



# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 25 AUGUST 2015**

(2015/8)



**Minutes of an Ordinary Meeting of Council****held on Tuesday 25 August 2015****at the Civic Centre, Dee Why****Commencing at 6:01pm****Members**

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

**Officers**

Rik Hart	General Manager
Adam Vine	Acting Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Kelly Sentance	Acting Governance Manager
Melissa Lee	Manager - Special Projects
Katie Kirwan	Administration Officer Governance
Dinesh Mishra	IM&T Support Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
David Kerr	Group Manager Development Assessment & Compliance
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Peter Livanos	Group Manager Warringah Aquatic Centre
Natasha Greenow	Media and Communications Officer

**NOTES**

The meeting commenced at 6:01pm and concluded at 8:17pm

## 1.0 APOLOGIES

154/15 **RESOLVED**

**Cr Heins / Cr Giltinan**

That apologies for non-attendance be received from Councillor Duncan Kerr and Councillor Wayne Gobert.

### VOTING

**For the resolution:** Crs Daley, De Luca, Giltinan, 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 4 AUGUST 2015

155/15 **RESOLVED**

**Cr Heins / Cr Harrison**

That the Minutes of the Ordinary Council Meeting held 4 August 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, Harrison, Heins, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

**CARRIED**

## 3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillors Regan, Menano-Pires, Heins, Harrison, Daley and De Luca all declared a less than significant non-pecuniary interest in relation to Item 8.4 as they own property with either a spa and/or pool.

Councillor Daley also declared a less than significant, non-pecuniary interest in relation to Item 7.3 and 8.6 as he owns a property in North Manly, and a less than significant non-pecuniary interest in Items 8.7 and 10.2 as he owns a property in Dee Why.

## 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.

### PROCEDURAL MOTION - EXTENSION OF PUBLIC FORUM PERIOD

156/15 **RESOLVED**

***Cr Regan / Cr Giltinan***

That Council extend the public forum period beyond the thirty minutes as provided for in Clause 12.1 (ii) of the Code of Meeting Practice and that all speakers who requested to speak at Public Forum be granted permission to address Council.

### VOTING

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

**Against the resolution:** Cr Menano-Pires

**CARRIED**

4.1 Christopher Birch addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

4.2 Judy Slattery, Principal St John the Baptist Freshwater addressed Item 8.6, Adoption of the District Park Plan of Management (2015).

4.3 Kim Blackburn, President of Forestville Tennis Club made a statement regarding the payment of expenses and synthetic grass.

4.4 Paul Hannan addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

4.5 Marye Jane Nicholson addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

4.6 Andrew Marshall addressed Item 10.1, Notice of Motion No 19/2015 - Discussion of the Pros and Cons of Wood Fires in Warringham.

4.7 David Murray addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

- 4.8 Melissa Svinos representing Boat Shed Kiosk addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.9 Mark Wilson representing Boat Shed Kiosk addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.10 Jack Tilburn asked the following question regarding the Dee Why Master Plan 2013
- A. What are the estimated costs of this plan, and how are the funds to be found to pay the many millions?
  - B. Are there controlled heights for the buildings of developers and can they be broken?
  - C. What is the progress to date and costs involved?
  - D. Has the Plan been amended and why?
  - E. What is the estimated date of the completion of the Plan?
- 4.11 Gary Hatcher addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

#### PROCEDURAL MOTION – EXTENSION OF TIME

##### *Cr Daley / Cr De Luca*

That Mr Hatcher be granted an extension of three minutes to address the meeting.

#### VOTING

**For the motion:** Crs Daley, De Luca and Giltinan

**Against the motion:** Crs Harrison, Heins, Menano-Pires, Moskal and Regan

#### LOST

- 4.12 Jonathan Rabinovitz addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.13 Betty Baker addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.14 Wendy House made a statement regarding the communication of development applications to a wider area.
- 4.15 Angus McLean addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

*Councillor Menano-Pires left the chamber at 7:07pm and returned at 7:09pm*

- 4.16 George Metcalfe addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.17 Babette Hatcher addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.18 Martin Franklin addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.
- 4.19 Ann Sharp addressed Item 8.6, Adoption of the District Park Plan of Management (2015).
- 4.20 Peter Brown addressed Item 10.2, Notice of Motion No 20/2015 - Continued Non-Compliance at The Boat Shed, Dee Why with Development Application Consent.

#### PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

157/15 RESOLVED

##### ***Cr Regan***

That the Order of Business be changed so Items 6.1, 6.2, 6.3, 6.4, 6.5, 7.1, 7.2, 8.2, 8.3, 8.4, 8.5, 8.7, 8.8, 13.1, 13.2, 13.3, 13.4, 13.5 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, Harrison, Heins, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

**CARRIED**

**ITEMS RESOLVED BY EXCEPTION:****6.1 MONTHLY FUNDS MANAGEMENT REPORT JULY 2015**158/15 **RESOLVED*****Cr Regan / Cr Daley***

That:

- A. The report indicating Council's Funds Management position as at 31 July 2015 is noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

**RESOLVED BY EXCEPTION****6.2 AUDITED GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 AND AUDITORS REPORTS**159/15 **RESOLVED*****Cr Regan / Cr Daley***

- A. That In accordance with Section 419 (1) if the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2014/2015 are hereby received and noted.
- B. That a further report be presented to Council on 22 September 2015 detailing any submissions received in respect of Council's audited Financial Statements if applicable.

**RESOLVED BY EXCEPTION****6.3 COMPLAINTS MANAGEMENT AND REPORTING POLICY REVIEW**160/15 **RESOLVED*****Cr Regan / Cr Daley***

That the draft Complaints Management and Reporting Policy be placed on public exhibition.

**RESOLVED BY EXCEPTION****6.4 CODE OF CONDUCT POLICY REVIEW**161/15 **RESOLVED*****Cr Regan / Cr Daley***

That the draft Code of Conduct is placed on public exhibition and the results reported back to Council.

**RESOLVED BY EXCEPTION**

**6.5 ANNUAL REPORT OF THE OFFICE OF THE INTERNAL OMBUDSMAN****162/15 RESOLVED*****Cr Regan / Cr Daley***

That Council notes the Office of the Internal Ombudsman's Annual Report 2014-2015.

***RESOLVED BY EXCEPTION*****7.1 THE CRESCENT DEE WHY - PROPOSED ROAD RESERVE CLOSURE AND SALE OF LAND TO ADJACENT TO 19 THE CRESCENT DEE WHY****163/15 RESOLVED*****Cr Regan / Cr Daley***

That Council authorises:

- A. An application to NSW Trade & Investment – Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part The Crescent, Dee Why adjacent to 19 The Crescent Dee Why.
- 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 19 The Crescent Dee Why (Lot 2C DP 397873).
- 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.

***RESOLVED BY EXCEPTION*****7.2 ADOPTION OF THE MANAGEMENT OF TENNIS FACILITIES POLICY****164/15 RESOLVED*****Cr Regan / Cr Daley***

That Council adopt GOV - PL 882 - Management of Tennis Facilities Policy.

***RESOLVED BY EXCEPTION*****8.2 MINUTES OF SYDNEY COASTAL COUNCILS GROUP MEETING HELD 20 JUNE 2015****165/15 RESOLVED*****Cr Regan / Cr Daley***

That Council note the minutes of the Sydney Coastal Council Group meeting held 20 June 2015.

***RESOLVED BY EXCEPTION***



**8.3 FIRE SAFETY COMPLIANCE POLICY PAS-PL 110****166/15 RESOLVED*****Cr Regan / Cr Daley***

That Council adopt the Fire Safety Compliance Policy PAS-PL 110.

***RESOLVED BY EXCEPTION*****8.4 SWIMMING POOL BARRIER INSPECTION PROGRAM****167/15 RESOLVED*****Cr Regan / Cr Daley***

That Council adopt the draft Swimming Pool Barrier Inspection Program.

***RESOLVED BY EXCEPTION*****8.5 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENT PLAN****168/15 RESOLVED*****Cr Regan / Cr Daley***

That Council:

- A. Note the report identifying all State Environmental Planning Policy No. 1 variations.
- B. Note Clause 4.6 of the Warringah Local Environment Plan variations granted to development applications between 1 April 2015 and 30 June 2015.

