

# **Minutes of an Extraordinary Meeting of Warringah Council held on Tuesday, 23 February 2010 at the Civic Centre, Dee Why, Commencing at 6.03pm**

## **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), Team Leader Governance (D Sider), Coordinator Council and Executive Support (M Lee), Administration Officer (A Cooke), Corporate Lawyer (V Ingram), Chief Financial Officer (D Walsh), Manager Marketing and Communications (M Wicks), Manager Strategic Planning (D Kerr), Manager Parks, Reserves and Foreshores (M Keelan), Team Leader Roads and Drainage Assets (S Watson), IM&T Support Officer (D Mishra).

## **NOTES**

The meeting commenced at 6.03pm, adjourned at 8.22pm, resumed at 8.28pm and concluded at 9.34pm.

## **ORDER OF BUSINESS**

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

Items 1.0, 2.0, 3.1, 9.1, 3.2, 4.1, 4.2, 4.3, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 6.1, 7.1, 8.1, 8.2 and 9.2.

## **1.0 APOLOGIES**

Nil.

### **PROCEDURAL MOTION – MANLY DAILY PHOTOGRAPHER**

24/10 **RESOLVED**

***Clr Sutton / Clr Giltinan***

That the Manly Daily be granted permission to take photographs during the Extraordinary Council Meeting of 23 February 2010.

### **VOTING**

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

**Against the resolution:** Nil.

## **2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

Clr Regan declared a potential conflict of interest in relation to Item 5.3, 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 5.3, 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 5.3, as she resides in close proximity to the subject lands.



### **3.0 PLANNING AND DEVELOPMENT SERVICES DIVISION REPORTS**

#### **3.1 NSW Government's Coastal Reform Package**

(BP REF 1)

25/10 **RESOLVED**

***Clr Falinski / Clr Sutton***

That Council endorse the response to the NSW Government's draft Risk Management Guides and Coastal Planning Guideline at Attachment 1 and forward this to the both the Department of Environment, Climate Change and Water and the Department of Planning as Council's submission in relation to the package of documents.

#### **VOTING**

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

**Against the resolution:** Nil.

### **MOTION OF URGENCY – REOPENING OF MANLY DAM MOUNTAIN BIKE CIRCUIT TRAIL AS A SHARED WALKING AND CYCLING TRACK**

26/10 **RESOLVED**

***Clr Laugesen / Clr De Luca***

That as a matter of urgency, Council considers a motion recognising that currently closed sections of the bike track at Manly Dam should be reopened for shared public use.

#### **VOTING**

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

**Against the resolution:** Nil.

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS ONE OF URGENCY.

IN ACCORDANCE WITH CLAUSE 14(3)(b) OF COUNCIL'S CODE OF MEETING PRACTICE, THIS ITEM WILL BE DEALT WITH AS ITEM 9.1 ON THE AGENDA.

## **PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**

27/10 **RESOLVED**

***Clr De Luca / Clr Laugesen***

That Standing Orders be suspended to consider Item 9.1.

## **VOTING**

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

**Against the resolution:** Clr Falinski.

**9.1**

## **MOTION OF URGENCY – REOPENING OF MANLY DAM MOUNTAIN BIKE CIRCUIT TRAIL AS A SHARED WALKING AND CYCLING TRACK**

***Clr Laugesen / De Luca***

That Council:

1. Recognises the three sections of mountain bike trail that were closed on 12 February 2010, as "designated cycling areas", in accordance with the terms of the 1998 Manly Warringah War Memorial Park Plan of Management;
2. Installs additional signs or adds wording where considered necessary, to warn of shared conditions and the associated risks, such as poor visibility, emphasising that bikes must give way to pedestrians in accordance with The Manly Warringah War Memorial Park Code of Conduct for Mountain Biking;
3. Removes the "bikes prohibited" signs at Manning Street/Wakehurst Golf Course, Cootamundra Drive/fire trail and Wakehurst Parkway, effecting the one-way circuit track's reopening, by Friday 26 February 2010.

## **AMENDMENT**

***Clr Regan / Clr Wilkins***

That Council-

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the purpose of bike riding;

2. Restrict bush walking from the two (2) narrow bush tracks that are considered to be unsafe for sharing on the track at (1) above, these being approximately 1.7kms of the Trig Track and 200metres part of the northern section that was temporarily closed to bike riding on 12 February 2010;
3. Install safety signs at the entrance to this section of the track stating (to the effect), *"WARNING this section of track is narrow and is only available to bike riders. Track conditions are variable and subject to weather and vegetation issues. Riders are advised to slow when approaching blind corners. Pedestrians do not enter."*;
4. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;
5. Commence an immediate review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers, and
6. Commit up to \$100,000 from the 2010/11 Budget surplus

**PROCEDURAL MOTION – THAT THE AMENDMENT BE PUT**

**28/10 RESOLVED**

***Clr Sutton / De Luca***

That the amendment be put.

