



northern  
beaches  
council

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 18 OCTOBER 2022**

## Minutes of an Ordinary Council Meeting

held on Tuesday 18 October 2022

at the Civic Centre, Dee Why

Commencing at 6:00pm

### ATTENDANCE:

#### Councillors

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

#### Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Karen Twitchett	Director Workforce and Technology
Jorde Frangoples	Director Transport and Assets
Yianni Mentis	Executive Manager Environment & Climate Change
Kylie Walshe	Executive Manager Community, Arts and Culture
Michael McDermid	Manager, Corporate Strategy
Amy Noakes	Executive Manager Human Resources
Eskil Julliard	General Counsel
Sarah Dunstan	Executive Manager Governance and Risk
Lesley Milbourne	Manager Governance
Tamara Lukic	Acting Senior Advisor Governance
Don Morales	Information Management Technology Officer
Shaun Cleland	Information Management Technology Officer

#### Notes

*The meeting commenced at 6:00pm, adjourned at 8:03pm, resumed at 8:13pm, moved into closed session at 9:27pm, resumed in open session at 10:06pm and concluded at 10:08pm*

## Table of Contents

<b>1.0</b>	<b>Acknowledgement of Country</b> .....	<b>4</b>
<b>2.0</b>	<b>Apologies and Applications for Leave Of Absence and Remote Attendance</b> .....	<b>4</b>
<b>3.0</b>	<b>Confirmation of Minutes</b> .....	<b>4</b>
<b>4.0.</b>	<b>Disclosures of Interest</b> .....	<b>5</b>
<b>5.0</b>	<b>Public Forum and Public Address</b> .....	<b>5</b>
<b>6.0</b>	<b>Items Resolved by Exception</b> .....	<b>6</b>
9.4	2021/22 Financial Statements .....	6
9.5	Public Exhibition of the revised Procurement and Contracts Policy .....	6
13.2	Outcome of Community Engagement - Surf Life Saving Clubs Lease Renewals.....	7
13.3	Response to Notice of Motion 40/2021 - Walking Trail for Wakehurst Parkway .....	8
18.4	RFT 2022/091 - Shelly Beach Public Amenities Renewal - Construction Services .....	8
<b>7.0</b>	<b>Mayoral Minutes</b> .....	<b>9</b>
7.1	Mayoral Minute No 23/2022 - Vale Raymond Cox .....	9
<b>9.0</b>	<b>Corporate and Legal Division Reports</b> .....	<b>9</b>
9.1	Future New Year's Eve Events on the Northern Beaches.....	9
9.2	Local Government Elections 2024 .....	10
<b>10.0</b>	<b>Community and Belonging Division Reports</b> .....	<b>12</b>
10.1	Community Grants Program 2022/23 .....	12
<b>11.0</b>	<b>Environment and Sustainability Division Reports</b> .....	<b>13</b>
11.1	2022/23 Environmental Grants Program - Funding Recommendations .....	13
11.2	Annual Electricity Charges .....	13
11.3	Minutes of the Northern Beaches Bush Fire Management Committee held 7 June 2022....	14
<b>13.0</b>	<b>Transport and Assets Division Reports</b> .....	<b>14</b>
13.1	Response to Notice of Motion No 1/2022 - Warringah Aquatic Centre Precinct Plan.....	14
<b>14.0</b>	<b>Workforce and Technology Division Reports</b> .....	<b>15</b>
14.1	Annual Report 2021/22.....	15
14.2	Council Apprenticeships Strategy and Targets Update.....	16
<b>15.0</b>	<b>Notices of Motion</b> .....	<b>16</b>
15.1	Notice of Motion No 34/2022 - Conservation Zone Review – Public Exhibition Period.....	16
15.2	Notice of Motion No 35/2022 - Harmful Chemicals .....	18
<b>18.0</b>	<b>Confidential Matters – Closed Session</b> .....	<b>19</b>
<b>19.0</b>	<b>Report of Confidential Resolutions</b> .....	<b>20</b>
18.1	RFT 2022/061 - Parks & Recreation Mowing Services Tender Outcome.....	20
18.2	RFT 2022/147 - Queenscliff Headland Ramp Design and Construct .....	21
18.3	RFT 2022/111 - Design and Construct of Tyagarah Bridge Renewal.....	22
9.3	Tabling of Designated Persons Returns 2021/22.....	23
18.4	RFT 2022/091 - Shelly Beach Public Amenities Renewal - Construction Services .....	23

## 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

302/22 **RESOLVED**

**Cr Heins / Cr Robins**

That in accordance with 6.26 of the Code of Meeting Practice, Councillor Glanville be granted remote attendance to the October 2022 meeting.

