



northern
beaches
council

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 JULY 2020

Minutes of an Ordinary Council Meeting
held on Tuesday 28 July 2020
at the Civic Centre, Dee Why
Commencing at 6:12pm

ATTENDANCE:

Councillors

Michael Regan (Mayor)
Candy Bingham (Deputy Mayor)
Rory Amon
Pat Daley OAM
Vincent De Luca OAM
Kylie Ferguson
Sarah Grattan
Roslyn Harrison
Sue Heins
Alex McTaggart
Penny Philpott
Stuart Sprott
David Walton
Natalie Warren
Ian White

Officers

Ray Brownlee PSM	Chief Executive Officer
Jeff Smith	Director Corporate and Legal
David Kerr	Director Community and Belonging
Todd Dickinson	Director Environment and Sustainability
Louise Kerr	Director Planning and Place
Jorde Frangoples	Director Transport and Assets
Karen Twitchett	Director Workforce and Technology
Eskil Julliard	General Counsel
Sonya Gallery	Executive Manager Governance and Risk
Sarah Dunstan	Manager Governance
Ximena Von Oven	Governance Officer
Don Morales	Information Management Technology Officer

Notes

The meeting commenced at 6:12pm, adjourned at 8:53pm, resumed at 9:03pm, moved into closed session at 10:12pm, resumed in open session at 11:20pm and concluded at 11:24pm.

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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

Nil

3.0 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 23 JUNE 2020

166/20 RESOLVED

Cr Ferguson / Cr De Luca

That the minutes of the ordinary Council meeting held 23 June 2020, 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 pecuniary interest in relation to Item 10.1 Support and Recognition of Northern Beaches Emergency Volunteers and Impacted Bushfire Communities. Councillor Amon chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor Amon was:

“I am a Rural Fire Service volunteer and would receive a benefit if this recommendation is passed.”

Councillor White declared a not significant non-pecuniary interest in relation to Item 10.1 Support and Recognition of Northern Beaches Emergency Volunteers and Impacted Bushfire Communities. Councillor White chose to leave the meeting and take no part in the discussion or voting on this item. The reason provided by Councillor White was:

“I am a member of Rural Fire Service and could benefit from this motion.”

Councillor Daley declared a not significant non-pecuniary interest in relation to Item 13.4 Public Private Partnership – Future use of Vacancy Clubhouse and Recreation Space, Nolan Reserve North Manly. Councillor Daley chose to take part in the discussion and voting on this item. The reason provided by Councillor Daley was:

“I am a member of Warringah Golf Club and I live in North Manly.”

Councillor Bingham declared a not significant non-pecuniary interest in relation to Item 18.1 Update on Whistler Street Legal Matter. Councillor Bingham chose to take part in the discussion and voting on this item. The reason provided by Councillor Bingham was:

“I was a Councillor in Manly Council during the time of the tender process.”

5. 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: The Director Workforce and Technology, Northern Beaches Council read the public address on behalf of speakers who elected to provide written submissions rather than present in person.

5.1 PUBLIC FORUM

- Mignon Bonwick addressed Council in relation to the International Campaign to Abolish Nuclear Weapons (ICAN).
- David Murray addressed Council in relation to the Mona Vale Surf Club.
- Margaret Hogge addressed Council in relation to smoke-free areas.

5.2 PUBLIC ADDRESS

- **Item 8.2 – Northern Beaches Council Merger Performance Report** – Miranda Korzy and Brian Halstead addressed Council speaking against this item. David Murray and Terrance Le Roux addressed Council speaking in support of this item.
- **Item 13.3 – Outcome of Public Exhibition and Adoption of the Northern Beaches Council Bike Plan**– Kevin Wyld and Conny Harris addressed Council speaking against this item.
- **Item 14.3 – Notice of Motion No 33/2020 – Activation of Beach Space for Dog Exercise**– Michelle Robertson representing Pittwater Unleashed addressed Council speaking in support of this item.

6.0 ITEMS RESOLVED BY EXCEPTION

167/20 RESOLVED

Cr Harrison / Cr Ferguson

That items 8.3, 9.1, 9.3, 10.2, 12.1, 13.2.13.4 are dealt with by exception with the recommendations of the Chief Executive Officer / Directors being adopted.

