

Minutes of a Meeting of Warringah Council

held on Tuesday, 9 February 2010

at the Civic Centre, Dee Why, Commencing at 6.04pm

ATTENDANCE

Members

Clr M Regan (Mayor), and Clrs V De Luca OAM, J Falinski, R Giltinan, Dr C Harris, Dr C Kirsch, V Laugesen, M Ray, J Sutton and Dr H Wilkins.

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), Director Community and Environmental Services (G Sloan), Director Planning and Development Services (M Ryan), Director Strategy and Policy (D Lawrence), Corporate Lawyer (V Ingram), Team Leader Governance (D Sider), Coordinator Council and Executive Support (M Lee), Administration Officer (A Cooke), Chief Financial Officer (D Walsh), Manager Marketing and Communications (M Wicks), Manager Property and Commercial Development (M Viney), Manager Roads Traffic and Waste (B Bolgoff), Manager Strategic Planning (D Kerr), Team Leader Road and Drainage Assets (S Watson), Corporate Planner (W Schoeman), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.04pm, adjourned at 8.04pm, resumed at 8.13pm and concluded at 10.05pm.

ORDER OF BUSINESS

The Business of the meeting was dealt with in the following order:

Items 1.0, 2.0, 3.0, 4.1, 4.2, 4.3, 4.4, 4.5, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 8.1, 9.1 and 9.2.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

1/10 **RESOLVED**

Clr Ray/ Clr Sutton

That the Minutes of the Meeting of Council of 8 December 2009, copies of which were previously circulated to all Councillors be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Clr Regan declared a potential conflict of interest in relation to Item 12.3, as he is employed in Manly Council's Planning Department.

Clr Laugesen declared a non-significant, non-pecuniary conflict of interest in relation to Item 12.3, as she resides in close proximity to the subject lands.

Clr Wilkins declared a non-significant, non-pecuniary conflict of interest in relation to Item 12.3, as she resides in close proximity to the subject lands.

MOTION OF URGENCY – COUNCIL MAYORAL COLUMN AND PUBLICATIONS

2/10 **RESOLVED**

Clr De Luca / Clr Regan

That as a matter of urgency, Council considers a motion in relation to the Council Mayoral Column and Publications.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Kirsch, Laugesen and Regan.

Against the resolution: Clr Harris, Ray, Sutton, Wilkins.

THE MAYOR SUBSEQUENTLY RULED THE MATTER TO BE ONE OF URGENCY.

3/10 RESOLVED

Clr De Luca / Clr Regan

That this Council resolves:

- 1) To acknowledge that the Mayoral column and Council publications are ratepayer funded
- 2)
 - a) that the weekly Mayoral column and any Council publications are to be confined to conveying information about Resolutions or initiatives of Warringah Council or information strictly pertaining to Warringah Council
 - b) all statements and information in the Mayoral Column and Council publications must be accurate and not misleading
- 3) At no time may the Mayoral Column or any Council publication be used for
 - a) political or campaigning purposes
 - b) to denigrate, defame, criticise or make adverse inferences about any person whether named or unnamed and
 - c) advocate a particular belief, argument or policy not endorsed by Resolution of Council
- 4) Should the Mayor become a candidate for any other political office during the term of his or her Mayoralty, during the time of such candidacy the Column shall be written by the Deputy Mayor.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the resolution: Clr Sutton.

4.0 PUBLIC FORUM

THE MAYOR REQUESTED EACH SPEAKER TO ACKNOWLEDGE THEY HAD BEEN INFORMED THAT THE MEETING WAS TO BE WEBCAST LIVE AND THAT COUNCIL ACCEPTS NO RESPONSIBILITY FOR ANY DEFAMATORY COMMENTS MADE.

CLR SUTTON LEFT THE CHAMBER AT 6.24PM.