**VOTING**

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

**Against the resolution:** Ctrs Falinski, Laugesen and Harris.

***Clr Regan / Clr Wilkins***

That Council-

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the purpose of bike riding;
2. Restrict bush walking from the two (2) narrow bush tracks that are considered to be unsafe for sharing on the track at (1) above, these being approximately 1.7kms of the Trig Track and 200metres part of the northern section that was temporarily closed to bike riding on 12 February 2010;
3. Install safety signs at the entrance to this section of the track stating (to the effect), *"WARNING this section of track is narrow and is only available to bike riders. Track conditions are variable and subject to weather and vegetation issues. Riders are advised to slow when approaching blind corners. Pedestrians do not enter."*;
4. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;

5. Commence an immediate review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers, and
6. Commit up to \$100,000 from the 2010/11 Budget surplus

## 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.

AT THIS STAGE, THE MOVER, WITH THE CONSENT OF THE SECONDER, AMENDED THE MOTION TO READ:

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the purpose of bike riding;
2. Restrict bush walking from the two (2) narrow bush tracks that are considered to be unsafe for sharing on the track at (1) above, these being approximately 1.7kms of the Trig Track and 200metres part of the northern section that was temporarily closed to bike riding on 12 February 2010;
3. Install safety signs at the entrance to this section of the track stating (to the effect), *"WARNING this section of track is narrow and is only available to bike riders. Track conditions are variable and subject to weather and vegetation issues. Riders are advised to slow when approaching blind corners. Pedestrians do not enter."*;
4. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;
5. Commence an immediate review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers, and
6. Commit up to \$100,000 from the 2010/11 Budget surplus reserved for bikepaths to the upgrading of the Manly Dam facility.

## AMENDMENT

**Clr De Luca / Clr Laugesen**

That Council -

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the purpose of bike riding;

2. Install safety signs at the entrance to this section of the track stating (to the effect), *"WARNING Track conditions are variable and subject to weather and vegetation issues. Riders are advised to slow when approaching blind corners"*;
3. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;
4. Commence an immediate review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers, and
5. Commit up to \$100,000 from the 2010/11 Budget surplus, reserved for bikepaths to the upgrading of the Manly Dam facility.
6. That a working party be established with 2 representatives of the Mountain Biking Community, 2 representatives of the Save Manly Dam community and 2 wider community representatives.

## VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

## AMENDMENT

**Clr Harris**

That Council-

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the exclusive purpose of bike riding, 6 days a week- being all days other than Wednesday;
2. Restrict bush walking from the two (2) narrow bush tracks that are considered to be unsafe for sharing on the track at (1) above, these being approximately 1.7kms of the Trig Track and 200metres part of the northern section that was temporarily closed to bike riding on 12 February 2010, on all days except Wednesday, when the track will be for walkers only;
3. Install safety signs at the entrance to this section of the track stating, *"WARNING bike riders only Thursday to Tuesday, walkers Wednesday only. Section of track is narrow. Track conditions are variable and subject to weather and vegetation issues. Riders are advised to give way and to slow when approaching blind corners."*
4. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;
5. Commence a review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

## **PROCEDURAL MOTION – THAT THE MOTION BE PUT**

29/10 **RESOLVED**

**Clr Falinski / Clr Sutton**

That the amendment be put.

## **VOTING**

**For the motion:** Clrs Falinski, Giltinan, Kirsch, Ray, Regan, Sutton and Wilkins.

**Against the motion:** Clrs De Luca, Harris and Laugesen.

30/10 **RESOLVED**

**Clr Regan / Clr Wilkins**

That Council-

1. Designate under the Manly Warringah War Memorial Park Plan of Management, those parts of the track, that prior to 12 February 2010 were used as bike track as available for the purpose of bike riding;
2. Restrict bush walking from the two (2) narrow bush tracks that are considered to be unsafe for sharing on the track at (1) above, these being approximately 1.7kms of the Trig Track and 200metres part of the northern section that was temporarily closed to bike riding on 12 February 2010;
3. Install safety signs at the entrance to this section of the track stating (to the effect), *“WARNING this section of track is narrow and is only available to bike riders. Track conditions are variable and subject to weather and vegetation issues. Riders are advised to slow when approaching blind corners. Pedestrians do not enter.”*;
4. Require Mountain Bike riders to use the track one way, as well as to comply with the Mountain Bike Code of Conduct;
5. Commence an immediate review of the Manly Warringah War Memorial Park Plan of Management, in particular the future management of the interaction of walkers and Mountain Bikers, and
6. Commit up to \$100,000 from the 2010/11 Budget surplus reserved for bikepaths to the upgrading of the Manly Dam facility.