VOTING

FOR: Unanimous

CARRIED

8.3 BONDİ TO MANLY WALK - SERVICE AGREEMENT168/20 **RESOLVED****Cr Harrison / Cr Ferguson**

That Council supports the Bondi to Manly Walk and signs the Service Agreement with the Bondi to Manly Walk Supporters.

RESOLVED BY EXCEPTION**9.1 MONTHLY INVESTMENT REPORT - JUNE 2020**169/20 **RESOLVED****Cr Harrison / Cr Ferguson**

That Council receives and notes the Investment Report as at 30 June 2020, including the certification by the Responsible Accounting Officer.

RESOLVED BY EXCEPTION**9.3 CONFIRMED MINUTES FROM THE STRATEGIC REFERENCE GROUP MEETINGS HELD ON OCTOBER 2019, NOVEMBER 2019 AND FEBRUARY 2020**170/20 **RESOLVED****Cr Harrison / Cr Ferguson**

That Council note the confirmed minutes of the:

1. Community and Belonging Strategic Reference Group meetings held on 30 October 2019 and 12 February 2020.
2. Environment Strategic Reference Group meetings held on 28 November 2019 and 20 February 2020.
3. Economic and Smart Communities Strategic Reference Group meetings held on 6 November 2019 and 19 February 2020.
4. Places for People Strategic Reference Group meetings held on 24 October 2019 and 6 February 2020.
5. Partnership and Participation Strategic Reference Group meetings held on 23 October 2019 and 5 February 2020.
6. Transport and Travel Strategic Reference Group meetings held on 17 October 2019 and 13 February 2020.

RESOLVED BY EXCEPTION

10.2 CONFIRMED MINUTES OF THE COMMUNITY SAFETY COMMITTEE MEETINGS HELD ON 19 FEBRUARY AND 14 MAY 2020

171/20 RESOLVED

Cr Harrison / Cr Ferguson

That Council note the minutes of the Community Safety Committee meetings held on 19 February and 14 May 2020.

RESOLVED BY EXCEPTION

12.1 A HOUSING STRATEGY FOR NSW - DISCUSSION PAPER

172/20 RESOLVED

Cr Harrison / Cr Ferguson

That Council endorse the submission to the Department of Planning, Industry and Environment on the 'A Housing Strategy for NSW' Discussion Paper.

RESOLVED BY EXCEPTION

13.2 NEW SOUTH WALES PARKS FOR PEOPLE PROGRAM - NANDI RESERVE, FRENCHS FOREST AND COUNTY ROAD RESERVE, BELROSE.

173/20 RESOLVED

Cr Harrison / Cr Ferguson

That:

1. Council delegate authority to the Chief Executive Officer to negotiate and enter into an agreement with the New South Wales Department of Planning, Industry and Environment and the Planning Ministerial Corporation for the design and delivery of landscape embellishment works to Nandi Reserve, Frenchs Forest and County Road Reserve, Belrose and the transfer of land to Council through the New South Wales Parks for People Program.
2. The findings of the community engagement and analysis of the proposed projects will be reported back to Council by December 2020.

RESOLVED BY EXCEPTION

13.4 PUBLIC PRIVATE PARTNERSHIP - FUTURE USE OF VACANT CLUBHOUSE AND RECREATION SPACE, NOLAN RESERVE, NORTH MANLY

NOTE: Councillor Daley declared an interest in this item.

174/20 RESOLVED

Cr Harrison / Cr Ferguson

That Council:

1. Resolves to enter a PPP for the Site subject to compliance with the requirements of the Local

Government Act.

2. Authorise the CEO to prepare and submit to the Office of Local Government, pursuant to 400F of the Local Government Act 1993 NSW, an assessment of the proposed Public Private Partnership including the project proposal details.
3. Upon confirmation from the Office of Local Government that the project proposal can proceed, release a public Expression Of Interest for a Public Private Partnership for the following shortlisted uses to be reported back to Council:
 - A. combined BMX, skateboarding, surfing & snowboarding facilities
 - B. tennis facilities
 - C. indoor basketball facilities
 - D. small sided soccer (synthetic) facilities
 - E. gymnastics facilities.