4.1. Mr Jack Tilburn, asked the following question regarding rubbish left at Long Reef on Australia Day.

- a) What was the role and responsibility and function of Council Rangers for surveillance at Long Reef on Australia Day to prevent enormous rubbish deposits to create a Kimbriki Tip?
- b) What was the role of Environmental and Community Services Division to prevent this enormous rubbish catastrophe?
- c) Why wasn't Community & Environmental Services Division held responsible for the supply and adequate numbers of: a) garbage bins and b) yellow lid bins?
- d) Why wasn't the Community & Environmental Services Division held responsible for a necessary giant clean up the very next day?
- e) What is being planned for the next Australia Day on Wednesday 26 January 2011 to avert a similar (or same) rubbish catastrophe at Long Reef?

Answer: The Director Community and Environmental Services advised that Council did not receive an application for this particular event, nor was it Council approved. When Council became aware of rubbish at the site (the next morning) it was cleaned up, after three hours of work by Council staff.

CLR SUTTON RETURNED TO THE CHAMBER AT 6.28PM.

4.2. Mr Rodney Swil addressed Item 9.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

4/10 **RESOLVED**

Clr Ray / Clr Laugesen

That Mr Swil be granted an extension of 3 minutes to address Council.

VOTING

For the resolution: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

4.3. Mr John Hawkins addressed Item 12.2 on the agenda.

4.4 Mr Anthony Petrolo addressed Item 12.4 on the agenda.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

5/10 **RESOLVED**

Clr Regan / Clr De Luca

That Ms Tina Jackson be granted permission to address Council in Public Forum.

VOTING

For the resolution: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

Ms Jackson addressed Item 12.4 on the Agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

6/10 **RESOLVED**

Clr De Luca / Clr Kirsch

That Ms Jackson be granted an extension of 3 minutes to address Council.

VOTING

For the resolution: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Sutton and Wilkins.

Against the resolution: Clr Regan.

5.0 MAYORAL MINUTES

Nil.

6.0 GENERAL MANAGER'S REPORTS

6.1 Minutes of the SHOROC Inc Board Meeting held 18 November 2009

(BP REF 1)

7/10 **RESOLVED**

Clr Wilkins / Clr Ray

1. That the Minutes of the SHOROC Incorporated Board Meeting of 18 November 2009 be noted and the recommendations contained therein be ADOPTED.
2. That Council nominate Councillor Kirsch as the alternate Councillor to represent Warringah on the SHOROC Sub-Committee, Kimbriki Resource Recovery Centre in the event Councillor Harris (Council's nominated representative) is unable to attend.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

6.2 Minutes of the SHOROC Inc Annual General Meeting held 18 November 2009

(BP REF 12)

8/10 **RESOLVED**

Clr Falinski / Clr Sutton

That the Minutes of the SHOROC Incorporated Annual General Meeting of 18 November 2009 be noted and the recommendations contained therein be ADOPTED.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

7.0 STRATEGY AND POLICY DIVISION REPORTS

7.1 Delegated Authority over the Christmas/New Year Recess 2009/2010

(BP REF 17)

Clr Falinski / Clr Wilkins

That the items dealt with by the Mayor during the 2009/2010 recess period, and subsequent decisions made by the Mayor under delegated authority, be noted.

AMENDMENT

Clr De Luca / Clr Kirsch

That the items dealt with by the Mayor during the 2009/2010 recess period, and subsequent decisions made by the Mayor under delegated authority, be noted.

That attachment 4 to the report be adopted, with an addition of Point D as follows:

- D. That out-of-pocket expenses be limited to \$150.00 for each conference.

PROCEDURAL MOTION – THAT THE MOTION BE PUT

9/10 **RESOLVED**

Clr Falinski

That the motion be put.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

Clr De Luca / Clr Kirsch

That the items dealt with by the Mayor during the 2009/2010 recess period, and subsequent decisions made by the Mayor under delegated authority, be noted.

That attachment 4 to the report be adopted, with an addition of Point D as follows:

- D. That out of pocket expenses be limited to \$150.00 for each conference.

VOTING

For the amendment: Clrs De Luca and Laugesen.

Against the amendment: Clrs Falinski, Giltinan, Harris, Kirsch, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

10/10 **RESOLVED**

Clr Falinski / Clr Wilkins

That the items dealt with by the Mayor during the 2009/2010 recess period, and subsequent decisions made by the Mayor under delegated authority, be noted.