## **VOTING**

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

**Against the resolution:** Clr Ray.



## **PROCEDURAL MOTION – RESUMPTION OF STANDING ORDERS**

31/10 **RESOLVED**

***Clr Falinski / Clr Kirsch***

That Standing Orders be resumed.

## **VOTING**

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

**Against the resolution:** Nil.

### **3.2**

## **Draft Warringah Bike Plan 2010-2015**

(BP REF 22)

***Clr Falinski / Clr Kirsch***

That Council considers the Draft Warringah Bike Plan 2010-2015, attached to this report and resolves to:

A. Amend Action 9 of the plan prior to public exhibition to state the following:

<b>Action No.</b>	<b>Recommended Actions</b>	<b>Responsibility</b>	<b>Priority</b>
<b>9</b>	<b>NSW Ride2School Program</b>  Support organisers of the NSW Ride2School program by encouraging local schools, especially those near improved cycling facilities to participate in the program annually.	<b>C&amp;SS</b>	<b>High ongoing in March each year</b>

- B. Place the plan on public exhibition for a minimum of 28 days
- C. Invite submissions to the plan during the public exhibition period
- D. Following the public exhibition, consider a further report that outlines all submissions and recommends a way forward to finalisation of the plan.

## **PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS**

***Clr Laugesen / Clr De Luca***

That Standing Orders be suspended to consider Item 5.2.

## VOTING

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

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

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

## 32/10 RESOLVED

### ***Clr Falinski / Clr Kirsch***

That Council considers the Draft Warringah Bike Plan 2010-2015, attached to this report and resolves to:

A. Amend Action 9 of the plan prior to public exhibition to state the following:

Action No.	Recommended Actions	Responsibility	Priority
9	<b>NSW Ride2School Program</b>  Support organisers of the NSW Ride2School program by encouraging local schools, especially those near improved cycling facilities to participate in the program annually.	<b>C&amp;SS</b>	<b>High ongoing in March each year</b>

B. Place the plan on public exhibition for a minimum of 28 days

C. Invite submissions to the plan during the public exhibition period

D. Following the public exhibition, consider a further report that outlines all submissions and recommends a way forward to finalisation of the plan.

## VOTING

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

**Against the resolution:** Nil.

## **4.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS**

### **4.1 The Strand, Dee Why – Streetscape Improvements – Public Consultation of Concept Design**

(BP REF 27)

***Clr Regan / Clr Sutton***

That:

- A. Council note the outcomes of the community consultation process summarised in this report.
- B. Due to the overwhelming support Council endorse the exhibited concept plan and proceed to detailed design and tender for construction.
- C. Where possible the detailed design incorporate suggestions for improvements which will not substantively alter the concept plans exhibited, such as motor cycle parking, bicycle parking, pedestrian fencing, widths of traffic and bicycle lanes.
- D. Council note the findings of The Strand Parking Study and the recommended measures to improve the equity and availability of parking, and in particular the following measures;
  - a) 2 hour parking in Oaks Avenue east, between The Strand and Monash Parade (70 spaces)
  - b) 1 hour parking in The Strand, between Pacific Parade and Dee Why Parade (35 spaces)
  - c) 2 hour parking at the eastern end of Dee Why Parade, Howard Avenue, Oaks Avenue and Pacific Parade, for approximately 10 spaces in each road.
- E. Council determine the construction program at the time of determining the construction contractor, noting the concerns of business proprietors, that if the works cannot be completed by start of November 2010, they not proceed until April 2011.

## **AMENDMENT**

***Clr Harris / Clr Ray***

That:

- A. Council note the outcomes of the community consultation process summarised in this report.
- B. Due to the overwhelming support Council endorse the exhibited concept plan and proceed with a detailed design including the proposed priority one bicycle paths to the eastern boundary of the street.

