

# **Minutes of a Meeting of Warringah Council**

## **held on Tuesday, 13 December 2011**

### **at the Civic Centre, Dee Why, Commencing at 6.00pm**

#### **ATTENDANCE**

##### **Members**

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

##### **Officers**

General Manager (R Hart), Deputy General Manager Corporate Services (J Warburton), A/Deputy General Manager Community and Environmental Services (M Woodward), A/ Deputy General Manager Strategic and Development Services (P Robinson), Governance Manager (M Lee), Coordinator Governance (A Moore), Administration Officer (X Von Oven), Group Manager Marketing and Communications (G Middleton), Media and Content Manager (B Noble), IM&T Support Officer (D Mishra), Corporate Lawyer (V Ingram), Group Manager Customer Support and Library Services (P Bell), Group Manager Human Resources (M Whiting), Group Manager Natural Environment (T Dickinson), Group Manager Procurement (P Trigg), Group Manager Roads, Traffic and Waste (B Bolgoff), Group Manager Strategic Planning (D Kerr), Projects Coordinator Regulatory Compliance (L Romer).

#### **NOTES**

The meeting commenced at 6.00pm, adjourned at 8.51pm, resumed at 8.57pm, moved into closed session at 9.30pm, resumed in open session at 9.49pm and concluded at 10.13pm.

#### **ORDER OF BUSINESS**

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

Items 1.0, 2.1, 2.2, 3.0, 4.0, Items by exception 6.2, 6.4, 7.1, 7.2, 7.3, 7.4, 8.2, 8.3, 8.5, 9.1, 9.2, 9.3, 9.4, 9.5, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9 and 14.10, followed by 10.1, 10.2, 5.1, 5.2, 8.4, 14.0, 14.1, 14.2, 14.12 and 6.5.

## **1.0 APOLOGIES**

Nil.

### **PROCEDURAL MOTION – CHANGE ORDER OF BUSINESS**

365/11 **RESOLVED**

***Cr Falinski / Cr Wilkins***

That, following Item 4.0 Public Forum, the Order of Business be changed so that Items 10.1 and 10.2 be brought forward to be dealt with after the Procedural Motion - Items Moved by Exception.

### **VOTING**

**For the resolution:** Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

**Against the resolution:** Crs De Luca, Laugesen and Ray.

## **2.0 CONFIRMATION OF MINUTES**

### **2.1 Minutes of Council Meeting held 22 November 2011**

366/11 **RESOLVED**

***Cr Ray / Cr Giltinan***

That the Minutes of the Meeting of Council of 22 November 2011, 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 subject to amending Item 6.6, BP10 to read as follows:

#### **“6.6 North Curl Curl Surf Life Saving Club - Request to Waive Fees for the Three Point Challenge**

(BP REF 51)

***Cr De Luca / Cr Wilkins***

That Council approves the North Curl Curl Surf Life Saving Club's request to waive the fees for their annual Three Point Challenge Event held Saturday 3 December 2011 at North Curl

Curl, Mid Curl Curl, South Curl Curl and Freshwater Beaches in recognition of the great life saving work done by the Club.

#### **VOTING**

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

**Against the motion:** Crs Harris, Kirsch, Laugesen, Ray, Sutton and Wilkins.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST."

CR FALINSKI LEFT THE CHAMBER AT 6.04PM.

CR SUTTON LEFT THE CHAMBER AT 6.04PM AND RETURNED AT 6.05PM.

#### **VOTING**

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

**Against the resolution:** Nil.

CR FALINSKI WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

## **2.2 Minutes of Extraordinary Council Meeting held 24 November 2011**

367/11 **RESOLVED**

**Cr Ray / Cr Harris**

That the Minutes of the Extraordinary Meeting of Council of 24 November 2011, 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:** Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

**Against the resolution:** Nil.

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

CR FALINSKI RETURNED TO THE CHAMBER AT 6.06PM.

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

Cr De Luca declared a less than significant, non pecuniary interest in relation to Item 8.4, as he has attended meetings and conducted correspondence with both sides. Cr De Luca read out a statement.