#### VOTING

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

**ABSENT:** Cr Glanville, Cr De Luca and Cr Sprott

**CARRIED**

## 3.0 CONFIRMATION OF MINUTES

### 3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2022

303/22 **RESOLVED**

**Cr Grattan / Cr Gencher**

That the minutes of the Ordinary Council Meeting held 27 September 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 Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

**ABSENT:** Cr De Luca and Cr Sprott

**CARRIED**

## 4.0 DISCLOSURES OF INTEREST

Designated person returns were tabled in accordance with sections 4.25 and 4.26 of the Code of Conduct.

Councillor Michael Gencher declared a not significant non-pecuniary interest in relation to Item 13.2 Outcome of Community Engagement – Surf Life Saving Clubs Lease Renewals - and will leave the meeting for the discussion and voting on this item. The reason provided was:

*'I am a director and member of the executive of Mona Vale Surf Life Saving Club'.*

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

*NOTE: 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*

### 5.1 PUBLIC FORUM

- Marcia Rackham addressed Council about Draft Conservation Zones Paper Reviews.

### PROCEDURAL MOTION - PUBLIC SPEAKER - EXTENSION OF TIME

304/22 **RESOLVED**

**Cr Korzy / Cr Gencher**

That Marcia Rackman be granted an extension of one minute to address the meeting.

### VOTING

**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Amon and Cr Crvelin

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

**ABSENT:** Cr De Luca and Cr Sprott

**CARRIED**

### 5.2 PUBLIC ADDRESS

#### Item 15.2 Notice of Motion No 35/2022 - Harmful Chemicals

- Edwina Laginestra addressed Council in support of this item.
- Annie Naimo on behalf of BirdLife Australia addressed Council in support of this item.

## 6.0 ITEMS RESOLVED BY EXCEPTION

*NOTE: Councillor De Luca joined the meeting at 6:20pm*

### 305/22 RESOLVED

#### ***Cr Grattan / Cr Bingham***

That

1. Items 9.4, 9.5, 13.2, 13.3 and 18.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.
2. The report for item 18.4 is to be treated as confidential in accordance with section 11 (3) of the *Local Government Act 1993*, as it relates to matters specified in section 10A (2) of the *Local Government Act 1993*.

### VOTING

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

**ABSENT:** Cr Gencher and Cr Sprott

**CARRIED**

## 9.4 2021/22 FINANCIAL STATEMENTS

### 306/22 RESOLVED

#### ***Cr Grattan / Cr Bingham***

That, in accordance with section 419(1) of the *Local Government Act 1993*, the audited Financial Statements and the Auditor's Reports for the 2021/22 financial year are hereby received.

**RESOLVED BY EXCEPTION**

## 9.5 PUBLIC EXHIBITION OF THE REVISED PROCUREMENT AND CONTRACTS POLICY

### 307/22 RESOLVED

#### ***Cr Grattan / Cr Bingham***

That:

1. Council place the revised Procurement and Contracts Policy on public exhibition for a minimum of 28 days.
2. The outcome of the public exhibition of the revised Procurement and Contracts Policy be reported to Council.

**RESOLVED BY EXCEPTION**

## 13.2 OUTCOME OF COMMUNITY ENGAGEMENT - SURF LIFE SAVING CLUBS LEASE RENEWALS

308/22 **RESOLVED**

**Cr Grattan / Cr Bingham**

That Council:

1. Note that it has considered all submissions received in respect of the public exhibition of the proposed Surf Life Saving Club leases referred to in items 2 and 3 below and that:
  - A. Community feedback relating to proposed leases was overwhelmingly positive
  - B. No submissions were received opposing the proposed lease renewals.
2. Pursuant to the *Local Government Act 1993*, grant leases to the following Surf Life Saving Clubs located partly or wholly on Council-owned community land, with each lease having a term of 20 years:
  - A. Bungan Beach Surf Life Saving Club Inc.
  - B. Mona Vale Surf Life Saving Club Inc.
  - C. North Narrabeen Surf Life Saving Club Inc.
  - D. North Steyne Surf Life Saving Club Inc.
  - E. South Narrabeen Surf Life Saving Club Inc.
  - F. Warriewood Surf Life Saving Club Inc.
  - G. Whale Beach Surf Life Saving Club Inc.
  - H. Queenscliff Surf Life Saving Club (insofar as it is located on Council-owned community land and subject to Items 3 and 4 below).
3. Apply to the Minister for Lands and Water for consent to grant, pursuant to clause 70(2)(d) of the *Crown Land Management Regulation 2018*, leases to the following Surf Life Saving Clubs located partly or wholly on Crown Land, with each lease having a term of 20 years:
  - C. Bilgola Surf Life Saving Club Inc.
  - D. Collaroy Surf Life Saving Club Inc.
  - E. Freshwater Surf Life Saving Club
  - F. Long Reef Surf Life Saving Club Inc.
  - G. Newport Surf Life Saving Club Inc.
  - H. North Curl Curl Surf Life Saving Club
  - I. North Palm Beach Surf Life Saving Club Inc.
  - J. South Curl Curl Surf Life Saving Club Inc.
  - K. Queenscliff Surf Life Saving Club (insofar as it is located on Crown land).
4. Subject to the consent of the Minister for Lands and Water, approve the granting of the proposed leases noted in Item 3.
5. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**

**13.3 RESPONSE TO NOTICE OF MOTION 40/2021 - WALKING TRAIL FOR WAKEHURST PARKWAY**

309/22 **RESOLVED**

***Cr Grattan / Cr Bingham***

That Council note:

1. The contents of the report.
2. That option 2 is Council's preferred route as its incorporated in the adopted bike plan as a Tier 1 connection and is likely to attract grant funding.

**RESOLVED BY EXCEPTION**

**18.4 RFT 2022/091 - SHELLY BEACH PUBLIC AMENITIES RENEWAL - CONSTRUCTION SERVICES**

310/22 **RESOLVED**

***Cr Grattan / Cr Bingham***

That Council:

1. Accept the tender of Rogers Construction Group Pty Ltd for RFT 2022/091 – Shelly Beach Public Amenities Renewal for the sum of \$739,568.90 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

**RESOLVED BY EXCEPTION**



## 7.0 MAYORAL MINUTES

### 7.1 MAYORAL MINUTE NO 23/2022 - VALE RAYMOND COX

*NOTE: Councillor Sprott joined the meeting at 6:21pm*

311/22 **RESOLVED**

**Cr Regan**

That Council

1. Acknowledge the enormous contribution made by the late Raymond Cox;
2. Send our condolences to the family of the late Raymond Cox and the Friends of Curl Curl Lagoon Committee; and
3. Council work with the family of the late Raymond Cox and the Friends of Curl Curl Lagoon Committee to find a fitting tribute that recognizes his long-standing contribution to our community.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 9.0 CORPORATE AND LEGAL DIVISION REPORTS

### 9.1 FUTURE NEW YEAR'S EVE EVENTS ON THE NORTHERN BEACHES

312/22 **RESOLVED**

**Cr Grattan / Cr Regan**

That Council:

1. Implement an offsets carbon emissions program associated with the fireworks displays across Council nominated event sites.
2. Fund the carbon emissions program from the Corporate Sustainability Budget.
3. Deliver an annual fireworks event at Lionel Watts in 2022, and subsequent years, with funding of \$36,650 to be allocated from the Events & Partnerships annual operational budget.
4. Give the Chief Executive Officer delegation to approve all necessary contracts associated with implementing the program and the annual firework event.
3. Staff provide a briefing to Councillors in February 2023 on the process for carbon offsetting including consideration of creating offsets locally.

#### **VOTING**

**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, 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

**CARRIED**

## 9.2 LOCAL GOVERNMENT ELECTIONS 2024

### ***Cr Walton / Cr Regan***

That Council:

1. In accordance with section 224 of the *Local Government Act 1993*, determine the number of councillors for the following term of Council be 15.
2. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by section 296 of the *Local Government Act 1993*.
3. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, to administer all council polls of the Council pursuant to sections 18 and 296 of the *Local Government Act 1993*.
4. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, to administer all constitutional referendum of the Council, pursuant to sections 18 and 296 of the *Local Government Act 1993*.
5. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including entering into negotiations and arrangements with the Electoral Commissioner.