- C. Where possible the detailed design incorporate suggestions for improvements which will not substantively alter the concept plans exhibited, such as motor cycle parking, bicycle parking, pedestrian fencing, widths of traffic and bicycle lanes.
- D. Council note the findings of The Strand Parking Study and the recommended measures to improve the equity and availability of parking, and that this is referred to the traffic committee for their comment.
- E. Council determine the construction program at the time of determining the construction contractor, noting the concerns of business proprietors, that if the works cannot be completed by start of November 2010, they not proceed until April 2011.

CLR LAUGESSEN LEFT THE CHAMBER AT 7.04PM, RETURNING AT 7.08PM.

### **VOTING**

**For the amendment:** Clrs Harris and Ray.

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

### **PROCEDURAL MOTION – THAT THE MOTION BE PUT**

33/10 **RESOLVED**

***Clr Falinski***

That the motion be put.

### **VOTING**

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

**Against the motion:** Nil.

34/10 **RESOLVED**

***Clr Regan / Clr Sutton***

That:

- A. Council note the outcomes of the community consultation process summarised in this report.
- B. Due to the overwhelming support Council endorse the exhibited concept plan and proceed to detailed design and tender for construction.

- C. Where possible the detailed design incorporate suggestions for improvements which will not substantively alter the concept plans exhibited, such as motor cycle parking, bicycle parking, pedestrian fencing, widths of traffic and bicycle lanes.
- D. Council note the findings of The Strand Parking Study and the recommended measures to improve the equity and availability of parking, and in particular the following measures;
  - d) 2 hour parking in Oaks Avenue east, between The Strand and Monash Parade (70 spaces)
  - e) 1 hour parking in The Strand, between Pacific Parade and Dee Why Parade (35 spaces)
  - f) 2 hour parking at the eastern end of Dee Why Parade, Howard Avenue, Oaks Avenue and Pacific Parade, for approximately 10 spaces in each road.
- E. Council determine the construction program at the time of determining the construction contractor, noting the concerns of business proprietors, that if the works cannot be completed by start of November 2010, they not proceed until April 2011.

## VOTING

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

**Against the resolution:** Ctr Harris.

## 4.2

### Manly Vale Playground and Community Garden

(BP REF 48)

***Ctr Kirsch / Ctr Laugesen***

That-

1. Council approves the detailed design plan at Annexure B, based on Option B as the preferred design for the Manly Vale Playground and Community Garden and proceed to commence tender process for construction.
2. the community gardeners at Manly Vale community garden be entitled to replace the current street trees (brush boxes) along the community garden and adjacent community centre fence with fruit trees, including those currently located at the guerilla garden
3. the current fence between community garden and community kindergarten be restored instead of replaced and the savings, if any allocated to the community garden construction as determined by the community garden committee

**PROCEDURAL MOTION – THAT THE MOTION BE PUT**

35/10 **RESOLVED**

***Clr Falinski / Sutton***

That the motion be put.

**VOTING**

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

**Against the resolution:** Nil.

**PROCEDURAL MOTION – THAT THE MOTION BE MOVED SERIATIM**

36/10 **RESOLVED**

***Clr Kirsch / Clr Giltinan***

That the motion be moved seriatim.

**VOTING**

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

**Against the resolution:** Clr Wilkins.

37/10 **RESOLVED**

***Clr Kirsch / Clr Laugesen***

That-

1. Council approves the detailed design plan at Annexure B, based on Option B as the preferred design for the Manly Vale Playground and Community Garden and proceed to commence tender process for construction.

**VOTING**

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

**Against the resolution:** Nil.

**38/10 RESOLVED**

***Clr Kirsch / Clr Laugesen***

That-

2. the community gardeners at Manly Vale community garden be entitled to replace the current street trees (brush boxes) along the community garden and adjacent community centre fence with fruit trees, including those currently located at the guerilla garden

**VOTING**

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

**Against the resolution:** Ctrs Falinski, Sutton and Wilkins.

***Clr Kirsch / Clr Laugesen***

That-

3. the current fence between community garden and community kindergarten be restored instead of replaced and the savings, if any allocated to the community garden construction as determined by the community garden committee

**VOTING**

**For the motion:** Ctrs De Luca, Harris, Kirsch and Ray.

**Against the motion:** Ctrs Falinski, Giltinan, Laugesen, Regan, Sutton and Wilkins.

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

**MOTION OF URGENCY – AUSTRALIAN LOCAL GOVERNMENT WOMEN’S ASSOCIATION CONFERENCE**

**39/10 RESOLVED**

***Clr Harris / Clr Regan***

That as a matter of urgency, Council considers a motion in relation to Councillor attendance at the Australian Local Government Women’s Association Conference.