Cr Kirsch declared a less than significant, non pecuniary interest in relation to Item 8.4, as she has met with the applicant and discussed the matter with council officers.

Cr Falinski declared a less than significant, non pecuniary interest in relation to Item 8.4, as he has met with parties involved and discussed the matter with council officers.

Cr Wilkins declared a less than significant, non pecuniary interest in relation to Item 8.4, as she has met with parties involved to discuss the matter.

Cr Laugesen declared a less than significant, non pecuniary interest in relation to Item 8.4, as she has met with the applicant and his consultants at meetings held in accordance with the Code of Conduct at Council Chambers during business hours.

Cr Regan declared a less than significant, non pecuniary interest in relation to Item 8.4, as he has met with and conducted correspondence with the applicant and objectors and discussed the matter with council officers.

Cr Regan declared a significant, non pecuniary interest in relation to Item 6.5, as he is the subject of the report and he will not be voting on the item.

### **4.0 PUBLIC FORUM**

#### **PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL AND EXTENSION OF PUBLIC FORUM PERIOD**

368/11 **RESOLVED**

***Cr Regan / Cr Sutton***

That, in accordance with clause 12.1 (iii)(d) of the Code of Meeting Practice; Ms McFadden, Mr Gleeson, Ms Harrison, Mr Cox and Ms Miller be permitted to address Council on the Rescission Motion, Item 10.1, on the agenda on the basis of exceptional circumstances and to extend the Public Forum period beyond the thirty minutes as provided for in Clause 12.1 (ii) of the Code of Meeting Practice.

## VOTING

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

**Against the resolution:** Cr Falinski.

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. Mr Michael Gleeson** addressed Item 10.1 on the agenda.

## PROCEDURAL MOTION – EXTENSION OF TIME

369/11 **RESOLVED**

***Cr Harris / Cr Kirsch***

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

## VOTING

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

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

**4.2. Ms Tia Harrison** addressed Item 10.1 on the agenda.

**4.3. Mr Jack Tilburn** asked the following question regarding the area's housing strategy:

- a) What is the Council's position on a so-called draft new dwellings target of 10,300 to 16,000 extra dwellings by the year 2036 as requested by the State Government's Planning Minister, Mr Brad Hazzard?
- b) And does the Council agree with these targets when there appears no government proper, upgraded and re-structuring of: further buses and or a light rail and or a fast bus transit system to be planned and built ASAP for these new dwellings and greater population?
- c) And what are realistic housing targets for the Council areas and has there been enough community consultation on the appropriate areas to take up the much talked about large increases in dwellings but not Narraweena suburb?

**Answer:** The Acting Deputy General Manager Strategic and Development Services advised that in relation to questions a) and b) that Council's current position is not to support the dwelling targets due to the lack of infrastructure yet to be promised by the State Government. He further advised that in relation to question c) that Council's conflict with housing target arises from the fact that the targets are set at State Government level and do not take into account existing and required infrastructure. Council's consultation process on the housing strategy – Talk of the Town 2 – was more in depth than most council's and won several awards.

The Group Manager Strategic Planning added that the State Government exhibited the sub-regional plan for the north east subregion in 2007 and has yet to make the plan final.

**4.4. Ms Linda McFadden** addressed Item 10.1 on the agenda.

**4.5. Ms Amy Sutherland, representing the applicant Binburra Pty Ltd,** addressed Item 8.4 on the agenda.

**4.6. Mr Eugene Marchese, representing the applicant Binburra Pty Ltd,** withdrew his request to address on Item 8.4 on the agenda.