RESOLVED BY EXCEPTION

7.0 MAYORAL MINUTES

7.1 MAYORAL MINUTE NO 03/2020 - RECOGNITION FOR OUR SUSTAINABILITY AND COMMUNITY SERVICES PROGRAMS AT THE NSW LOCAL GOVERNMENT EXCELLENCE AWARDS

NOTE: Councillor Amon left the chamber at 6:57pm.

175/20 **RESOLVED**

Cr Regan

MOTION

That Council:

1. Formally acknowledge the outstanding achievement in being awarded the Environmental Leadership and Sustainability Award and the Community Partnerships & Collaboration Award.
2. Congratulate all staff involved in both these projects and those projects named as Finalists in the 2020 Local Government NSW Excellence Awards.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr Amon

CARRIED

7.2 MAYORAL MINUTE NO 04/2020 - CIRCULAR ECONOMY PARTNERSHIP TRIAL PROJECT AT KIMBRIKI RESOURCE RECOVERY CENTRE

NOTE 1: Councillor Amon returned to the chamber at 7:06pm.

NOTE 2: Councillor Heins left the chamber and returned at 7:19pm.

176/20 **RESOLVED**

Cr Regan

That Council:

1. Write to the CEO of Kimbriki Environmental Enterprises and UNSW SMaRT centre seeking their support in developing a pilot circular economy project at Kimbriki Resource Recovery Centre.
2. Make enquiries to local MPs seeking their support for such a pilot and requesting advice on any State and Federal grant programs that would be appropriate to fund it.
3. Provide a briefing to Councillors prior to bringing a report back to Council on the outcome of the above representations.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Daley, Cr De Luca, Cr Walton and Cr Sprott

CARRIED

8.0 CHIEF EXECUTIVE OFFICER'S DIVISION REPORTS

8.1 RESPONSE TO NOTICE OF MOTION 04/2020 - MOVIES AT LIONEL WATTS RESERVE

177/20 **RESOLVED**

Cr Philpott / Cr Ferguson

That Council:

1. Utilise existing budget to deliver two outdoor cinema events in summer, which will be freely open to the community.
2. Deliver the free outdoor cinema events at the following locations in 2020/21 summer period, subject to location availability and NSW Government's Public Health (COVID-19 Restrictions on Gathering and Movement) Orders:
 - A. One night free event at Village Park, Mona Vale.
 - B. One night free event at Lionel Watts Reserve, Frenchs Forest.
 - C. In the event of rain investigate an alternative location in the Frenchs Forest Ward.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Walton and Cr Regan

AGAINST: Cr Daley, Cr Amon, Cr De Luca, Cr Sprott, Cr Harrison and Cr Warren

CARRIED

8.2 NORTHERN BEACHES COUNCIL MERGER PERFORMANCE REPORT

NOTE 1: Councillor Harrison left the chamber at 7:49pm and returned at 7:50pm.

NOTE 2: Councillor Heins left the chamber at 7:53pm and returned at 7:55pm.

178/20 RESOLVED***Cr Heins / Cr Grattan***

That Council:

1. Acknowledge the report.
2. Write to the Premier of New South Wales Gladys Berejiklian and the Minister for Local Government Shelley Hancock, acknowledging the success of the Government's local government reform policy and outlining the benefits to the Northern Beaches Community.
3. Formally acknowledge the role of the CEO, the executive and all staff of Council in the successful amalgamation of the three former councils into one new Northern Beaches Council and the acceleration of expected benefits to the local community due largely to the newly implemented structure.
4. Make the report publicly available and invite comment as a precursor to the Northern Beaches Council service review.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Daley, Cr Amon, Cr De Luca, Cr Ferguson and Cr Walton

CARRIED

AMENDMENT

NOTE 1: Councillor Warren left the chamber at 8:10pm and returned at 8:13pm.

NOTE 2: Councillor Ferguson left the chamber at 8:19pm and returned at 8:21pm.