**VOTING**

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

**Against the resolution:** Nil.

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS ONE OF URGENCY.

IN ACCORDANCE WITH CLAUSE 14(3)(b) OF COUNCIL'S CODE OF MEETING PRACTICE, THIS ITEM WILL BE DEALT WITH AS ITEM 9.2 ON THE AGENDA.

### **4.3 Second Annual 2010 Sydney Multicultural Festival**

(BP REF 53)

#### ***Clr Regan / Clr Giltinan***

That Council resolve to support the request by the 2010 Multi-Cultural Festival to waive the fee of \$150 per day (to a total of \$750) for the Festival and apply the following conditions:

1. Bond of \$5,000 is provided.
2. The market stalls and major tent (50m x 20m) are established along the eastern perimeters of the fields to avoid the cricket wicket. Please see attached plan of proposed area for use.
3. No jousting takes place
4. The occupancy of the oval be limited (including bump in and bump out) to Thursday 25 February 2010 to Monday 1 March 2010.
5. Any fireworks meet Work Cover approval requirements and are completed by 9pm.

#### **PROCEDURAL MOTION – THAT THE MOTION BE PUT**

**40/10 RESOLVED**

#### ***Clr Falinski***

That the motion be put.

#### **VOTING**

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

**Against the resolution:** Clr Harris.



**41/10 RESOLVED**

***Clr Regan / Clr Giltinan***

That Council resolve to support the request by the 2010 Multi-Cultural Festival to waive the fee of \$150 per day (to a total of \$750) for the Festival and apply the following conditions:

1. Bond of \$5,000 is provided.
2. The market stalls and major tent (50m x 20m) are established along the eastern perimeters of the fields to avoid the cricket wicket. Please see attached plan of proposed area for use.
3. No jousting takes place
4. The occupancy of the oval be limited (including bump in and bump out) to Thursday 25 February 2010 to Monday 1 March 2010.
5. Any fireworks meet Work Cover approval requirements and are completed by 9pm.

**VOTING**

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

**Against the resolution:** Clrs Harris, Laugesen and Ray.

**SUPPLEMENTARY MOTION**

**42/10 RESOLVED**

***Clr De Luca / Clr Falinski***

That Council develop a policy in regards to the waiving of fees and charges for events held in Warringah.

**VOTING**

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

**Against the resolution:** Nil.

## **5.0 NOTICES OF MOTION**

### **5.1**

#### **Notice of Motion No 65/2009 Reinstatement of Weekend Detainees – Mermaid Pool Regeneration**

(BP REF 55)

Clr Laugesen declared a non-significant, non-pecuniary conflict of interest in relation to this item, as she is a bush regenerator.

***Clr Laugesen / Clr Kirsch***

That

- Warringah Council support and participate in an open forum to be organised by the Save Manly Dam Catchment Committee/Mermaid Pool Regeneration Group, to be comprised of representatives from Manly Dam and Manly Creek catchment land owners and stakeholders such as Department of Lands, Sydney Water, NSW Fisheries, Manly Hydraulics Laboratory, UNSW Water Laboratory, community representatives, local environmental groups and Warringah Golf Club, to determine the suitable future allocation of regeneration, weed removal methods and resource allocation to the catchment, where consideration can be given to using volunteer and other labour groups such as the detainees, and;
- pending consensus of the open forum members, that Warringah Council confine the use of herbicides in the Manly Dam catchment to their present limited use.

### **PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL**

**43/10 RESOLVED**

***Clr Laugesen / Clr Kirsch***

That Mr Malcolm Fisher president of the Mermaid Pool Restoration Group be granted permission to address Council.

### **VOTING**

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

**Against the resolution:** Ctrs Falinski, Regan and Sutton.

**MR FISHER ADDRESSED COUNCIL IN RELATION TO THIS ITEM.**

## **PROCEDURAL MOTION – DEFERRAL OF NOTICE OF MOTION**

***Clr Falinski / Clr Wilkins***

That the item be deferred until the report currently being undertaken is received by Council.

## **VOTING**

**For the motion:** Clrs Falinski, Sutton and Wilkins.

**Against the motion:** Clrs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray and Regan.

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

## **AMENDMENT**

***Clr De Luca / Clr Ray***

That

- Warringah Council support and participate in an open forum to be organised by the Save Manly Dam Catchment Committee/Mermaid Pool Regeneration Group, to be comprised of representatives from Manly Dam and Manly Creek catchment land owners and stakeholders such as Department of Lands, Sydney Water, NSW Fisheries, Manly Hydraulics Laboratory, UNSW Water Laboratory, community representatives, local environmental groups and Warringah Golf Club, to recommend the suitable future allocation of regeneration, weed removal methods and resource allocation to the catchment, where consideration can be given to using volunteer and other labour groups such as the detainees, and;
- pending consensus of the open forum members, that Warringah Council confine the use of herbicides in the Manly Dam catchment to their present limited use

## **VOTING**

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

**Against the amendment:** Nil.

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED.