**4.7. Ms Sandy Hoy, representing the applicant Binburra Pty Ltd,** addressed Item 8.4 on the agenda.

**4.8. Ms Linda Tattershall** addressed Item 8.4 on the agenda.

#### **PROCEDURAL MOTION – EXTENSION OF TIME**

370/11 **RESOLVED**

***Cr Kirsch / Cr Harris***

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

#### **VOTING**

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

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

**4.9. Mr Ray Cox** addressed Item 10.1 on the agenda.

**PROCEDURAL MOTION – EXTENSION OF TIME**

371/11 **RESOLVED**

***Cr Kirsch / Cr Harris***

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

**VOTING**

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

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

**4.10. Ms Lorna Miller, representing Manly and District Dog Training Club,** addressed Item 10.1 on the agenda.

**4.11. Ms Ann Sharp** addressed Item 8.4 on the agenda.

**PROCEDURAL MOTION – EXTENSION OF TIME**

372/11 **RESOLVED**

***Cr Kirsch / Cr Ray***

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

**VOTING**

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

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

**4.12. Mr Jason Dentoll** addressed Item 8.4 on the agenda.



## **PROCEDURAL MOTION – EXTENSION OF TIME**

373/11 **RESOLVED**

***Cr De Luca / Cr Ray***

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

### **VOTING**

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

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

## **PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS**

374/11 **RESOLVED**

***Cr Regan / Cr Sutton***

That the Order of Business be changed so that certain items can be dealt with by exception, with the recommendations being adopted.

### **VOTING**

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

**Against the resolution:** Nil.

## **PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION**

375/11 **RESOLVED**

***Cr Regan / Cr Sutton***

That the recommendation of the General Manager/Deputy General Manager in each of the following Items 6.2, 6.4, 7.1, 7.2, 7.3, 7.4, 8.2, 8.3, 8.5, 9.1, 9.2, 9.3, 9.4, 9.5, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10 and 14.11 be adopted.

### **VOTING**

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

**Against the resolution:** Nil.



## **10.0 NOTICES OF RESCISSION**

### **10.1 Notice of Rescission No 9/2011 Dogs on Beaches Northern Region – Research Paper – Item 9.2, 22 November 2011**

(BP REF 195)

376/11 **RESOLVED**

***Cr Wilkins / Cr Giltinan***

That the Council's resolution relating to Item 9.9, BP Ref 120, passed at the meeting of the Council held on 22 November 2011 which reads as follows:

- A. That Council notes the results and conclusions of the research paper.
- B. That Council identifies additional sites across the LGA to address the shortfall of leash-free dog parks and also considers the feasibility of extending the hours available to dogs at restricted hours off-leash areas (Allambie Heights, Terrey Hills, Melwood and Beacon Hill Ovals), according to recent public requests for more dog parks and investigations of new sites that have already commenced.
- C. That a report on the above be provided to the late February Council Meeting.

Be and is hereby rescinded.

## **VOTING**

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

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

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

## **CONSEQUENTIAL MOTION**

***Cr Wilkins / Cr Giltinan***

- A. That Council note the results and conclusions of the research paper.
- B. That Council not proceed with any further investigation for leash free dog exercise areas on the northern beaches of Warringah.
- C. That Council undertake a study with the view to trialling dog swimming at Curl Curl beach, during non-peak hours and not within 100 metres of the flags and the study to be returned to Council at the earliest possible opportunity.

WITH THE PERMISSION OF THE MOVER AND SECONDER THE SUBSTANTIVE MOTION WAS AMENDED TO INCLUDE ADDITIONAL POINT D TO READ AS FOLLOWS:

***Cr Wilkins / Cr Giltinan***

- A. That Council note the results and conclusions of the research paper.
- B. That Council not proceed with any further investigation for leash free dog exercise areas on the northern beaches of Warringah.
- C. That Council undertake a study with the view to trialling dog swimming at Curl Curl beach, during non-peak hours and not within 100 metres of the flags and the study to be returned to Council at the earliest possible opportunity.
- D. That Council investigates the possibility of establishing access for dog swimming at the off leash area at Hinkler Park.

CR FALINSKI LEFT THE CHAMBER AT 7.14PM AND RETURNED AT 7.17PM.

**AMENDMENT**

***Cr Kirsch / Cr Harris***

- A. That Council note the results and conclusions of the research paper.
- B. That Council investigates the possibility of establishing access for dog swimming at the off leash area at Hinkler Park.