VOTING

For the resolution: Clrs Falinski, Giltinan, Harris, Laugesen, Kirsch, Ray, Regan, Sutton and Wilkins.

Against the resolution: Clr De Luca.

7.2 Amendment to Council Policy GOV-PL 125 – Decisions/Delegations During Christmas/New Year Recess

(BP REF 42)

11/10 **RESOLVED**

Clr Falinski / Clr Regan

That Council Policy GOV-PL 125 Decisions/Delegations During Christmas/New Year Recess be amended by replacing Clause 2 Policy statement to read as follows:

2. Policy statement

So that decisions can be made on important or urgent Council matters over the Christmas/New Year recess, Council has delegated certain Council functions to the Mayor and the Deputy Mayor (in the Mayor's absence).

Over the Christmas/New Year recess, the Mayor or Deputy Mayor – subject to the limitations and restriction in Section 377 of the Local Government Act 1993 - can:

- Make decisions that would otherwise be made by the Council. These decisions must be reported to the Council at its first meeting in the New Year; and
- Authorise any work which, in the Mayor's opinion, is urgent and does not exceed \$10,000.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

7.3 Amendment to Councillor Briefing Schedule January – March 2010

(BP REF 45)

12/10 **RESOLVED**

Clr Ray / Clr Wilkins

That the proposed changes to the Councillor Briefing Schedule January – March 2010 as follows be adopted:

- A. Addition to Tuesday 16 February 2010 briefing – Community Consultation Process – Brookvale Oval
- B. Addition to Tuesday 16 March 2010 briefing – Housing Strategy Consultation Process – Talk of the Town 2010

VOTING

For the resolution: Clrs De Luca, Giltinan, Harris, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Clrs Falinski and Kirsch.

7.4 Council Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

(BP REF 48)

Clr Falinski / Clr Giltinan

That Council adopt amendments to Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by and Provision of Facilities to the Mayor, Deputy Mayor and Councillors as detailed in the attached updated policy.

CLR FALINSKI LEFT THE CHAMBER AT 7.13PM, RETURNING AT 7.15PM.

AMENDMENT

Clr Harris / Clr Wilkins

That Council adopt amendments to Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by and Provision of Facilities to the Mayor, Deputy Mayor and Councillors as detailed in the attached updated policy subject to:

- A. Under point 21, Health and Wellbeing Services, the wording 'sports event entry' be amended to 'sports event entry as a competitor'.
- B. Under point 11.9, Internet Services, the addition of the words 'Councillors will be advised in writing about the status of their personal internet charges'.

CLR SUTTON LEFT THE CHAMBER AT 7.23PM, RETURNING AT 7.24PM.

VOTING

For the amendment: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the amendment: Clr Sutton.

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED.

13/10 RESOLVED

Clr Harris / Clr Wilkins

That Council adopt amendments to Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by and Provision of Facilities to the Mayor, Deputy Mayor and Councillors as detailed in the attached updated policy subject to:

- A. Under point 21, Health and Wellbeing Services, the wording 'sports event entry' be amended to 'sports event entry as a competitor'.
- B. Under point 11.9, Internet Services, the addition of the words 'Councillors will be advised in writing about the status of their personal internet charges monthly'.

VOTING

For the resolution: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the resolution: Clr Sutton.

7.5 Amendments to Code of Meeting Practice – GOV-PL 130

(BP REF 52)

Clr Falinski / Clr Wilkins

1. That the amendments to Council's Code of Meeting Practice – GOV-PL 130 as publicly exhibited be adopted as follows:

- a) Replace 5.2 with: Calling of Extraordinary Meetings (also Clause 14.1 (ii))

That the request to hold an Extraordinary Council Meeting needs to be in writing and signed by two councillors, one of whom can be the Mayor. The Mayor then has to call a meeting as soon as practicable, but within 14 days after the request is lodged.

- b) Change items in the Order of Business as follows:

- Replace item 12 (3) (xiii) with 'Questions On Notice';
- Insert item 12 (3) (xiv) with 'Responses to Questions On Notice' and that the current 12(3)(xiv) and all items following be re-numbered.

