2. In accordance with section 178(3)(e) of Local Government (General) Regulation 2021, enter into negotiations with Rare Environmental Pty Ltd and Carfax Commercial Constructions Pty Ltd with a view to entering into a contract in relation to the subject matter of the tender.
3. In accordance with section 178(4)(a) of the Local Government (General) Regulation 2021, Council's reasons for declining to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the Local Government (General) Regulation 2021 are that:
 - A. This is the second Request for Tender that has been issued for the Manly Dam Link Trail Boardwalk;
 - B. The two Request for Tender processes undertaken were comprehensive and thorough;
 - C. Given the processes undertaken, inviting fresh tenders or applications would be unlikely to result in a significantly different outcome or an improved result for Council, including in light of the reasons in point 4 below; and
 - D. In the circumstances, the best outcome for Council is likely to be achieved by direct negotiation.
4. In accordance with section 178(4)(b) of the Local Government (General) Regulation 2021, Council's reasons for determining to enter into negotiations with Rare Environmental Pty Ltd and Carfax Commercial Constructions Pty Ltd are:
 - A. The tenders from Rare Environmental Pty Ltd and Carfax Commercial Constructions

Pty Ltd demonstrated that these entities have the capability to undertake the works;

B. The tender from Rare Environmental Pty Ltd demonstrated a clear understanding of the key project risks and provided a sound methodology; and

C. The tender from Carfax Commercial Constructions Pty Ltd demonstrated a thorough understanding of the project risks through the submitted methodology.

5. Delegate authority to the Chief Executive Officer to enter into negotiations with Rare Environmental Pty Ltd and Carfax Commercial Constructions Pty Ltd, and subject to the Chief Executive Officer being satisfied with the outcome of those negotiations, enter into a contract with the preferred entity in relation to the subject matter of the tender and to execute all necessary documentation to give effect to this resolution.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy, Cr De Luca, Cr Sprott and Cr Ryburn

CARRIED

18.5 RESPONSE TO NOTICE OF MOTION NO 38/2022 - SOFT PLASTICS RECYCLING

035/23 **RESOLVED**

Cr Regan / Cr Amon

That Council:

1. Enter into negotiations with Plastic Forests (or each of Plasmar and Polyrok if negotiations with Plastic Forests are unsuccessful) to establish a small scale soft plastic collection and reprocessing trial for Northern Beaches residents, including buy back of suitable recycled soft plastic products by Council.
2. Subject to reaching acceptable commercial terms with a recycler referred to at 1 above and the recycler demonstrating transparent markets for the recycled products, execute an agreement as soon as possible for the small scale soft plastic trial referred to at 1 to continue to 30 June 2023.
3. Continue to monitor the market for recovered soft plastics to assess whether there are future viable opportunities for Council to scale up collections and recycling and seek external funding should viable opportunities arise.
4. Provide a briefing to Council by August 2023 on the results of the soft plastics trial and future soft plastic recycling opportunities.
5. Write to the NSW Minister for Environment and Heritage and Commonwealth Minister for the Environment and Water requesting action on phasing out the use of unnecessary single use soft plastics to the fullest extent possible.
6. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution.
7. Prepare a redacted copy of the report that removes the commercially sensitive information

for the public to view.

VOTING

FOR: Unanimous

CARRIED

18.6 MINUTES OF THE PROPERTY STEERING COMMITTEE MEETING HELD ON 28 JULY 2022 AND 21 SEPTEMBER 2022.

036/23 **RESOLVED**

Cr Menano-Pires / Cr Heins

That Council note the confirmed minutes of the Property Steering Committee ordinary meetings held on the 28 July 2022 and 21 September 2022.