**VOTING**

**For the amendment:** Crs De Luca, Harris and Kirsch.

**Against the amendment:** Crs Falinski, Giltinan, Laugesen, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

**AMENDMENT**

***Cr Laugesen / Cr Ray***

- A. That Council notes the results and conclusions of the research paper;
- B. That Council, following receipt of the environmental impact study including input from Curl Curl Lagoon Friends, South Curl Curl Surf Club and North Curl Curl Surf Club, if appropriate, commences a six month trial of dogs being permitted on Curl Curl Beach during non-peak times and not within 100m of the flags, starting in March 2012;

- C. That a report following the six months trial, including environmental impacts on flora and fauna and input from Curl Curl Lagoon Friends, South Curl Curl Surf Club and North Curl Curl Surf Club be prepared for the next available Council Meeting.

THE CHAIR RULED THE AMENDMENT OUT OF ORDER.

WITH THE PERMISSION OF THE MOVER AND SECONDER THE SUBSTANTIVE MOTION WAS AMENDED TO READ AS FOLLOWS:

**377/11 RESOLVED**

***Cr Wilkins / Cr Giltinan***

- A. That Council note the results and conclusions of the research paper.
- B. That Council undertake a study with the view to trialling dog swimming at Curl Curl beach, during non-peak hours and not within 100 metres of the flags and that the study be returned to Council at the earliest possible opportunity.
- C. That the Curl Curl Lagoon Friends and North Curl Curl SLSC and South Curl Curl SLSC be consulted.
- D. That Council investigates the possibility of establishing access for dog swimming at the off leash area at Hinkler Park.

**VOTING**

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

**Against the resolution:** Crs Harris, Kirsch, Laugesen and Ray.

**10.2 Notice of Rescission Motion No 10/2011  
Adoption of GOV-PL 130 – Code of Meeting Practice –  
Item 9.2, 22 November 2011**

(BP REF 196)

**378/11 RESOLVED**

***Cr Regan / Cr Falinski***

That the Council's resolution relating to Item 9.2, BP Ref 80, passed at the meeting of the Council held on 22 November 2011 which reads as follows:

That GOV-PL 130 Code of Meeting Practice as attached be adopted with the exception of the abolition of public forum as part of the Council Meeting and the proposed amendments 2 and 4.

Be and is hereby rescinded.

## **VOTING**

**For the resolution:** Crs Falinski, Giltinan, Ray, Regan, Sutton and Wilkins.

**Against the resolution:** Crs De Luca, Harris, Kirsch and Laugesen.

## **CONSEQUENTIAL MOTION**

### ***Cr Regan / Cr Wilkins***

That GOV-PL 130 Code of Meeting Practice be adopted as per the attachment booklet to Item 9.2 of the 22 November Council Meeting together with the following additional amendments:

A. That Clause 22(1) of the Code of Meeting Practice be amended to provide as follows:

*At all Council Meetings each councillor may only ask a maximum of three Questions on Notice which do not comprise multiple parts under the segment of the business paper designated for that purpose.*

B. That Clause 53 of the Code of Meeting Practice be deleted.

C. That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:

*iv. Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*

D. That the subsequent clauses will be renumbered accordingly.

## **AMENDMENT**

### ***Cr Harris / Cr Kirsch***

That GOV-PL 130 Code of Meeting Practice be adopted as per the attachment booklet of the report Item 9.2 from the 22 November Council Meeting excluding Amendment 2 - Requirements for Financial Information to be Provided for Notices of Motion.

CR SUTTON LEFT THE CHAMBER AT 8.13PM AND RETURNED AT 8.14PM.

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

379/11 **RESOLVED**

### ***Cr Falinski / Cr Sutton***

That the amendment be put.

## **VOTING**

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

**Against the resolution:** Cr Laugesen.

## **PROCEDURAL MOTION – DEFERMENT OF MATTER**

### ***Cr De Luca / Cr Ray***

That the matter be deferred until receipt of the advice requested by the General Manager from the Division of Local Government on whether the proposed amendments were permissible.