### **PROCEDURAL MOTION - MOTION DEALT WITH IN SERIATIM**

313/22 **RESOLVED**

### ***Cr Walton / Cr Regan***

That point 1 and points 2-5 of this recommendation be dealt with in seriatim.

### **VOTING**

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

**AGAINST:** Cr Amon, Cr Heins and Cr Ryburn

**CARRIED**

314/22 **RESOLVED**

### ***Cr Bingham / Cr Korzy Korzy***

That Council:

1. In accordance with section 224 of the *Local Government Act 1993*, determine the number of councillors for the following term of Council be 15.

### **VOTING**

**FOR:** Cr Glanville, 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 Walton

**CARRIED**

315/22 **RESOLVED**

**Cr Walton / Cr Regan**

That Council:

1. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by section 296 of the *Local Government Act 1993*.
2. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, to administer all council polls of the Council pursuant to sections 18 and 296 of the *Local Government Act 1993*.
3. Enter into an arrangement with the Electoral Commissioner, by contract or otherwise, to administer all constitutional referendum of the Council, pursuant to sections 18 and 296 of the *Local Government Act 1993*.
4. Delegate authority to the Chief Executive Officer to do all things necessary to give effect to this resolution including entering into negotiations and arrangements with the Electoral Commissioner.
5. Defer discussion of whether the council's mayor be popularly elected to a councillor briefing, noting the composition of councillors and number of wards would change.

**VOTING**

**FOR:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, 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

**CARRIED**

**9.3 TABLING OF DESIGNATED PERSONS RETURN 2021/22**

**Cr Grattan / Cr Heins**

That Council:

1. Note the designated persons disclosure of interest returns for the period 1 July 2021 to 30 June 2022, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
2. Adopt the list of positions for designated persons for the period 1 July 2022 to 30 June 2023 in accordance with clause 4.8 of the Code of Conduct.

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

316/22 **RESOLVED**

### ***Cr Menano-Pires / Cr Sprott***

That the order of business be changed so item 9.3 Tabling of Designated Persons Returns 2021/22 be deferred to the confidential session and be dealt with after Item 18.3 due to the report highlighting the personal information of an individual in accordance with 10A(2)(a) of the *Local Government Act 1993*.

### **VOTING**

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

**AGAINST:** Cr Regan and Cr Heins

**CARRIED**

## 10.0 COMMUNITY AND BELONGING DIVISION REPORTS

### 10.1 COMMUNITY GRANTS PROGRAM 2022/23

317/22 **RESOLVED**

### ***Cr Robins / Cr Ryburn***

1. That Council, pursuant to Section 356 of the *Local Government Act 1993*, approves the allocation of \$240,000 (excluding GST) under the 2022/23 Community Grants Program as outlined in Attachments 1 and 2, comprising:
  - A. \$84,441.40 in respect of the Arts and Creativity grants stream (Attachment 1).
  - B. \$155,558.60 in respect of the Community Development grants stream (Attachment 2).
2. That the Chief Executive Officer provide a briefing to Councillors on how the criteria for future community and environment grants might be amended to prioritise grants to local, grassroots and smaller organisations.

### **VOTING**

**FOR:** Unanimous

**CARRIED**

## 11.0 ENVIRONMENT AND SUSTAINABILITY DIVISION REPORTS

### 11.1 2022/23 ENVIRONMENTAL GRANTS PROGRAM - FUNDING RECOMMENDATIONS

318/22 RESOLVED

#### ***Cr Glanville / Cr Heins***

That pursuant to Section 356 of the *Local Government Act 1993*, Council approve the allocation of \$50,000 (ex GST) under the 2022/23 Environmental Grants Program as recommended by the Assessment Panel and set out in Attachment 1.

#### **VOTING**

**FOR:** Unanimous

**CARRIED**

### 11.2 ANNUAL ELECTRICITY CHARGES

#### ***Cr Glanville / Cr Regan***

That Council:

1. Note the information contained in this report.

#### **AMENDMENT**

#### ***Cr Menano-Pires / Cr Amon***

That Council:

1. Note the information contained in this report.
2. Receive future information on Annual Electricity Costs via a briefing note.

#### **VOTING**

**FOR:** Cr Menano-Pires and Cr Ryburn

**AGAINST:** 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 and Cr Grattan

**LOST**

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

**319/22 RESOLVED**

***Cr Glanville / Cr Regan***

That Council:

1. Note the information contained in this report.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**11.3 MINUTES OF THE NORTHERN BEACHES BUSH FIRE MANAGEMENT COMMITTEE HELD 7 JUNE 2022**

**320/22 RESOLVED**

***Cr Korzy / Cr Heins***

That Council note the Minutes of the Northern Beaches Bush Fire Management Committee Meeting held on 7 June 2022.