VOTING

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

AGAINST: Cr Glanville, Cr Korzy, Cr Gencher, Cr Amon, Cr De Luca and Cr Sprott

CARRIED

18.7 FACILITATING A GROUP POWER PURCHASE AGREEMENT FOR NORTHERN BEACHES BUSINESSES

037/23 **RESOLVED**

Cr Regan / Cr Amon

That Council:

1. Note the Confidential Evaluation Report – Facilitating a Group Power Purchase Agreement for Northern Beaches Businesses at Attachment 1.
2. Delegate authority to the Chief Executive Officer to negotiate with Edge 2020 Pty. Ltd. and Business Green Energy Pty. Ltd. as the providers identified in the recommendation of the Confidential Evaluation Report and, should a satisfactory outcome be achieved, to enter into an appropriate agreement with one or more of those providers.

VOTING

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

AGAINST: Cr Korzy and Cr De Luca

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING001/23 **RESOLVED****Cr Regan / Cr Heins**

That in accordance with clause 19.3 of the Code of Meeting Practice the meeting time be extended by 30 minutes.

VOTING**FOR:** Cr Walton, Cr Korzy, Cr Amon, Cr Regan and Cr Heins**AGAINST:** Cr Glanville, Cr Bingham, Cr Gencher, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn**LOST****9.0 CORPORATE AND LEGAL DIVISION REPORTS****9.2 QUARTERLY REVIEW - DECEMBER 2022**

NOTE 1: Councillor Bingham left the chamber at 10:56 pm and returned at 10:58pm

NOTE 2: Councillor Sprott left the chamber at 11:03pm and returned at 11:04pm

002/23 **RESOLVED****Cr Walton / Cr Regan**

That Council:

1. Note the December 2022 Quarterly Budget Review Statement.
2. Approve the following changes to the Current Forecast in the December 2022 Quarterly Budget Review Statement:
 - A. An increase in the forecast surplus from Continuing Operations, which includes Capital Grants and Contributions, of \$5.786 million to \$48.356 million.
 - B. An increase in Capital Expenditure by \$2.101 million to \$108.175 million.
3. Note the Quarterly Report on Service Performance for the period ended 31 December 2022.
4. Note the Quarterly Report on expenditure of funds from the Stronger Communities Fund for the period ended 31 December 2022.

VOTING**FOR:** Unanimous**CARRIED**

NOTE 1: In accordance with clause 19.3 of the Code of Meeting Practice the meeting concluded at 11:04pm

NOTE 2: The following items were deferred to the ordinary Council meeting of 28 March 2023 in accordance with clause 19.4(a) of the Code of Meeting Practice:

- 12.1 PLANNING PROPOSAL 10-12 BOONDAH ROAD, WARRIEWOOD PEX2022/0001
- 12.2 PLANNING PROPOSAL FOR 6 MITCHELL ROAD, PALM BEACH - PEX2022/0003
- 13.1 RESPONSE TO NOTICE OF MOTION NO 36/2022 - POTHoles ON LOCAL ROADS
- 15.1 NOTICE OF MOTION NO 1/2023 - PARKING RESTRICTIONS REQUEST, PITTWATER ROAD, COLLAROY
- 15.2 NOTICE OF MOTION NO 2/2023 - BEACH SAFETY SIGNS
- 15.3 NOTICE OF MOTION NO 3/2023 - CASHLESS GAMING CARD REFORM
- 15.4 NOTICE OF MOTION NO 6/2023 - BREWARRINA SISTER CITY YOUTH PROGRAM
- 15.5 NOTICE OF MOTION NO 7/2023 - URGENT REQUEST FOR A SAFETY AUDIT OF ELECTRIC BIKE, ELECTRIC SCOOTER AND OTHER BIKE USAGE ON NORTHERN BEACHES SHARED PATHS, BIKE PATHS AND FOOTPATHS
- 15.7 NOTICE OF MOTION NO 4/2023 - DUFFYS FOREST COMMUNITY BRIDLE TRAIL
- 15.8 NOTICE OF MOTION NO 5/2023 - DAYDREAM STREET, WARRIEWOOD

The meeting concluded at 11:04pm

This is the final page of the minutes comprising 25 pages numbered 1 to 25 of the Ordinary Council Meeting held on Tuesday 28 February 2023 and confirmed on Tuesday 28 March 2023

Mayor

Chief Executive Officer