## **VOTING**

**For the motion:** Crs De Luca, Laugesen and Ray.

**Against the motion:** Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

## **AMENDMENT**

### ***Cr Harris / Cr Kirsch***

That GOV-PL 130 Code of Meeting Practice be adopted as per the attachment booklet of the report Item 9.2 from the 22 November Council Meeting excluding Amendment 2 - Requirements for Financial Information to be Provided for Notices of Motion.

## **VOTING**

**For the amendment:** Crs Harris, Kirsch, Laugesen and Ray.

**Against the amendment:** Crs De Luca, Falinski, Giltinan, Regan, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

## **AMENDMENT**

### ***Cr Ray / Cr De Luca***

That Council adopt the Warringah Council Code of Meeting Practice GOV-PL 130, as per the attachment booklet of Item 9.2, 22 November 2011 with:

- a) The exception of Amendment One (deletion of clause 12.1(v)), Two (providing financial information) and Four (speaking for want of seconder), contained within the associated Council report, and:
- b) The deletion of paragraphs contained within the 'Guidelines – Request to Address Council' (pg 63 of the attachment booklet)

*'There will be no speakers heard on the agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as those items have already been made open to comment at the public meeting and members of the public have already had the opportunity to express their views'*

*"There will be no speakers heard on agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as they have already had the opportunity to express their views"*

- c) That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:
  - iv. *Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*

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

380/11 **RESOLVED**

**Cr Falinski / Cr Kirsch**

That the amendment be put.

## **VOTING**

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

**Against the resolution:** Nil.

## **AMENDMENT**

**Cr Ray / Cr De Luca**

That Council adopt the Warringah Council Code of Meeting Practice GOV-PL 130, as per the attachment booklet of Item 9.2, 22 November 2011 with:

- a) The exception of Amendment One (deletion of clause 12.1(v)), Two (providing financial information) and Four (speaking for want of seconder), contained within the associated Council report, and:
- b) The deletion of paragraphs contained within the 'Guidelines – Request to Address Council' (pg 63 of the attachment booklet)

*'There will be no speakers heard on the agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as those items have already been made open to*

*comment at the public meeting and members of the public have already had the opportunity to express their views'*

*"There will be no speakers heard on agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as they have already had the opportunity to express their views"*

- c) That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:
  - iv. *Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*

## VOTING

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

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

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

## AMENDMENT

### ***Cr Laugesen / Cr Ray***

That Council adopt the Warringah Council Code of Meeting Practice GOV-PL 130, as per the attachment booklet of Item 9.2, 22 November 2011 with:

- a) Exception of Amendment One (deletion of clause 12.1(v)) and Four (speaking for want of seconder), contained within the associated Council report, and:
- b) The deletion of paragraphs contained within the 'Guidelines – Request to Address Council ' (pg 63 of the attachment booklet)

*'There will be no speakers heard on the agenda items referred from the WDAP and the WDRAP or Category 3 Public Hearings as those items have already been made open to comment at the public meeting and members of the public have already had the opportunity to express their views'*

*"There will be no speakers heard on agenda items referred from the WDAP and the WDRP or Category 3 Public Hearings as they have already had the opportunity to express their views"*

- c) The replacement of paragraph two (2) under 14.2 Notices of Motion (i)(a) with the following:

*'All notices of motions, including Mayoral Minutes and business paper recommendations, where required, shall identify an equivalent funding source from additional revenue generation, cuts or savings in the proposed expenditure on projects or programs'*

- d) That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:
  - iv. *Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*

THE CHAIR RULED THE AMENDMENT OUT OF ORDER, AS IT HAD THE SAME INTENT AS THE PREVIOUSLY LOST AMENDMENT.

**Cr Regan / Cr Wilkins**

That GOV-PL 130 Code of Meeting Practice be adopted as per the attachment booklet to Item 9.2 of the 22 November Council Meeting together with the following additional amendments:

- A. That Clause 22(1) of the Code of Meeting Practice be amended to provide as follows:

*At all Council Meetings each councillor may only ask a maximum of three Questions on Notice which do not comprise multiple parts under the segment of the business paper designated for that purpose.*

- B. That Clause 53 of the Code of Meeting Practice be deleted.