***RESOLVED BY EXCEPTION*****8.7 DEE WHY TOWN CENTRE UPGRADES - COMMUNITY FEEDBACK - PRELIMINARY DESIGNS FOR WALTER GORS PARK AND REDMAN ROAD PLAZA****169/15 RESOLVED*****Cr Regan / Cr Daley***

That:

- A. Council note the strong support for the Preliminary Design Plans for Walter Gors Park and Redman Road Plaza.
- B. Council staff proceed to prepare detailed designs for Walter Gors Park and Redman Road Plaza.
- C. Council approve the revised scope of Dee Why Town Centre Phase 1 Upgrade Works to include the eastern half of Redman Road Plaza.

***RESOLVED BY EXCEPTION***

**8.8 ANNUAL REPORT 2014/15****170/15 RESOLVED*****Cr Regan / Cr Daley***

That Council note the Annual Report 2014/15.

***RESOLVED BY EXCEPTION***

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

**13.1 RFT 2014/043 - DEE WHY TOWN CENTRE UPGRADES - DETAILED DESIGN FOR WALTER GORS PARK AND REDMAN ROAD PLAZA****171/15 RESOLVED*****Cr Regan / Cr Daley***

That

- A. Council approves extension of the current contract with Tract Consulting, Contract Number 2014/043, to include Stage 3 – Detailed Design, of Walter Gors Park and Redman Road Plaza, for a lump sum amount of up to \$199,203 excluding GST.
- B. Authority is delegated to the General Manager to execute all necessary documentation to give effect to this resolution and approve contract payments up to the amount specified in the body of this report.

***RESOLVED BY EXCEPTION*****13.2 RFT 2015/063 - COMMUNITY AND CHILD CARE CENTRE LANDSCAPE MAINTENANCE****172/15 RESOLVED*****Cr Regan / Cr Daley***

- A. That Council accepts the tender of Marsupial Landscape Management for RFT 2015/063 Community and Child Care Centre Landscape Maintenance for the sum of \$266,146.34 excluding GST and incorporating a discount of approximately 17% due to awarding all three maintenance areas to Marsupial.
- B. Authority be delegated to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in this confidential report.

***RESOLVED BY EXCEPTION*****13.3 RFT 2015/064 - PROVISION OF SWIMMING SQUAD COACHING SERVICES****173/15 RESOLVED*****Cr Regan / Cr Daley***

That:

- A. Council accept the tender submission from Bell Leisure for RFT 2015/064 – Provision of Swimming Squad Coaching Services at Warringah Aquatic Centre for an initial amount of \$76,300 (ex GST) subject to fee adjustment by CPI, for a period of four (4) years with a two (2) year option at Council's discretion.
- B. Authority be delegated to the General Manager to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION****13.4 ALTERNATIVE PROCUREMENT FOR THE SUPPLY AND DELIVERY OF GROCERIES****174/15 RESOLVED*****Cr Regan / Cr Daley***

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the Supply and Delivery of Groceries as it believes a satisfactory result would not be achieved by inviting tenders. The proposed alternative procurement is based on the following "extenuating circumstances":
  - a. unavailability of competitive or reliable tenderers
- B. Authority be delegated to the General Manager to enter into negotiations with Woolworths Pty Ltd and Coles Pty Ltd for the Supply and Delivery of Groceries and if successful to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION****13.5 FINANCIAL NEGOTIATIONS WITH THE PREFERRED GLEN STREET THEATRE FOOD AND BEVERAGE OPERATOR****175/15 RESOLVED*****Cr Regan / Cr Daley***

That Council authorise the General Manager to negotiate with 4 Pines on a lease incentive up to a ceiling amount as stated in the body of the Report.

**RESOLVED BY EXCEPTION**

*Councillor Heins left the chamber at 7:25pm and returned at 7:27pm*

**PROCEDURAL MOTION - MOTION OF URGENCY*****Cr De Luca / Cr Daley***

That as a matter of urgency, Council considers the following motion:

- 1. That this Council notes:
  - a. That Drug Ice, Drug and alcohol addiction continues to be a major problem facing Australian society.

- b. Warringah Councillors have been a leading force in bringing attention to this serious issue and calling for a coordinated Federal approach to Drug ICE and other drugs and alcohol addiction problems.
  - c. The Prime Minister and Member for Warringah, The Hon Tony Abbott MP has established a National ICE Task Force as well as the National Advisory Council on Alcohol and Drugs to combat this serious problem in our society.
  - d. The Federal Government has appointed Warringah Councillor, Pat Daley to the Australian National Advisory Council on Alcohol and Drugs.
2. That this Council acknowledges and congratulates the Prime Minister and Member for Warringah, The Hon Tony Abbott MP for his commitment and dedication to establishing and resourcing bodies to combat the drug problem and also congratulates Cr Pat Daley on his appointment.