Cr De Luca/ Cr Ferguson

That Council:

1. Notes numerous objections to the report due to the lack of community consultation on the report and alleged inaccuracies and embellishments.
2. Defers the report for three months, and in the mean time Council invites the community to comment on the report and make submissions appropriately.

VOTING

FOR: Cr Daley, Cr Amon, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Walton and Cr Sprott

AGAINST: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr Harrison, Cr Warren and Cr Regan

LOST

PROCEDURAL MOTION - ADJOURN THE MEETING

NOTE: The Council meeting was adjourned at 8:53pm and resumed at 9:03pm.

179/20 **RESOLVED**

Cr Regan / Cr Ferguson

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

VOTING

FOR: Unanimous

CARRIED

9.0 CORPORATE AND LEGAL DIVISION REPORTS

9.2 CONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 10 MARCH 2020

NOTE 1: The Council meeting resumed at 9:03pm.

NOTE 2: Councillor Ferguson returned to the chamber at 9:05pm.

NOTE 3: Councillors Harrison and Grattan returned to the chamber at 9:06pm.

180/20 **RESOLVED**

Cr Heins / Cr Walton

That Council note the confirmed minutes of the Audit, Risk and Improvement Committee meeting held on 10 March 2020.

VOTING

FOR: Unanimous

CARRIED

10.0 COMMUNITY AND BELONGING DIVISION REPORTS

10.1 SUPPORT AND RECOGNITION OF NORTHERN BEACHES EMERGENCY VOLUNTEERS AND IMPACTED BUSHFIRE COMMUNITIES

NOTE: Councillors Amon and White left the chamber at 9:09pm and returned at 9:18pm.

181/20 **RESOLVED**

Cr De Luca / Cr Grattan

That Council:

1. Note the information contained in this report.
2. Provide free access to the Manly Andrew Boy Charlton and Warringah Aquatic Centres to members of the northern beaches branches of the SES and RFS and their immediate families who are present with them for a period of 12 months.
3. Continue to offer one free parking permit to each eligible member of the northern beaches branches of the SES and RFS to be funded from existing budgets for a period of 12 months.
4. Through the September quarterly budget review fund in the amount of \$20,000, a program for respite for school children affected by bushfires at the Royal Far West, Manly
5. Through the September quarterly budget review fund, to the value of \$15,000, a Christmas Style Civic Event for members of northern beaches branches of the Rural Fire Service and State Emergency Service.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White and Cr Amon

CARRIED

12.0 PLANNING AND PLACE DIVISION REPORTS

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

182/20 **RESOLVED**

Cr Grattan / Cr Heins

That Council note the Development Applications approved with variations to development standards during the period of 1 April 2020 to 30 June 2020.

VOTING

FOR: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Daley, Cr Amon, Cr De Luca, Cr Walton and Cr Sprott

CARRIED

13.0 TRANSPORT AND ASSETS DIVISION REPORTS

13.1 PROPOSED TEMPORARY DRAINAGE EASEMENT OVER COUNCIL RESERVES AT 100 DOVE LANE, 13 FERN CREEK ROAD AND 2-50 CALLISTEMON WAY, WARRIEWOOD, IN FAVOUR OF 6 AND 6A ORCHARD STREET, WARRIEWOOD

183/20 RESOLVED

Cr Ferguson / Cr Bingham

That:

1. Council authorises a temporary easement to drain water (3 metres wide, 52 metres in length with an approximate area of 156sqm) by underground pipe and associated Positive Covenant, within Lot 3 DP 1251955 (100 Dove Lane), Lot 13 DP 1092788 (13 Fern Creek Road), Lot 8 DP 1092802 (2-50 Callistemon Way) in favour of 6 and 6A Orchard Street, Warriewood (Lot C DP 367229 and Lot 102 DP 1033854) for an amount in accordance with Council's Fees and Charges or independent valuation (whichever is the greater), subject to Item 4 of this recommendation.
2. Council authorises future extinguishment of the temporary easement following the installation of Council's permanent drainage infrastructure.
3. Council delegates authority to the Chief Executive Officer to execute the necessary documentation in order to give effect to this resolution.
4. All costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in Item 1 of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and any future extinguishment, be funded by the applicant.