- C. That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:

*iv. Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*

- D. That the subsequent clauses will be renumbered accordingly.

CR HARRIS LEFT THE CHAMBER AT 8.47PM AND RETURNED AT 8.49PM.

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

381/11 **RESOLVED**

**Cr Harris / Cr Regan**

That the motion be put.

**VOTING**

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

**Against the resolution:** Nil.

382/11 **RESOLVED**

**Cr Regan / Cr Wilkins**

That GOV-PL 130 Code of Meeting Practice be adopted as per the attachment booklet to Item 9.2 of the 22 November Council Meeting together with the following additional amendments:

- A. That Clause 22(1) of the Code of Meeting Practice be amended to provide as follows:



*At all Council Meetings each councillor may only ask a maximum of three Questions on Notice which do not comprise multiple parts under the segment of the business paper designated for that purpose.*

- B. That Clause 53 of the Code of Meeting Practice be deleted.
- C. That Clause 14.3 of the Code of Meeting Practice be amended to insert the following:
  - iv. Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt*
- D. That the subsequent clauses will be renumbered accordingly.

## **VOTING**

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

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

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

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.51PM, THE MEETING RESUMED AT 8.56PM WITH THE SAME COUNCILLORS PRESENT.

## **5.0 MAYORAL MINUTES**

### **5.1 Mayoral Minute No 32/2011 Trial Park and Ride Facility at Melwood Avenue, Forestville**

(BP REF 1)

383/11 **RESOLVED**

#### **Cr Regan**

- A. That Council request Forest Coach Lines to undertake a survey of its passengers and potential passengers in regards to use of the site as a potential Park and Ride and report back to Council.
- B. Subject to the results of the survey and consideration of all the issues for the local community in the surrounding area, that Council, in partnership with Forest Coach Lines, undertake a 12 month trial of the park and ride facility at the car park located in Melwood Avenue, Forestville.
- C. If the trial goes ahead, that Council assist Forest Coach Lines in promoting the concept to the Warringah community.

CR LAUGESSEN LEFT THE CHAMBER AT 8.57PM.

## **VOTING**

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

**Against the resolution:** Cr Ray.

CR LAUGESSEN WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

## **5.2 Mayoral Minute No 33/2011 Synthetic Grass Playing Fields**

(BP REF 3)

384/11 **RESOLVED**

### ***Cr Regan***

- A. That Parks Reserves and Foreshores prepare a report identifying potential sites for synthetic surface playing fields
- B. That the report identify opportunities and constraints including, but not limited to, environmental impacts for potential sites and costs associated with developing and operating the synthetic surfaces and supporting infrastructure
- C. That the report identify potential funding sources including the Sportsfield Rectification Levy and State and Federal grant funding programs
- D. That Council write and make application to the State and Federal Government requesting a commitment to funding of the project.

## **VOTING**

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

**Against the resolution:** Cr Ray.

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

## **PROCEDURAL MOTION – CHANGE ORDER OF BUSINESS**

385/11 **RESOLVED**

***Cr De Luca / Cr Wilkins***

That the Order of Business be changed so that Item 8.4 be brought forward and dealt with immediately.

## **VOTING**

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

**Against the resolution:** Nil.

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

CR LAUGESSEN RETURNED TO THE CHAMBER AT 9.04PM.

## **8.4 Planning Proposal - 26 Campbell Avenue, Cromer**

(BP REF 136)

***Cr Harris / Cr Wilkins***

That Council refuse to support the planning proposal at 26 Campbell Avenue, Cromer and that the applicant and all those who made submissions be advised.

## **PROCEDURAL MOTION – DEFERMENT OF MATTER**

***Cr Regan / Cr Falinski***

That the matter be deferred and a report be prepared specifically on the needs of wheelchair sports and be returned to a Council Meeting as soon as practicable.