## **44/10 RESOLVED**

***Clr De Luca / Clr Ray***

That

- Warringah Council support and participate in an open forum to be organised by the Save Manly Dam Catchment Committee/Mermaid Pool Regeneration Group, to be comprised of representatives from Manly Dam and Manly Creek catchment land owners and stakeholders such as Department of Lands, Sydney Water, NSW Fisheries, Manly Hydraulics Laboratory,

UNSW Water Laboratory, community representatives, local environmental groups and Warringah Golf Club, to recommend the suitable future allocation of regeneration, weed removal methods and resource allocation to the catchment, where consideration can be given to using volunteer and other labour groups such as the detainees, and;

- pending consensus of the open forum members, that Warringah Council confine the use of herbicides in the Manly Dam catchment to their present limited use

## **VOTING**

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

**Against the resolution:** Nil.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.22PM. THE MEETING RESUMED AT 8.28PM WITH THE SAME COUNCILLORS PRESENT.

### **5.2**

#### **Notice of Motion No 66/2009 Reinstatement of Manly Dam Mountain Bike Track Volunteer Days**

(BP REF 56)

45/10 **RESOLVED**

***Cllr Laugesen / Cllr De Luca***

That:

in the event that the MWMP Plan of Management is reviewed, the options report for the Manly Warringah War Memorial Park (Manly Dam) is to include advice, options and costs for deploying volunteers from the mountain biking community to repair and renew suitable works and clear debris from biking activities on the Manly Dam mountain bike track that ensures:

- enhancement of track sustainability for all users
- maintenance of the enjoyment and safety of all track users
- protection of the natural heritage values of the bushland
- habitat protection and wildlife safeguarding;

With any future volunteer repair and maintenance work to:

- be carried out under strict supervision;
- be subject to a Memorandum of Understanding as agreed by relevant parties;
- be carried out by OH&S-trained participants;
- result in no additional tracks being constructed or the expansion of existing mountain bike tracks at Manly Dam.

CLR FALINSKI LEFT THE CHAMBER AT 8.32PM.

### **VOTING**

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

**Against the resolution:** Nil.

CLR FALINSKI WAS ABSENT DURING VOTING ON THIS ITEM.

THE MAYOR LEFT THE CHAMBER AT 8.33PM AND THE DEPUTY MAYOR ASSUMED THE CHAIR.

CLR WILKINS LEFT THE CHAMBER AT 8.33PM.

CLR FALINSKI RETURNED TO THE CHAMBER AT 8.33PM.

**5.3**

### **Notice of Motion No 1/2010 Request for Planning Documents in relation to LGA Border Traffic Matters**

(BP REF 57)

46/10 **RESOLVED**

***Clr Laugesen / Clr De Luca***

That Manly Council be requested to supply the strategic planning documents associated with Amendment 79 of their LEP and the study carried out on the industrial lands in Manly, which were considered by Manly Council at their meeting in December 2009.

### **VOTING**

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

**Against the resolution:** Nil.

THE MAYOR WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

CLR WILKINS WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

THE MAYOR RETURNED TO THE CHAMBER AT 8.40PM AND RESUMED THE CHAIR.

CLR WILKINS RETURNED TO THE CHAMBER AT 8.40PM.

**5.4**

**Notice of Motion No 2/2010  
Provision of Water Bubblers and Refill Stations (unfiltered)**

(BP REF 58)

***Clr Kirsch / Clr Laugesen***

That Warringah Council

- install 20 combined bubbler and water bottle refill stations, fitted with water meters, that provide unfiltered tap water at Warringah's beaches and selected major sports fields in order to reduce the amount of plastic bottles that go into landfill (improved waste avoidance)
- apply for funding for this initiative from the Waste and Sustainability Improvement Payments (WaSIP) fund, made available for the funding of fund new or enhanced waste and sustainability initiatives and programs that will deliver improved waste avoidance and waste management outcomes and in actions and on programs that will deliver improvements in environmental sustainability
- include a list of the suggested locations (see Background) for water bottle refill stations in the Warringah strategic community survey and post the list on council's webpage for comment and feedback from residents;
- determine additional locations for future installations of water bottle refill stations and bubblers;
- introduce a bottled-water-free policy for Council-run events.

**PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL**

47/10 **RESOLVED**

***Clr Kirsch / Clr De Luca***

That Ms Tina Jackson be granted permission to address Council.

**VOTING**

**For the resolution:** Ctrs De Luca, Giltinan, Harris, Kirsch, Laugesen and Ray.

**Against the resolution:** Ctrs Falinski, Regan, Sutton and Wilkins.

MS JACKSON ADDRESSED COUNCIL IN RELATION TO THIS ITEM.

CLR FALINSKI LEFT THE CHAMBER AT 8.50PM AND RETURNED AT 8.50PM.

AT THIS STAGE, CLR RAY WITH THE CONSENT OF THE MOVER AND SECONDER, AMENDED THE MOTION TO READ:

That Warringah Council

- install 20 combined bubbler and water bottle refill stations, fitted with water meters, that provide unfiltered tap water at Warringah's beaches and selected major sports fields in order to reduce the amount of plastic bottles that go into landfill (improved waste avoidance)
- apply for funding for this initiative from the Waste and Sustainability Improvement Payments (WaSIP) fund, made available for the funding of fund new or enhanced waste and sustainability initiatives and programs that will deliver improved waste avoidance and waste management outcomes and in actions and on programs that will deliver improvements in environmental sustainability
- include a list of the suggested locations (see Background) for water bottle refill stations in the Warringah strategic community survey and post the list on council's webpage for comment and feedback from residents;
- determine additional locations for future installations of water bottle refill stations and bubblers;
- introduce a bottled-water-free policy for Council-run events.
- Should funding for 2010/2011 be unavailable or the criteria not be met that this matter be brought back to Council.

## **AMENDMENT**

***Clr Falinski / Clr Giltinan***

That the item be deferred until Council is in receipt of the new funding guidelines from the Department of Environment, Climate Change and Water (DECCW).

## **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.

## **AMENDMENT**

***Clr Harris***

That Warringah Council

- install 20 combined bubbler and water bottle refill stations, fitted with water meters, that provide unfiltered tap water at Warringah's beaches and selected major sports fields in order to reduce the amount of plastic bottles that go into landfill (improved waste avoidance)
- apply for funding for this initiative from the Waste and Sustainability Improvement Payments (WaSIP) fund, made available for the funding of fund new or enhanced waste and sustainability initiatives and programs that will deliver improved waste avoidance and waste management outcomes and in actions and on programs that will deliver improvements in environmental sustainability
- include a list of the suggested locations (see Background) for water bottle refill stations in the Warringah strategic community survey and post the list on council's webpage for comment and feedback from residents;
- determine additional locations for future installations of water bottle refill stations and bubblers;
- introduce a bottled-water-free policy for Council-run events.
- Should funding be unavailable or the criteria not met, that the following water bottle refill stations (Freshwater, South Curl Curl, Dee Why beach, Dee Why pool and Collaroy beach) be funded by the surplus in the budget.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

48/10 **RESOLVED**

***Clr Falinski / Clr Giltinan***

That the item be deferred until Council is in receipt of the new funding guidelines from the Department of Environment, Climate Change and Water (DECCW).

## **VOTING**

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

**Against the resolution:** Clr Ray.



**5.5**

**Notice of Motion No 3/2010  
Land and Environmental Court Case – Thank You to Staff**

(BP REF 63)

49/10 **RESOLVED**

***Clr Harris / Clr Wilkins***

That Warringah Council thanks all staff involved in defending the Land and Environment Court Case concerning the proposed 66 – unit development on exquisite bushland at Red Hill and in particular thanks to our staff in the witness box : Peter Robinson, David Kerr and Anthony Powe and to Lashta Haidari who undertook the assessment and preparation of the appeal.

**VOTING**

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

**Against the resolution:** Nil.

THE MAYOR LEFT THE CHAMBER AT 9.13PM AND THE DEPUTY MAYOR ASSUMED THE CHAIR.

**5.6**

**Notice of Motion No 4/2010  
Trees in Council Reserve, Terrey Hills**

(BP REF 64)

***Clr Giltinan / Clr Falinski***

That:

1. Council staff review action taken to date in relation to requests for pruning trees in Council's reserve adjoining 9/2A, Lot 20 Booralie Road Terrey Hills and;
2. If appropriate, further action be taken to address the adjoining property owner's concerns.