- c) Replace clause 12.1 (iii) with: A member of the public may be granted permission to address Council during Public Forum where such a request is received by the General Manager (or his delegate) no later than 3.00pm on the day preceding the Council meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council meeting.

- d) Insert a new item: 12.2 Invited Speakers

At the discretion of the Chairperson, other parties may be permitted to address an Ordinary Meeting of Council subject to:

- (i) Notice of that person's attendance at the meeting being included by the General Manager on the relevant Business Paper.
 - (ii) Public Forum not being considered the most appropriate forum in which to hear that person(s);
 - (iii) Not more than ten (10) minutes in total being provided at any Ordinary Council meeting to hear such person(s), with the option of an extension being granted by resolution of council.
- e) Replace 13.1 with: Agenda Availability

For each Ordinary Council Meeting and each Council Standing Committee meeting:

- (i) Meeting Agenda, including Business Reports, Notice of Motions and Confidential sections are to be distributed to all Councillors, Council's Solicitor and such senior staff as determined by the General Manager, by the close of business on the Wednesday six (6) days before the meeting of Council that would be considering the matter, by email and by hard copy, unless a Councillor elects to receive no hard copy.

- (ii) Meeting Agenda, with Confidential Sections excluded, are to be made available:-
 - a) to the public for perusal or taking away (free of charge) on or before the Thursday preceding the meeting at the Civic Centre, as well as the libraries at Belrose, Dee Why, Warringah Mall, Forestville and Terrey Hills;
 - b) to the media on or before the Thursday preceding the meeting;
 - c) on the Council's internet site before the Friday preceding such Ordinary meeting.

- f) Replace 13.2 (i) with:

That all Council Meetings, Ordinary, Extraordinary or Standing Committee Meetings shall conclude no later than the item being discussed at 10pm is finalised or if that is not possible by 10.15pm.

- g) Include 13.2 (ii) with:

A short break of not less than 15 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

- h) Insert a new item: 13.5 (i)

A report, Notice of Motion or other item deferred from a Meeting for the purposes of a Councillor briefing will be put on the Agenda of the next possible Ordinary Meeting of Council unless resolved otherwise.

- i) Replace clause 14 (3) with:

Despite subclause (1), business may be transacted at a meeting of Council even though due notice of the business has not been given to councillors. This can only happen if:

- a) a motion is passed to have the business transacted at the meeting; and
- b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

A motion of urgency may be moved at any time during a meeting and without notice, provided that the councillor bringing such matter to the notice of the meeting shall specify the nature of the business in writing to the chairperson.

Only the mover of the motion referred to in this subclause can speak to the motion before it is put.

If the motion is ruled by the Chairperson as being of great urgency, the matter will be included on the Agenda as the first item of business under Item 12.0 unless the mover chooses to have the matter dealt with at a later time.

- j) Replace 14.2 (i) (a) with:

Except as provided in (b) below every Notice of Motion relating to any new subject or matter not already before Council, distinctly stating the precise object proposed and all supporting information, shall be submitted to the General Manager duly signed by the Councillor giving the notice no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered. (That is, one week prior to the meeting.)

Late items

As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items.

Late reports should be brought forward only in the case of necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.

For matters not listed on the Agenda of meetings and where less than three (3) days notice has been provided in accordance with Clause 14.1 of this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered.

The motion of urgency is to include the reason why the matter is considered to be urgent.

k) Replace 14.2 (ii) (a) with:

“The General Manager must not include in the business paper for a Meeting or Committee of Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful or outside the jurisdiction of the Council or Committee of Council. The General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In either such event, the General Manager will, as soon as practicable, inform the author of the notice of motion of the action which the General Manager has taken and the reasons for that action. Further, if requested by the author of a Notice of Motion, the General Manager may include a comment on the Notice of Motion in order to provide additional context, background or other relevant information.”

l) Replace 14.3 (v) (b) with:

Electronically or by facsimile transmission of a duly signed notice provided the original notice bearing the three or more original signatures is in the hands of the General Manager by noon on the sixth day (i.e. Wednesday) prior to the Meeting of Council (i.e. following Tuesday) (refer to Clause 14.3 (i)).

m) Insert a new item: 14.3 (viii)

If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, or up to 12 noon on the working day following the meeting, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Unless resolved otherwise, it is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/ or committee meeting.

n) Insert a new item: 14.7 Notations in Council Minutes

Notations in Council Minutes requested by individual Councillors be included only following a resolution of Council approving their inclusion.

o) Insert a new item: 58 The use of Electronic Equipment during Meetings

The use of Personal Digital Assistants, such as Blackberries and iPhones, mobile phones, laptop computers or other electronic devices be kept to a minimum during Council Meetings and at all times these devices be operated only in silent mode.

p) Replace all references of the Independent Hearing and Assessment Panel (IHAP) with the Warringah Development Assessment Panel (WDAP) and the Warringah Development Review Panel (WDRP).

q) That the practice of limiting Notices of Motion cease and no provision be included in Council's Code of Meeting Practice regarding any such limitation.

r) 14.3 (i) (a): A notice of motion to rescind or alter a resolution of the Council shall be submitted in writing and delivered to the General Manager no later than 12 noon on

the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered.

- s) 14.6 (1) All Notices of Censure intended for consideration at any meeting are to be lodged no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered.
- t) Replace Clauses 22 and 22.1 with the following: 22. Councillor Questions
 - (1) At all Council meetings, each Councillor may ask up to three Questions On Notice under the segment of the Business paper designated for that purpose.
 - (2) Questions On Notice, as referred to in clause 22 (1) above, shall be submitted to the General Manager by the Councillor proposing the question(s) no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered:
 - (a) by written notice signed personally by the Councillor;
 - (b) by electronic or by facsimile transmission provided the original signed question is in the hands of the General Manager prior to the commencement of the meeting at which it is to be asked.
 - (3) All Questions On Notice shall be dated and numbered as received and shall be entered by the General Manager upon the Agenda in the order in which they are received, and except by resolution of the Council, all such Questions On Notice shall be considered in the order in which they appear on the Agenda.
 - (4) A Question On Notice may be withdrawn by a Councillor by signed correspondence to the General Manager prior to the question being asked at the relevant Council meeting.
 - (5) Where a Question On Notice purports to expend Council funds, is likely to divert significant time and resources of staff, is either vague, trivial, overly detailed, offensive, or does not relate to the responsibilities of Council, the question may be ruled out of order by the Chair.
 - (6) Responses to Questions On Notice are to be included, as soon as practicable, under the Agenda item 'Responses to Questions With Notice' in a subsequent business paper for an Ordinary Meeting of Council.
 - (7) Notwithstanding the clauses 22(1) - 22(6) above, a Councillor may:
 - (a) through the Chairperson, put a question to another Councillor; and
 - (b) through the General Manager, put a question to a Council employee in relation to any other matter on the Council Agenda.
 - (8) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
 - (9) The Councillor must put every such question directly, succinctly and without argument.
 - (10) The Chairperson must not permit discussion on any reply or refusal to reply to a Councillor or Council employee under this clause.
 - (11) Councillors may ask questions of (but not engage in debate with) speakers at Public Forum or other invited speakers at Council meetings only by resolution of

Council or otherwise at the discretion of the Chairperson. Such questions must be put directly, succinctly and without argument.

2. That Council Meetings be held once a month except for January.

AMENDMENT

Clr Laugesen / Clr Kirsch

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

1. Standing GM report

Insert on council's meeting agenda as a standing item under '6.0 General Managers Reports', item 6.1 – a General Report on council's administration since previous meeting, including but not limited to the General Manager's and the mayor's activities and an update on items and actions due from previous motions approved by council.

2. Invited speakers

Change wording of item (d) to read:

"By resolution of Council..." instead of "at the discretion of Chair".

3. Remove (t) and retain Questions Without Notice.

PROCEDURAL MOTION

Clr Ray

That items excluding 1 and 2 as detailed in the amendment and Item 2 of the motion relating to timing of meetings be moved in-globo and those separate issues are moved in part.