**VOTING**

**For the motion:** Crs Daley, De Luca, Giltinan and Moskal

**Against the motion:** Crs Harrison, Heins, Menano-Pires and Regan

***There being an equal number of votes, the Mayor used his casting vote against the motion, which was declared LOST.***

**5.0 MAYORAL MINUTES**

Nil

**7.0 COMMUNITY DIVISION REPORTS****7.3 WARRINGAH RECREATION CENTRE - 2014/15 PERFORMANCE REPORT**

176/15 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council note the Warringah Recreation Centre – 2014/15 Performance Report.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

#### 7.4 PROPOSED NEW FEES FOR WARRINGAH AQUATIC CENTRE

177/15 **RESOLVED**

***Cr Regan / Cr Menano-Pires***

That Council place the proposed fees for the Warringah Aquatic Centre Club on public exhibition.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

### 8.0 ENVIRONMENT DIVISION REPORTS

NOTE: With the permission of the mover and seconder Item 8.1 Election of the Deputy Mayor was dealt with seriatim.

#### 8.1 ELECTION OF DEPUTY MAYOR

178/15 **RESOLVED**

***Cr Menano-Pires / Cr Heins***

That:

- A. Council elect a Deputy Mayor.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

179/15 **RESOLVED**

***Cr Menano-Pires / Cr Heins***

That:

- B. The term of the Deputy Mayor be until September 2016.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

**180/15 RESOLVED*****Cr Menano-Pires / Cr Heins***

That:

- C. Councillor Harrison be elected as Deputy Mayor until September 2016.

**VOTING**

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

**Against the resolution:** Nil

***CARRIED***

NOTE: Cr Regan thanked Cr Menano-Pires for his assistance, and welcomed Cr Harrison as Deputy Mayor.

NOTE: With the permission of the mover and the seconder an addition to the motion was accepted to Item 8.6 Adoption of the District Park Plan of Management (2015)

**8.6 ADOPTION OF THE DISTRICT PARK PLAN OF MANAGEMENT (2015)****181/15 RESOLVED*****Cr Heins / Cr Moskal***

That the District Park Plan of Management (2015) be adopted with the inclusion of a coordinated bush regeneration plan.

**VOTING**

**For the resolution:** Crs Daley, De Luca, Giltinan, 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 19/2015 - DISCUSSION OF THE PROS AND CONS OF WOOD FIRES IN WARRINGAH****182/15 RESOLVED*****Cr Giltinan / Cr De Luca***

**MOTION**

That Council staff prepare a report in relation to the pros and cons of wood fires, and the wood used that would appear to be harmful to many residents in Warringah and report back to Council.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED****10.2 NOTICE OF MOTION NO 20/2015 - CONTINUED NON-COMPLIANCE AT THE BOAT SHED, DEE WHY WITH DEVELOPMENT APPLICATION CONSENT**

*Cr De Luca / Cr Daley*

**MOTION**

1. That this Council notes:

- a. By letter dated 10 August 2015, Council's Acting General Manager, John Warburton confirmed:

**"The current DA2013/0613 allows the operator to function as a kiosk "serving coffee, cold drinks and pre-packaged food"**

- b. Despite the DA restrictions, photographs (extracted from the Operator's own Facebook page annexed hereto) evidence cooked food, non pre-packaged food and Menus of same from being served since the commencement of the business to late last month and despite this Council staff have failed to undertake continuous compliance action, only fining the operators once and putting that fine on hold.
- c. Clause 2.3 (b) of the original Tender document title "Criteria Critical to success" required:

**"the operator will need to display a willingness to work within the local community"**

The operators have failed to comply with this provision, as testified by residents at numerous Council meetings and photos received by Council (some of which annexed hereto) of excessive delivery trucks blocking cars and the street, deliveries at early hours of the morning from 2am onwards, and the operators generating excessive rubbish and obstructing the public and pedestrian access.