AT THIS STAGE, THE MOVER, WITH THE CONSENT OF THE SECONDER, AMENDED THE MOTION TO READ:

1. Council staff review action taken to date in relation to requests for pruning trees in Council's reserve adjoining 9/2A, Lot 20 Booralie Road Terrey Hills and;
2. If appropriate, further action be taken to address the adjoining property owner's concerns.
3. That a Councillor workshop be held to discuss the current policy on tree preservation (ENV-PL440)

50/10 **RESOLVED**

***Clr Giltinan / Clr Falinski***

1. Council staff review action taken to date in relation to requests for pruning trees in Council's reserve adjoining 9/2A, Lot 20 Booralie Road Terrey Hills and;
2. If appropriate, further action be taken to address the adjoining property owner's concerns.
3. That a Councillor workshop be held to discuss the current policy on tree preservation (ENV-PL440)

#### **VOTING**

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

**Against the resolution:** Nil.

THE MAYOR WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

## **6.0 STRATEGY AND POLICY DIVISION REPORTS**

### **6.1 December 2009 Quarterly Business and Budget Report**

(BP REF 65)

THE MAYOR RETURNED TO THE CHAMBER AT 9.21PM AND RESUMED THE CHAIR.

51/10 **RESOLVED**

***Clr Falinski / Clr Sutton***

- A. That the December 2009 Business and Budget Report in the separate Attachment Booklet be noted.

- B. That changes to the Forecast Year End detailed in the December 2009 Quarterly Business and Budget Report increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$1,652,013 to \$2,385,659 at 30 June 2010 be approved.
- C. That the following actions shown as delayed be deferred for consideration in the development of the Strategic Community Plan 2010:
- a) 3.1.1.2 Roof Access Design – CR2500
  - b) 3.2.4.2 Dee Why Property Project – CN1549
  - c) 5.2.1.3 Develop and implement Complaints Management System within Technology One – CN3704
  - d) 5.2.2.2 Computer System Upgrade, Implement Mobile Solutions – CN3705

#### **VOTING**

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

**Against the resolution:** Nil.

## **7.0 CORPORATE SERVICES DIVISION REPORTS**

### **7.1 Monthly Funds Management Report January 2010**

(BP REF 70)

52/10 **RESOLVED**

***Clr Falinski / Clr Sutton***

That the:

- A. report indicating Council's Funds Management position be received and noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

#### **VOTING**

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

**Against the resolution:** Nil.

## 8.0 NOTICES OF RESCISSION

8.1

### **Notice of Rescission Motion No 1/2010 Item 9.1 Amendments to Warringah Design Guidelines - Public Spaces 9 February 2010**

(BP REF 76)

AT THIS STAGE COUNCILLOR HARRIS ADVISED THAT THE RECISSION MOTION HAD BEEN WITHDRAWN.

## 8.2 **Notice of Rescission Motion No 2/2010 Motion of Urgency – Council Mayoral Column and Publications 9 February 2010**

(BP REF 77)

53/10 **RESOLVED**

***Clr Sutton / Clr Giltinan***

That Council's Resolution No 2/10 relating to Matter of Urgency - Council Mayoral Column and Publications 9 February 2010 passed at the meeting of the Council held on 9 February 2010 which reads as follows:

"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."

be and is hereby rescinded.

## **VOTING**

**For the resolution:** Clrs Giltinan, Harris, Regan, Sutton and Wilikns.

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

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

### **9.2**

## **MOTION OF URGENCY – AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE**

54/10 **RESOLVED**

***Clr Harris / Clr Kirsch***

That Warringah Council nominate at least one delegate, with a maximum of three delegates, to attend the ALGWA (Australian Local Government Women's Association) Conference in Moree on 4th - 6th March 2010 and that the delegate(s) be selected tonight.

## **VOTING**

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

**Against the resolution:** Clr Sutton.

## **SUPPLEMENTARY MOTION**

55/10 **RESOLVED**

***Clr Wilkins / Clr Regan***

That Clr Harris be Warringah Council's nominated delegate to attend the Australian Local Government Women's Association Conference.

## **VOTING**

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

**Against the resolution:** Clr Sutton.

AT THIS STAGE, THE MAYOR ADVISED THAT THE NEXT ORDINARY MEETING OF COUNCIL WOULD BE HELD ON 23 MARCH 2010.

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The meeting concluded at 9.34pm.

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This is the final page of the Minutes comprising (30) pages numbered (1) to (30)  
of meeting 2010/1 of Warringah Council held on 23 February 2010  
and confirmed on 23 March 2010.

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Mayor

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General Manager