VOTING

FOR: Unanimous

CARRIED

13.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE NORTHERN BEACHES COUNCIL BIKE PLAN

184/20 RESOLVED

Cr Grattan / Cr Regan

That:

1. Council note the outcomes of the Public Exhibition period and submissions from the community.
2. Council adopt the Northern Beaches Bike Plan.
3. Consideration be given to dismount zones particularly when designing new shared paths.

VOTING

FOR: Unanimous

CARRIED

14.0 NOTICES OF MOTION

14.1 NOTICE OF MOTION NO 31/2020 - BUILDING OF WIND TURBINES AND SOLAR FARM

185/20 **RESOLVED**

Cr Amon / Cr Walton

That:

1. There is no formal proposal for wind turbines on North Head and/or solar farms on North Head.
2. Council notes the public comments of our Federal MP for Warringah, State MP for Manly and the Mayor that they do not support any such proposal.
3. Northern Beaches Council does not support wind turbines on any Headland in the Local Government area.
4. Northern Beaches Council does not support the clearing of any bushland for a solar farm in the local government area.

VOTING

FOR: Unanimous

CARRIED

14.2 NOTICE OF MOTION NO 32/2020 - RECOGNITION FOR THE COMMUNITY CONTRIBUTION OF HARRY ELLIFFE

NOTE: Councillor De Luca left the chamber at 9:36pm.

186/20 **RESOLVED**

Cr Heins

That:

1. Council acknowledge the sad passing of the late Harry Elliffe and extend our condolences to his family and colleagues in the Curl Curl Lagoon Friends.
2. Council undertake community engagement on renaming the walk, or part thereof, from South Curl Curl Beach to Lumsdaine Drive, Freshwater, Harry Elliffe Way, in accordance with the Naming our Reserve, Facilities and Roads Policy.
3. Staff prepare a report to Council on the outcome of the community engagement process in four months.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr De Luca

CARRIED

14.3 NOTICE OF MOTION NO 33/2020 - ACTIVATION OF BEACH SPACE FOR DOG EXERCISE

NOTE 1: Councillor Heins left the chamber at 9:44pm and returned at 9:46pm.

NOTE 2: Councillor De Luca returned to the chamber at 9:44pm.

187/20 **RESOLVED**

Cr McTaggart / Cr Ferguson

That the Chief Executive Officer prepare a report for the Council on the feasibility of the establishment of unleashed dogs areas – in a set area of north Palm Beach and southern most end of Mona Vale Beach.

VOTING

FOR: Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton and Cr Regan

AGAINST: Cr Heins, Cr Sprott, Cr Harrison and Cr Warren

CARRIED

15.0 NOTICES OF RESCISSION

15.1 NOTICE OF RESCISSION NO 05/2020 - ITEM 15.2 NOTICE OF MOTION - COUNCILLOR SOCIAL MEDIA POLICY

Cr De Luca / Cr Sprott

That Council rescind resolution 161/20 – relating to Item 15.2 Notice of Motion 25/2020 - Councillor Social Media Policy, being:

That:

1. A Social Media Policy be developed for councillors.
2. A draft policy be brought back to a council briefing.

VOTING

FOR: Cr Daley, Cr Amon, Cr McTaggart, Cr De Luca, Cr Ferguson, Cr Walton and Cr Sprott

AGAINST: Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr Harrison, Cr Warren and Cr Regan

LOST

18.0 CONFIDENTIAL MATTERS – CLOSED SESSION

188/20 RESOLVED

Cr Bingham / Cr Ferguson

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 Update on Whistler Street Legal Matter on the basis that it involves the receipt and discussion of advice concerning litigation, 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].

This report discusses/provides advice concerning Update on Legal Matter. 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 disclose privileged legal advice.

- B. Item 18.2 Land Transfer 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]; and 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 the potential acquisition of land by purchase or legal means. 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 put Council at a commercial disadvantage and inhibit its acquisition of the land, preventing it from achieving the best outcome for the community.

- C. Item 18.3 RFT 2020/063 - Services for Street Sweeping 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 services for street sweeping. 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 prejudice the commercial position of the companies that supplied it.

- D. Item 18.4 RFT 2020/098 - Manly CBD Public Space Protection 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.