**VOTING**

**FOR:** Unanimous

**CARRIED**

**13.0 TRANSPORT AND ASSETS DIVISION REPORTS**

**13.1 RESPONSE TO NOTICE OF MOTION NO 1/2022 - WARRINGAH AQUATIC CENTRE PRECINCT PLAN**

*NOTE: Councillor De Luca left the chamber at 7:31pm*

**321/22 RESOLVED**

***Cr Menano-Pires / Cr Amon***

That

1. Council note the information in this report.
2. Point 2 of the original Motion, Option C, be investigated in further detail, including:
  - A. physical location of the multi discipline indoor sports centre to include a minimum of 3 courts, ideally 4 (4,000 sqm) within the WAC precinct.
  - B. analysis of current usage by baseball of current dedicated space
  - C. study area to include current car park, considering the potential for a future multi storey one.
  - D. Council consult with Northern Beaches Indoor Sports Centre.

3. A briefing be provided to Councillors within 2 months.

**VOTING**

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

**AGAINST:** Cr Glanville, Cr Korzy, Cr Sprott and Cr Crvelin

**ABSENT:** Cr De Luca

**CARRIED**

## 14.0 WORKFORCE AND TECHNOLOGY DIVISION REPORTS

### 14.1 ANNUAL REPORT 2021/22

*NOTE: Councillor De Luca returned to the chamber at 7:57pm*

**322/22 RESOLVED**

***Cr Heins / Cr Bingham***

That:

1. Council note the Annual Report 2021/22.
2. A copy of the Annual Report 2021/22 be posted on Council's website and provided to the Minister for Local Government.

**VOTING**

**FOR:** Unanimous

**CARRIED**

### PROCEDURAL MOTION - ADJOURN THE MEETING

**323/22 RESOLVED**

***Cr Regan / Cr Heins***

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

**VOTING**

**FOR:** 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 Glanville, Cr Walton and Cr Regan

**CARRIED**

## 14.2 COUNCIL APPRENTICESHIPS STRATEGY AND TARGETS UPDATE

324/22 **RESOLVED**

**Cr Glanville / Cr Heins**

That Council:

1. Support the expansion of the entry level pathways to include 9 apprenticeship opportunities over the period 2022/23 to 2027/28.
2. Note the youth employment action plan in development as part of the Workforce Management Strategy 2022 – 2026.
3. Note the additional budget to be allocated in 2023/24 to enable the program expansion.

### VOTING

**FOR:** Unanimous

**CARRIED**

## 15.0 NOTICES OF MOTION

### 15.1 NOTICE OF MOTION NO 34/2022 - CONSERVATION ZONE REVIEW – PUBLIC EXHIBITION PERIOD

*NOTE 1: Councillor Sprott left the chamber at 8:22pm and returned at 8:24pm*

*NOTE 2: Councillor Ryburn left the chamber at 9:00pm and returned at 9:03pm*

**Cr Amon / Cr Gencher**

That:

1. Council extends the public consultation period in respect of the Conservation Zone Review to 2 December 2022.
2. To the extent same has not occurred, Council officers meet with resident and community groups to discuss the Conservation Zone Reviews.
3. Council officers consider and process submissions from residents and community groups on the Conservation Zone Review, as contemplated by the resolution of Council on 23 August 2022 (noting site inspections and meetings with residents may be required as a result of specific submissions), notwithstanding the extension of the public consultation period.
4. Upon the submissions being considered and processed by Council officers, councillors be briefed on the outcomes of that process by the end of February 2023 with the terms of a public meeting to be workshopped, having regard to the issues that remain unresolved in relation to the Conservation Zone review, including but not limited to proposed uses of land in proposed residential and conservation zones, the criteria by which land is notionally reviewed as residential or conservation.



