

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 16 FEBRUARY 2016

(2016/2)

Minutes of an Ordinary Meeting of Council
held on Tuesday 16 February 2016
at the Civic Centre, Dee Why
Commencing at 6:03pm

ATTENDANCE:

Members

Councillors M Regan (Mayor), R Harrison (Deputy Mayor) (arrived 6.22pm), P Daley, V De Luca OAM, B Giltinan, J Menano-Pires, S Heins, D Kerr and V Moskal

Officers

Malcolm Ryan	Acting General Manager
John Warburton	Deputy General Manager Community
David Kerr	Acting Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Katie Kirwan	Administration Officer Governance
Sylvia Stafford	IM&T Support Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Todd Dickinson	Group Manager Natural Environment
Peter Robinson	Group Manager Development & Compliance
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Belinda Noble	Media & Content Manager
Graham Middleton	Group Manager Marketing & Communications

NOTES

The meeting commenced at 6.02pm, adjourned at 8.21pm, resumed at 8.32pm and concluded at 8.44pm

1.0 APOLOGIES

Nil

PROCEDURAL MOTION– PHOTOGRAPHY AT COUNCIL MEETING

006/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council consent to the photography of the council chambers, public gallery, councillors and staff by a Manly Daily photographer at this meeting of Council.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 15 DECEMBER 2015

007/16 **RESOLVED**

Cr Gobert / Cr Moskal

That the Minutes of the Ordinary Council Meeting held 15 December 2015, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 21 DECEMBER 2015

008/16 **RESOLVED**

Cr Heins / Cr Moskal

That the Minutes of the Extraordinary Council Meeting held 21 December 2015, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.3 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 11 JANUARY 2016

009/16 **RESOLVED**

Cr Heins / Cr Giltinan

That the Minutes of the Extraordinary Council Meeting held 11 January 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.4 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 21 JANUARY 2016

010/16 **RESOLVED**

Cr Heins / Cr Menano-Pires

That the Minutes of the Extraordinary Council Meeting held 21 January 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

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.

- 4.1 Dr Conny Harris addressed Item 8.4 Adoption of Pesticide Use Notification Plan 2016.
- 4.2 Deidre Ellem addressed Item 7.5 2016 Licence for the use of Brookvale Oval by the Manly Warringah Sea Eagles
- 4.3 Louise Ma addressed Item 7.5 2016 Licence for the use of Brookvale Oval by the Manly Warringah Sea Eagles.
- 4.4 Brenda Duchen addressed Item 7.4, Proposed Amendment of 2015/16 Fees and Charges - Brookvale Oval Hire Fees.

Councillor Harrison joined the meeting at 6:22pm

- 4.5 David Tribe made a statement in relation to State Government's merger proposal.
- 4.6 David Parsons made a statement in relation to the State Government's merger proposal.

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

011/16 **RESOLVED**

Cr Regan / Cr Gobert

That the Order of Business be changed so Items 6.1, 6.2, 7.1, 8.1, 8.2, 8.5, 13.6, 8.7, 8.8, 8.9, 8.10, 13.1 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

ITEMS RESOLVED BY EXCEPTION:

6.1 MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2016

012/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note:

- A. The report indicating Council's Funds Management position as at 31 January 2016.
- B. The Certificate of the Responsible Accounting Officer and that the report be adopted.

RESOLVED BY EXCEPTION

6.2 QUARTERLY BUDGET REVIEW STATEMENT DECEMBER 2015

013/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That:

- A. The December 2015 Quarterly Budget Review Statement be noted.
- B. The following changes to the Current Forecast in the December 2015 Quarterly Business Review Statement be approved:
 - a. The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$270,000 to \$18,735,828
 - b. Decrease in capital expenditure by \$7,485,769.
- C. The following projects does not proceed at this stage due to the NSW Government's Merger Proposal:
 - a. Review the Community Strategic Plan 2023
 - b. Review of Sportsground Plan of Management
 - c. Review of library opening hours

RESOLVED BY EXCEPTION

7.1 COMMUNITY LIBRARY FUNDING FOR 2015/16

014/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council approve the 2015/16 funding allocation of \$20,000 for Terrey Hills Community Library and \$1,300 for Booklovers' Club Warringah Incorporated.

RESOLVED BY EXCEPTION

8.1 DELEGATED AUTHORITY OVER THE CHRISTMAS / NEW YEAR RECESS 2015/2016

015/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council notes the items dealt with by the Mayor during the 2015/2016 recess period and the subsequent decisions made under his delegated authority in relation to:

- A. Monthly Funds Management Report December 2015.
- B. Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2016.

RESOLVED BY EXCEPTION

8.2 ADOPTION OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

016/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the amended GOV-PL 120 Policy for Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Issue 17 dated February 2016 be adopted.

RESOLVED BY EXCEPTION

8.5 ADOPTION OF ANIMAL MANAGEMENT POLICY

017/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council adopt the amended Animal Management Policy PL 370.