- E. Item 18.5 Response to Question On Notice No 06/2020 - Off-Leash Land Use at Station Beach on the basis that it involves the receipt and discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This item contains advice that is subject to legal professional privilege and which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It also concerns litigation, namely, New South Wales Land and Environment Court Proceedings No 2019/00313791 in which Council is a respondent. The advice concerns legal matters that meet the requirements of Section 10B(2) of the LGA. 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 prejudice Council's position. Accordingly, the discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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 Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White

CARRIED

20.0 REPORT OF CONFIDENTIAL RESOLUTIONS

18.1 UPDATE ON WHISTLER STREET LEGAL MATTER

NOTE 1: Councillor White left the meeting at 10:08pm.

NOTE 2: Councillors Walton and Heins left the chamber at 10:08pm and returned at 10:10pm.

NOTE 3: Councillor Ferguson left the chamber at 10:09pm and returned at 10:10pm.

NOTE 4: Councillor Daley left the chamber at 10:09pm and returned at 10:12pm.

NOTE 5: Councillor Harrison left the chamber at 10:29pm and returned at 10:32pm.

189/20 **RESOLVED**

Cr Bingham / Cr Amon

That Council resolves to proceed with option 1 within the report.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White

CARRIED

PROCEDURAL MOTION - EXTENSION OF MEETING

190/20 **RESOLVED**

Cr Regan / Cr Bingham

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

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Warren and Cr Regan

AGAINST: Cr Harrison

ABSENT: Cr White

CARRIED

18.2 LAND TRANSFER

NOTE: Councillor Ferguson left the chamber at 11:06pm and returned at 11:07pm.

191/20 **RESOLVED**

Cr Amon / Cr De Luca

That this item be deferred.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Amon, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

AGAINST: Cr Grattan and Cr Heins

ABSENT: Cr White

CARRIED

18.3 RFT 2020/063 - SERVICES FOR STREET SWEEPING

192/20 **RESOLVED**

Cr Daley / Cr Grattan

That:

1. Council decline to accept any of the tenders for RFT 2020/063 – Services for Street Sweeping (Pittwater) in accordance with Clause 178 (3) of the Local Government (General) Regulation 2005.
2. Council in accordance with Clause 178 (3) (e) of the Regulation, enter into negotiations with one or more of the tenderers with a view to entering into a contract in relation to the subject matter of the tender. Based on the evaluation of the tender responses it is recommended that the negotiations be undertaken with the highest ranked tenderer, as.

- A. Inviting tenders or applications is unlikely to result in a significantly different outcome given the broad industry advertising of the request for tender and the number of downloaded documents by industry contractors.
 - B. The highest ranked tender was deemed by the Tender Evaluation Committee as being the closest to fulfilling Council's service expectations and has the resources to provide street sweeping services for an initial six month term with the option of three six month extensions at Council's discretion.
3. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White

CARRIED

18.4 RFT 2020/098 - MANLY CBD PUBLIC SPACE PROTECTION

193/20 **RESOLVED**

Cr Bingham / Cr Warren

That:

1. Council accepts the tender of Quality Management & Constructions Pty Limited for RFT 2020/098 – Manly CBD Public Space Protection for the sum of \$902,031.81 excluding GST.
2. Authority be delegated to the Chief Executive Officer to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential evaluation report.
3. The CEO investigate the creative 'wrapping' of the bollards to soften their appearance.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White

CARRIED

PROCEDURAL MOTION

194/20 **RESOLVED**

Cr Ferguson / Cr Heins

That the meeting resumes in open session.

VOTING

FOR: Cr Daley, Cr Philpott, Cr Grattan, Cr Amon, Cr Heins, Cr McTaggart, Cr Bingham, Cr De Luca, Cr Ferguson, Cr Walton, Cr Sprott, Cr Harrison, Cr Warren and Cr Regan

ABSENT: Cr White

CARRIED

The meeting concluded at 11:24pm

This is the final page of the minutes comprising 21 pages
numbered 1 to 21 of the Ordinary Council Meeting
held on Tuesday 28 July 2020 and confirmed on Tuesday 25 August 2020

Mayor

Chief Executive Officer