THE MAYOR RULED THE PROCEDURAL MOTION OUT OF ORDER.

PROCEDURAL MOTION – THAT THE AMENDMENT BE PUT

14/10 **RESOLVED**

Clr Sutton

That the motion be put.

VOTING

For the amendment: Ctrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the amendment: Nil.

Clr Laugesen / Clr Kirsch

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

1. Standing GM report

Insert on council's meeting agenda as a standing item under '6.0 General Managers Reports', item 6.1 – a General Report on council's administration since previous meeting, including but not limited to the General Manager's and the mayor's activities and an update on items and actions due from previous motions approved by council.

2. Invited speakers

Change wording of item (d) to read:

"By resolution of Council..." instead of "at the discretion of Chair".

3. Remove (t) and retain Questions Without Notice.

VOTING

For the amendment: Ctrs De Luca, Kirsch and Laugesen.

Against the amendment: Ctrs Falinski, Giltinan, Harris, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Clr Harris / Clr Kirsch

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

A. Item G – Include 13.2 (ii) with:

A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

B. The Council Meeting cycle be every three weeks

PROCEDURAL MOTION

15/10 **RESOLVED**

Clr Falinski / Clr Regan

That the amendment be moved ad seriatim.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Regan, Sutton and Wilkins.

Against the resolution: Clr Ray.

AT THIS STAGE, THE TIME BEING 8.04PM, THE MAYOR ADJOURNED THE MEETING. THE MEETING RESUMED AT 8.13PM.

Clr Harris / Clr Kirsch

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

A. Item G – Include 13.2 (ii) with:

A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

VOTING

For the amendment: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the amendment: Nil.

THE AMENDMENT (PART A), ON BEING PUT, WAS DECLARED CARRIED.

Clr Harris / Clr Kirsch

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

B. The Council Meeting cycle be every three weeks

VOTING

For the amendment: Clr Harris.

Against the amendment: Clrs De Luca, Falinski, Giltinan, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT (PART B), ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Clr De Luca / Clr Laugesen

That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

2. Invited speakers

Change wording of item (d) to read:

"By resolution of Council..." instead of "at the discretion of Chair".

VOTING

For the amendment: Ctrs De Luca, Harris, Kirsch, Laugesen and Ray.

Against the amendment: Ctrs Falinski, Giltinan, Regan, Sutton and Wilkins.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE AGAINST THE AMENDMENT, WHICH WAS LOST.

AMENDMENT

Clr Falinski / Clr Sutton

1. That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

A. Item G – Include 13.2 (ii) with:

A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

2. That the Council Meeting cycle be amended to once a month except for the month of January.

VOTING

For the amendment: Ctrs Falinski, Giltinan, Harris, Regan, Sutton and Wilkins.

Against the amendment: Ctrs De Luca, Kirsch, Laugesen and Ray.

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED.

AMENDMENT

Clr Ray / Clr Laugesen

1. That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:

A. Item G – Include 13.2 (ii) with:

A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

2. That the Council Meeting cycle be amended to once a month except for the month of January.
3. That the draft Code be publicly exhibited as the amended draft as the change to the monthly meeting cycle at Item 2 above is considered a substantive change and the community should be provided with the opportunity to comment.

VOTING

For the amendment: Ctrs De Luca, Kirsch, Laugesen and Ray.

Against the amendment: Ctrs Falinski, Giltinan, Harris, Regan, Sutton and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

16/10 RESOLVED

Clr Falinski / Clr Sutton

1. That Council adopt the amendments as recommended to the Code of Meeting Practice subject to the following:
 - A. Item G – Include 13.2 (ii) with:

A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.
2. That the Council Meeting cycle be amended to once a month except for the month of January.

VOTING

For the resolution: Ctrs Falinski, Giltinan, Harris, Regan, Sutton and Wilkins.

Against the resolution: Ctrs De Luca, Kirsch, Laugesen and Ray.