## AMENDMENT

### *Cr Korzy / Cr Sprott*

That:

1. Council extends the public consultation period in respect of the Conservation Zone Review to 2 December 2022.
2. To the extent same has not occurred, Council officers meet with resident and community groups to discuss the Conservation Zone Reviews.
3. Council officers consider and process submissions from residents and community groups on the Conservation Zone Review, as contemplated by the resolution of Council on 23 August 2022 (noting site inspections and meetings with residents may be required as a result of specific submissions), notwithstanding the extension of the public consultation period.
4. Upon the submissions being considered and processed by Council officers, councillors be briefed on the outcomes of that process by the end of February 2023 with the terms of a public meeting to be workshopped, having regard to the issues that remain unresolved in relation to the Conservation Zone review, including but not limited to proposed uses of land in proposed residential and conservation zones, the criteria by which land is notionally reviewed as residential or conservation.
5.
  - A. Council schedule at least one public meeting in each of the former Pittwater, Warringah and Manly Council areas to inform residents about the Conservation Zones Review, with questions taken from participants and answered in real time.
  - B. The public meetings should include exhibition of hard copy maps showing terrain and proposed rezonings.

## VOTING

**FOR:** Cr Glanville, Cr Korzy and Cr De Luca

**AGAINST:** 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

## LOST

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

## PROCEDURAL MOTION - MOTION BE PUT

### 325/22 RESOLVED

#### ***Cr Menano-Pires / Cr Ryburn***

That the motion be now put.

#### **VOTING**

**FOR:** 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 Glanville, Cr Korzy and Cr De Luca

#### **CARRIED**

### 326/22 RESOLVED

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

That:

1. Council extends the public consultation period in respect of the Conservation Zone Review to 2 December 2022.
2. To the extent same has not occurred, Council officers meet with resident and community groups to discuss the Conservation Zone Reviews.
3. Council officers consider and process submissions from residents and community groups on the Conservation Zone Review, as contemplated by the resolution of Council on 23 August 2022 (noting site inspections and meetings with residents may be required as a result of specific submissions), notwithstanding the extension of the public consultation period.
4. Upon the submissions being considered and processed by Council officers, councillors be briefed on the outcomes of that process by the end of February 2023 with the terms of a public meeting to be workshopped, having regard to the issues that remain unresolved in relation to the Conservation Zone review, including but not limited to proposed uses of land in proposed residential and conservation zones, the criteria by which land is notionally reviewed as residential or conservation.

#### **VOTING**

**FOR:** Unanimous

#### **CARRIED**

## 15.2 NOTICE OF MOTION NO 35/2022 - HARMFUL CHEMICALS

*NOTE 1: Councillor Regan left the chamber at 9:12pm*

*NOTE 2: In the absence of Councillor Regan, Councillor Heins assumed the Chair*

### 327/22 RESOLVED

#### ***Cr Glanville / Cr Ryburn***

That within 4 weeks, staff provide councillors a briefing on:

1. The environmental and financial costs and benefits of using SGARS or alternatives
2. The matters set out at paragraph 4 of motion 15.2 on the 18 October 2022 agenda
3. The feasibility of Council imposing contractual obligations on contractors/tenants in relation to the above matters.

#### 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

**ABSENT:** Cr Regan

**CARRIED**

## 18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

328/22 **RESOLVED**

**Cr Ryburn / Cr Grattan**

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 2022/061 - Parks & Recreation Mowing Services Tender Outcome 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 18.2 RFT 2022/147 - Queenscliff Headland Ramp Design and Construct on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

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

- C. Item 18.3 RFT 2022/111 - Design and Construct of Tyagarah Bridge Renewal 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.

- D. Item 9.3 Tabling of Designated Persons Returns 2021/22 on the basis that it involves personnel matters concerning particular individuals (other than councillors) [10A(2)(a) 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:** Cr Glanville, Cr Walton, Cr Bingham, Cr Korzy, Cr Gencher, Cr Heins, Cr De Luca, Cr Sprott, Cr Crvelin, Cr Robins, Cr Grattan and Cr Ryburn

**ABSENT:** Cr Amon, Cr Regan and Cr Menano-Pires

## CARRIED

*NOTE: The meeting moved into closed session at 9:27pm*

## 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 2022/061 - PARKS & RECREATION MOWING SERVICES TENDER OUTCOME

#### 329/22 RESOLVED

#### **Cr Bingham / Cr Ryburn**

That Council:

1. Accept the tenders from the companies listed below for RFT 2022/061 – Parks & Reserves Mowing Services, for the period 1 November 2022 to 30 September 2025 with two 12-month options to extend the term at Council's discretion and subject to satisfactory performance.
  - A. Marsupial Landscape Management Pty Ltd
  - B. Image Property Detailing Pty Limited
  - C. Skyline Landscape Services Pty Limited
  - D. Standby Forty-Six 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 option to extend the master agreements for up to two additional twelve-month periods.
4. Implement Option A, delivery of existing service levels, at an annual amount of \$1,474,006 (ex GST) subject to cost adjustment by CPI for each year thereafter.