RESOLVED BY EXCEPTION

8.6 BUILDING FIRE SAFETY REPORT BY FIRE & RESCUE NSW - WARRINGAH MALL - COMMUNITY CENTRE

018/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

- A. Issue an Order 6 in the table to Section 121B of the Environmental Planning and Assessment Act 1979 on the owners, AMP Warringah Mall Pty Ltd and Centre Management Ltd, requiring that a suitably qualified consultant be engaged to carry out a fire safety audit of Warringah Mall Community Centre for the purpose of identifying any fire safety deficiencies.
- B. Provide notice to Fire and Rescue NSW NSW of the above determination.

RESOLVED BY EXCEPTION

8.7 AMENDMENT OF WARRINGAH DEVELOPMENT CONTROL PLAN: 20-24 TRALEE AVENUE, KILLARNEY HEIGHTS

019/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council exhibits the draft Warringah Development Control Plan 2011 (Amendment 7) and relevant maps for a period of 28 days.

RESOLVED BY EXCEPTION

8.8 MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 1 SEPTEMBER 2015

020/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 1 September 2015.

RESOLVED BY EXCEPTION

8.9 MINUTES OF NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP MEETINGS HELD 15 OCTOBER 2015 AND 3 DECEMBER 2015

021/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meetings held on 15 October 2015 and 3 December 2015.

RESOLVED BY EXCEPTION

8.10 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP (SCCG) MEETING HELD 12 DECEMBER 2015.

022/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the minutes of the Sydney Coastal Council Group Ordinary Meeting held 12 December 2015.

RESOLVED BY EXCEPTION

NOTE: The Acting General Manager reported the resolutions on confidential matters passed by exception:

13.1 RFT 2016/004 - BEVERLEY JOB PARK PUBLIC AMENITIES

023/16 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

- A. Accept the tender for RFT2016/004 – Beverley Job Park Public Amenities for the sum of \$115,485.00 excluding GST.
- B. Delegate to the General Manager authority to negotiate and enter into a contract with Every Trade Building Services Pty Ltd and to approve contract payments including contingencies up to the amount specified in this report.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

Nil

7.0 COMMUNITY DIVISION REPORTS

7.2 HOWARD AVENUE DEE WHY - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND ADJACENT TO 18 HOWARD AVENUE DEE WHY

024/16 **RESOLVED**

Cr Regan / Cr Gobert

That Council authorises:

- A. An application to NSW Department of Primary Industries – Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Howard Avenue, Dee Why adjacent to 18 Howard Avenue, Dee Why (Lot 2 DP 502637).
- B. Disposal of the subject land in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 subject to the land being consolidated with the adjoining land at 18 Howard Avenue, Dee Why (Lot 2 DP 502637).
- C. The General Manager to execute all documentation necessary in order to give effect to this resolution.
- D. All costs associated with the proposal referred to in this resolution, including but not limited to, Council's legal costs and GST if applicable, be funded by the applicant.

VOTING

For the resolution: Crs Daley, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Cr De Luca

CARRIED

7.3 EXTEND LICENCES AT WARRINGAH RECREATION CENTRE**025/16 RESOLVED*****Cr Regan / Cr Heins***

That Council:

- A. Authorise a variation to the current licences for each of Voyager Tennis Pty Ltd, Luik Holdings Pty and Northern Beaches Futsal Association to extend their licences at the Warringah Recreation Centre for a further term being 31 August 2016 to 31 August 2017.
- B. Authorise the General Manager to execute all documentation necessary for this resolution.

VOTING**For the resolution:** Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan**Against the resolution:** Nil***CARRIED*****7.4 PROPOSED AMENDMENT OF 2015/16 FEES AND CHARGES - BROOKVALE OVAL HIRE FEES****026/16 RESOLVED*****Cr Regan / Cr Harrison***

That Council:

- A. Endorse, subject to compliance with the requirements of the Local Government Act 1993:
 - a. New hire fees for Council's 2015/16 Fees and Charges (as listed in the report and exhibited to the public) to be endorsed for nationally based professional sporting competitions and trial matches at Brookvale Oval.
 - b. That proposed hirers will be subject to terms and conditions of hire within a separate document including the possibility that the ground may not be available at NRL standard on the day of hire.
- B. Only accept bookings for nationally based professional sporting competitions and trial matches if all hire fees or any outstanding fees are paid in full (Booking Fee, Cash Bond and cost for Utilities) prior to the booking date.

*Councillor Kerr left the chamber at 6:45pm and returned at 6:46pm***VOTING****For the resolution:** Crs Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan**Against the resolution:** Crs Daley, De Luca, Giltinan and Kerr***CARRIED***

7.5 2016 LICENCE FOR THE USE OF BROOKVALE OVAL BY THE MANLY WARRINGAH SEA EAGLES***Cr Regan / Cr Harrison***

That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the use of Brookvale Oval on the terms proposed within this report for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).