Rubbish and crates stacked around the building and adjacent to the pedestrian stairs (see annexed photographs) have also caused a safety risk to the public and made the area look unsightly and brought Council into disrepute.

- d. The executed lease states:

4.2. The Lessee must:

(c) not at any time during the Term:

- (2) permit noxious, immoral, noisome, offensive or illegal act, trade, business, occupation

or calling to be exercised, carried on, permitted or suffered in or upon the Premises;

- (3) permit any act, matter or thing whatsoever to be done in or upon the Premises which causes or may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of adjoining or neighbouring lands or buildings;

6.3 The Lessee must at the Lessee's expense:

- (c) at all times during the Term, ensure that all rubbish and trade waste bins used in connection with the Premises are not visible from outside the Premises except during nights when rubbish and garbage from the waste bins is collected by the garbage collector.

e. The lease requires **at 6.3 Waste Bins, Rubbish and Trade Waste Removal**

The Lessee must at the Lessee's expense:

- (a) provide and maintain at all times during the Term, in positions nominated by the Lessor, adequate watertight garbage bins for the storage of rubbish and trade waste from the Premises;
- f. Tables and chairs have increased at the Beach Shed, despite this being contrary to the original advertised Tender therefore breaching transparency requirements of the Tender process.
- g. No increase in rent has been received by the current operators despite significant divergence from the original Tender and DA consent of what was to be sold at the Kiosk.

2. That in view of the continual breaches of the DA consent (as outlined in the General Manager's letter to the lessee dated 20 August 2015) and lease by the lessees, outlined in 1 above, as evidenced by photographs on its own Facebook page and from complaints by residents and those that have appeared before Council, this Council requests the General Manager to:

- a. Issue another formal letter of warning to the lessee outlining breaches of the lease and development consent and that should the lease and/or development consent be breached in any further way the lease will be terminated.
- b. Ensure that Council staff undertake daily spot checks of the Beach Shed and surrounds to ensure that it is complying with the DA consent and lease.
- c. Ensure that a rubbish collection point is constructed in accordance with either the original plans accompanying the original Tender documents or as suggested by the lessee and residents at street level on the vacant concrete slab.
- d. Ensure that the lessees are directed to ensure that deliveries to and from the Kiosk are between the hours of 8am to 6pm to accord with clause 4.2 (3) not to permit any act, matter or thing whatsoever to be done in or upon the Premises which causes or may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of adjoining or neighbouring lands or buildings.
- e. Furnish a report as to compliance by the Beach Shed to the October Council meeting.

*Councillor Daley left the chamber at 8:05pm*

## VOTING

**For the motion:** Crs De Luca and Giltinan

**Against the motion:** Crs Harrison, Heins, Menano-Pires, Moskal and Regan



**LOST**

NOTE: Cr Daley was not present for the voting on Item 10.2 Notice of Motion 20/2015 Continued Non-compliance at the Boat Shed Dee Why with Development Application Consent.

**11.0 QUESTIONS ON NOTICE****11.1 QUESTION ON NOTICE NO 19/2015 - RENT FROM LEASE OF THE BOAT SHED, DEE WHY**

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

**11.2 QUESTION ON NOTICE NO 20/2015 - FUNDS RECEIVED BY COUNCIL FOR SEATING ON THE STRAND, DEE WHY BEACH**

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

**11.3 QUESTION ON NOTICE NO 21/2015 - EXPENDITURE INCURRED ON MAYORAL AND COUNCIL CREDIT CARDS AT THE BOAT SHED, DEE WHY BEACH**

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 16/2015 - EXPENDITURE ON COUNCIL'S CAR FLEET**

A response to the question on notice was provided in the business papers.

**12.2 RESPONSE TO QUESTION ON NOTICE NO 17/2015 - EXPENDITURE ON COUNCIL'S MARKETING AND MEDIA UNIT**

A response to the question on notice was provided in the business papers.

**12.3 RESPONSE TO QUESTION ON NOTICE NO 18/2015 - NUMBER OF COUNCIL RANGERS**

A response to the question on notice was provided in the business papers.

*The meeting concluded at 8:17PM*

This is the final page of the minutes comprising 18 pages  
numbered 1 to 18 of the Ordinary Council Meeting  
held on Tuesday 25 August 2015 and confirmed on Tuesday 22 September 2015

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Mayor

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General Manager