8.0 CORPORATE SERVICES DIVISION REPORTS

8.1 Investigation of the Establishment of a Revolving Fund

(BP REF 62)

Clr Kirsch / Clr Laugesen

- A. That council proceed to consider to establish the 'public fund for the purchase of environmentally sensitive land' as a revolving fund in order to maximise the preservation of bushland and ensure the long term sustainability of the public fund, based on the successful examples as for example the revolving funds established by the Tasmanian Land Conservancy (TLC revolving fund), Nature Conservation Trust, or Trust for Nature (Victoria).
- B. Council establish a Sustainability Revolving Fund for projects aimed at increasing sustainability, reducing greenhouse gas emissions, and reducing energy and other resource consumption, in order to ensure that savings from energy conservation measures and other sustainability initiatives are used to fund further sustainability initiatives and are not used for other operational expenses, and that the Revolving Fund Guidelines be based on successful examples, as for example Penrith City's Sustainability Revolving Fund, and that the Sustainability Revolving Fund Committee be comprised of councillors, staff representatives and community representatives.

AMENDMENT

Clr Sutton / Clr Giltinan

That:

- A. Council does not establish a Revolving Fund for the preservation of bushland.
- B. Council does not establish a Revolving Fund for other sustainability projects, but continues to focus on energy conservation measures as part of the budget process and the Strategic Community Plan.

PROCEDURAL MOTION – THAT THE AMENDMENT BE PUT

17/10 RESOLVED

Clr Falinski

That the amendment be put.

VOTING

For the resolution: Ctrs Falinski, Giltinan, Kirsch, Laugesen, Regan, Sutton and Wilkins.

Against the resolution: Ctrs De Luca, Harris and Ray.

Clr Sutton / Clr Giltinan

That:

- A. Council does not establish a Revolving Fund for the preservation of bushland.
- B. Council does not establish a Revolving Fund for other sustainability projects, but continues to focus on energy conservation measures as part of the budget process and the Strategic Community Plan.

VOTING

For the amendment: Ctrs Falinski, Giltinan, Regan, Sutton and Wilkins.

Against the amendment: Ctrs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE AMENDMENT, WHICH WAS CARRIED.

18/10 **RESOLVED**

Clr Sutton / Clr Giltinan

That:

- A. Council does not establish a Revolving Fund for the preservation of bushland.
- B. Council does not establish a Revolving Fund for other sustainability projects, but continues to focus on energy conservation measures as part of the budget process and the Strategic Community Plan.

VOTING

For the resolution: Ctrs Falinski, Giltinan, Regan, Sutton and Wilkins.

Against the resolution: Ctrs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE MOTION, WHICH WAS CARRIED.



9.0 PLANNING AND DEVELOPMENT SERVICES DIVISION REPORTS

9.1 Amendments to Warringah Design Guidelines – Public Spaces

(BP REF 66)

Clr Harris / Clr Kirsch

That Council considers pervious or permeable paving in comparison to the paving recommended in the report at the next Council Meeting.

AMENDMENT

Clr Sutton / Clr Giltinan

That:

- A. Council approve the paving layout and colour selection for Dee Why Town Centre -‘Albany Grey’ for the main paving colour ; ‘Golden Gunmetal’ for tactile indicators and feature tiles
- B. Council endorse the sealing of new pavers laid in the Dee Why Town Centre to repel stains and food products to make cleaning easier and more effective
- C. Council consider increasing ongoing maintenance especially around food shops in the 2010-11 budget
- D. Council adopt the amendments to “Warringah Design Guidelines: STR-PR 350, Part D – Specifications, Dee Why Town Centre” for the selected paver type and layout.

CLR LAUGESSEN LEFT THE CHAMBER AT 9.31PM, RETURNING AT 9.33PM.

PROCEDURAL MOTION – THAT THE AMENDMENT BE PUT

19/10 **RESOLVED**

Clr Falinski / Clr Sutton

That the amendment be put.

VOTING

For the resolution: Clrs Falinski, Giltinan, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Clrs De Luca, Harris and Kirsch.