AMENDMENT***Cr Menano-Pires***

- A. That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the use of Brookvale Oval on the terms proposed within this report, excluding Clause 3.2 for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).
- B. That mutual agreed schedules be prepared following negotiations with the Manly Warringah Sea Eagles specifying the terms and conditions whereby naming rights for Brookvale Oval are to be procured and shared between the two parties.
- C. That Council commits to allocate funds obtained from the naming rights to finance improvements to Brookvale Oval for the benefit of the fans.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL**027/16 RESOLVED*****Cr De Luca / Cr Giltinan***

That Mr Joe Kelly CEO of Manly Warringah Sea Eagles Ltd be granted permission to address Council in relation to Item 7.5.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Moskal and Regan

Against the resolution: Cr Menano-Pires

CARRIED**AMENDMENT*****Cr Menano-Pires***

- A. That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the use of Brookvale Oval on the terms proposed within this report, excluding Clause 3.2 for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).
- B. That mutual agreed schedules be prepared following negotiations with the Manly Warringah Sea Eagles specifying the terms and conditions whereby naming rights for Brookvale Oval are to be procured and shared between the two parties.

- C. That Council commits to allocate funds obtained from the naming rights to finance improvements to Brookvale Oval for the benefit of the fans.

NOTE: *The amendment lapsed for want of a seconder*

AMENDMENT

Cr Harrison / Cr Kerr

- A. That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the amount of \$375,000 plus GST for the use of Brookvale Oval on the terms proposed within this report for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).
- B. That the naming rights be appropriate and approved by Council's General Manager (within five working days) or is referred to Council should the Manly Warringah Sea Eagles object to the determination.

VOTING

For the amendment: Crs Harrison, Heins, Moskal and Regan

Against the amendment: Crs Daley, De Luca, Giltinan, Gobert, Kerr and Menano-Pires

LOST

028/16 RESOLVED

Cr Regan / Cr Harrison

That Council approves subject to compliance with the requirements of the Local Government Act 1993 entering into a licence with the Manly Warringah Sea Eagles Ltd for the amount of \$375,000 plus GST for the use of Brookvale Oval on the terms proposed within this report for a period of 1 year with a 1 year option at the discretion of both the Manly Warringah Sea Eagles and Council (or Administrator as appropriate).

Councillor Kerr left the chamber at 8:11pm

VOTING

For the resolution: Crs Gobert, Harrison, Heins, Moskal and Regan

Against the resolution: Crs Daley, De Luca, Giltinan and Menano-Pires

CARRIED

NOTE: *With the permission of the mover and the seconder the addition of the amount of \$375,000 plus GST was accepted in the motion.*

In accordance with clause 13.2(ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:21PM. The meeting was resumed 8:32PM with the same Councillors present with the exception of Councillors Kerr and Gobert.

8.0 Environment Division Reports

8.3 CODE OF CONDUCT REVIEW

029/16 **RESOLVED**

Cr Menano-Pires / Cr Moskal

That Council adopts the Code of Conduct.

Councillor Gobert returned to the chamber at 8:34pm

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

8.4 PROCEDURAL MOTION - DEFERMENT OF ITEM 8.4 ADOPTION OF PESTICIDE USE NOTIFICATION PLAN 2016

030/16 **RESOLVED**

Cr Heins / Cr Giltinan

That Council defer Item 8.4 – Adoption of Pesticide Use Notification Plan 2016 to a Councillor Briefing and that this be brought back to the next available Council Meeting.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

9.0 NOTICES OF RESCISSION

Nil

10.0 NOTICES OF MOTION

10.1 NOTICE OF MOTION NO 1/2016 - WARRINGAH COUNCIL'S CAPACITY TO GRANT A LEASE OVER BROOKVALE OVAL UNDER OFFICE OF LOCAL GOVERNMENT'S S23A DIRECTION

NOTE: *The mover advised that the motion had been withdrawn.*

11.0 QUESTIONS ON NOTICE

11.1 QUESTION ON NOTICE NO 1/2016 - WARRINGAH COUNCIL'S WEBSITE

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order

11.2 QUESTION ON NOTICE NO 2/2016 - EXPENDITURE ON WARRINGAH COUNCIL'S EXECUTIVE LEGAL COUNSEL/IN HOUSE LEGAL UNIT

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

11.3 QUESTION ON NOTICE NO 3/2016 - WARRINGAH COUNCIL'S EXPENDITURE ON EXTERNAL LEGAL FIRMS AND BARRISTERS

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

12.0 RESPONSES TO QUESTIONS ON NOTICE

12.1 RESPONSE TO QUESTION ON NOTICE NO 28/2015 - FUNDS RAISED FROM DEE WHY BEACH SHED KIOSK

A response to the Question on Notice was provided in the business papers.

12.2 RESPONSE TO QUESTION ON NOTICE NO 30/2015 - INDUCEMENTS FOR SUPPORT OF ONE NORTHERN BEACHES CAMPAIGN

A response to the Question on Notice was provided in the business papers.

The meeting concluded at 8:44PM

This is the final page of the minutes comprising 15 pages
numbered 1 to 15 of the Ordinary Council Meeting
held on Tuesday 16 February 2016 and confirmed on Tuesday 22 March 2016

Mayor

General Manager