5. Prioritise the implementation of the increased service levels (Option B in the tender) for an additional \$383,922 pa in the 2023/24 budget process.

**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

**ABSENT:** Cr Regan

**CARRIED**

**18.2 RFT 2022/147 - QUEENSCLIFF HEADLAND RAMP DESIGN AND CONSTRUCT**

330/22 **RESOLVED**

**Cr Grattan / Cr Bingham**

That:

1. Council, in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021, decline to accept the tender received for *RFT 2022/147 – Queenscliff Headland Ramp Design and Construct*.
2. Council, in accordance with section 178(3)(e) of the Local Government (General) Regulation 2021, enter into negotiations with Lloyd Drilling 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. a comprehensive and thorough request for tender process was undertaken
  - B. given the process undertaken and the current economic climate, inviting fresh tenders or applications would be unlikely to result in further submissions from suitably qualified and experienced tenderers
  - C. 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 4 below.
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 Lloyd Drilling Constructions Pty Ltd are:
  - A. the tender received from Lloyd Drilling Constructions Pty Ltd offered value for money however provided insufficient detail on the methodology in particular relating to the management of traffic and geotechnical risks, to be used and negotiation with Lloyd Drilling Constructions Pty Ltd will facilitate the provision of the additional information required
  - B. Lloyd Drilling Constructions Pty Ltd have previously undertaken projects of a similar nature for Council and performed to a satisfactory level.
5. Delegate authority to the Chief Executive Officer to:
  - A. negotiate with, and if satisfied with the outcome of those negotiations, enter into a

contract with, Lloyd Drilling Constructions Pty Ltd

- B. do all other things necessary to give effect to this resolution including execute all necessary documentation.

**VOTING**

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

**ABSENT:** Cr Regan and Cr Sprott

**CARRIED**

**18.3 RFT 2022/111 - DESIGN AND CONSTRUCT OF TYAGARAH BRIDGE RENEWAL**

331/22 **RESOLVED**

**Cr Crvelin / Cr Grattan**

That Council:

1. Accept the tender of Landmark Products Pty Ltd for RFT 2022/111 – Design and Construct of Tyagarah Bridge Renewal for the sum of \$308,190.00 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

**VOTING**

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

**AGAINST:** Cr Sprott

**ABSENT:** Cr Walton and Cr Regan

**CARRIED**

### 9.3 TABLING OF DESIGNATED PERSONS RETURNS 2021/22

001/22 **RESOLVED**

**Cr Grattan / Cr Heins**

That Council:

1. Note the designated persons disclosure of interest returns for the period 1 July 2021 to 30 June 2022, as tabled in accordance with clause 4.25 of Council's Code of Conduct.
2. Adopt the list of positions for designated persons for the period 1 July 2022 to 30 June 2023 in accordance with clause 4.8 of the Code of Conduct.

#### **VOTING**

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

**AGAINST:** Cr Glanville, Cr Korzy and Cr Sprott

**CARRIED**

### 18.4 RFT 2022/091 - SHELLY BEACH PUBLIC AMENITIES RENEWAL - CONSTRUCTION SERVICES

310/22 **RESOLVED**

**Cr Grattan / Cr Bingham**

That Council:

1. Accept the tender of Rogers Construction Group Pty Ltd for RFT 2022/091 – Shelly Beach Public Amenities Renewal for the sum of \$739,568.90 excluding GST.
2. Delegate authority to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.

#### **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 8.*

**PROCEDURAL MOTION – RESUME IN OPEN SESSION**

333/22 **RESOLVED**

***Cr Regan / Cr Bingham***

That Council resume in open session.

**VOTING**

**FOR:** Cr Glanville, 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, Cr Walton

***CARRIED***

*NOTE: The meeting resumed in open session at 10:06pm*

*The meeting concluded at 10:08pm*

This is the final page of the minutes comprising 24 pages numbered 1 to 24 of the Ordinary Council Meeting held on Tuesday 18 October 2022 and confirmed on Tuesday 22 November 2022

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Mayor

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Chief Executive Officer