Clr Sutton / Clr Giltinan

That:

- A. Council approve the paving layout and colour selection for Dee Why Town Centre - 'Albany Grey' for the main paving colour ; 'Golden Gunmetal' for tactile indicators and feature tiles
- B. Council endorse the sealing of new pavers laid in the Dee Why Town Centre to repel stains and food products to make cleaning easier and more effective
- C. Council consider increasing ongoing maintenance especially around food shops in the 2010-11 budget
- D. Council adopt the amendments to "Warringah Design Guidelines: STR-PR 350, Part D – Specifications, Dee Why Town Centre" for the selected paver type and layout.

VOTING

For the amendment: Clrs Falinski, Giltinan, Regan, Sutton and Wilkins.

Against the amendment: Clrs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE AMENDMENT, WHICH WAS CARRIED.

20/10 RESOLVED

Clr Sutton / Clr Giltinan

That:

- A. Council approve the paving layout and colour selection for Dee Why Town Centre - 'Albany Grey' for the main paving colour ; 'Golden Gunmetal' for tactile indicators and feature tiles
- B. Council endorse the sealing of new pavers laid in the Dee Why Town Centre to repel stains and food products to make cleaning easier and more effective
- C. Council consider increasing ongoing maintenance especially around food shops in the 2010-11 budget
- D. Council adopt the amendments to "Warringah Design Guidelines: STR-PR 350, Part D – Specifications, Dee Why Town Centre" for the selected paver type and layout.

VOTING

For the resolution: Clrs Falinski, Giltinan, Regan, Sutton and Wilkins.

Against the resolution: Clrs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE MOTION, WHICH WAS CARRIED.

A RESCISSION MOTION IN RELATION TO COUNCIL'S RESOLUTION REGARDING ITEM 9.1, AMENDMENTS TO WARRINGAH DESIGN GUIDELINES – PUBLIC SPACES, WAS LODGED BY COUNCILLORS HARRIS, KIRSCH AND DE LUCA AT THE CONCLUSION OF THE MEETING.

MOTION OF URGENCY – NSW RIDE2SCHOOL PROGRAM

21/10 **RESOLVED**

Clr Laugesen / Clr Kirsch

That as a matter of urgency Council considers a motion to support for the Bicycle NSW Ride2School program and its annual event on 17 March 2010.

VOTING

For the resolution: Clrs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Clr Falinski.

THE MAYOR SUBSEQUENTLY RULED THE MATTER TO BE ONE OF URGENCY.

22/10 **RESOLVED**

Clr Laugesen / Clr Kirsch

That Council:

- Note that the Ride2School program was launched in NSW in 2008 after being started by Bicycle Victoria five years ago;
- Note that 1,000 Victorian and 500 NSW schools are registered for Ride2School;
- Note that the annual event to publicise registration for the Ride2School program is March 17, 2010, and;

For the 2010 annual event, provide non-financial support to participating local schools; and

- that rather than duplicate a local schools program in the 2010-15 Bike Plan, Warringah Council become a partner with the established Ride2School program;
- adjust the Bike Plan 2010 Actions Table section on School Cycling Programs from “medium” to “high”, in view of this partnership, noting that no funding is required for Councils’ or schools’ participation and adjust budget forecasts accordingly;
- Liaise with Bicycle NSW on coming bike plan works and, for Ride2School specifically, use the BNSW promotions network to publicise and encourage schools near improved bike paths to register;
- Include BNSW in any media releases and distribute bike plan exhibition documents to the organisation;
- Assist Warringah LGA local State Members in their involvement with the Ride2School program.

VOTING

For the resolution: Clrs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the resolution: Clrs Falinski and Sutton.

9.2 Draft Local Development Contributions Guidelines

(BP REF 74)

23/10 RESOLVED

Clr Falinski / Clr Regan

That Council note the content of this report with the points listed under the heading 'Issues to be raised within the submission' included within a submission to the Department of Planning.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

The meeting concluded at 10.05pm.

This is the final page of the Minutes comprising (25) pages numbered (1) to (25) of meeting 2010/1 of Warringah Council held on 9 February 2010 and confirmed on 23 March 2010.

Mayor

General Manager