## **VOTING**

**For the motion:** Crs Falinski, Regan, and Wilkins.

**Against the motion:** Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray and Sutton.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

**386/11 RESOLVED**

***Cr Harris / Cr Wilkins***

That Council refuse to support the planning proposal at 26 Campbell Avenue, Cromer and that the applicant and all those who made submissions be advised.

**VOTING**

**For the resolution:** Crs Harris, Kirsch, Laugesen, Ray and Wilkins.

**Against the resolution:** Crs De Luca, Falinski, Giltinan, Regan and Sutton.

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

**PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS**

**387/11 RESOLVED**

***Cr Regan / Cr Wilkins***

That the Order of Business be changed so that Item 14.0 – Confidential Matters - Closed Session be brought forward and dealt with immediately.

**VOTING**

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

**Against the resolution:** Nil.

**14.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

(BP REF 213)

**388/11 RESOLVED**

***Cr Regan / Cr Wilkins***

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the items identified as Confidential and listed on this Agenda as:

Item 14.1 Mayoral Minute No 34/2011 Annual Performance Review of the General Manager July 2010 - July 2011

Item 14.2 RFT 2011/078 – Construction of Alfresco Dining Terraces and a New Village Plaza Shade Structure

Item 14.12 Update on Purchase of Land at Beacon Hill Road, Brookvale

**Matters to be Discussed During Closed Session - Section 10D**

Item 14.1 Mayoral Minute No 34/2011 Annual Performance Review of the General Manager July 2010 - July 2011

Item 14.2 RFT 2011/078 – Construction of Alfresco Dining Terraces and a New Village Plaza Shade Structure

Item 14.12 Update on Purchase of Land at Beacon Hill Road, Brookvale

**Grounds on which Matter Should be Considered in Closed Session – Section 10A(2)**

Item 14.1 (a) personnel matters concerning particular individuals (other than councillors)

Item 14.2 (d) commercial information of a confidential nature that would if disclosed:  
(i) prejudice the commercial position of the person who supplied it

Item 14.12 (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business:

**Reason Why Matters are being considered in Closed Session – Section 10B**

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
- E. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

**VOTING**

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

**Against the resolution:** Nil.

THE MEETING MOVED INTO CLOSED SESSION AT 9:30PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.47PM.

(Resolutions passed in Closed Session are listed in Attachment B to the Minutes)

## **PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS**

### ***Cr Falinski / Cr Harris***

That the Order of Business be changed so that Items 6.5, 6.3 and 8.1 be brought forward and dealt with immediately.

THE MAYOR LEFT THE CHAMBER AT 9.49PM DUE TO A DECLARED SIGNIFICANT, NON PECUNIARY INTEREST IN ITEM 6.5.

IN THE ABSENCE OF THE MAYOR, THE DEPUTY MAYOR CR SUTTON ASSUMED THE CHAIR.

## **6.5 Code of Conduct - Report by Sole Conduct Reviewer**

(BP REF 46)

### ***Cr Falinski / Cr Kirsch***

That Council notes:

1. In relation to allegation one that Mayor Regan is found to be in breach of:
  - a. clause 7.22 of the Code; and
  - b. clause 6.1 of the Code – that being, the obligation to comply with clause 14.5(iii)(c) of the Code of Meeting Practice.
2. In relation to allegation two, Mayor Regan is found not to have breached
  - a. clause 6.1 of the Code, that being, the obligation to comply with the Local Government Act 1993 and Council's policies including:
    - i. section 375(1) of the Local Government Act 1993; and
    - ii. clause 27 of the Code of Meeting Practice;
  - b. clause 6.2 (c) of the Code;
  - c. clause 6.2 (d) of the Code; and
  - d. clause 6.3 of the Code.
3. That Mayor Regan be counselled.

## **PROCEDURAL MOTION – DEFERMENT OF MATTER**

### ***Cr De Luca / Cr Laugesen***

1. That Council notes in relation to allegation one that Mayor Regan is found to be in breach of:
  - a. clause 7.22 of the Code; and
  - b. clause 6.1 of the Code – that being, the obligation to comply with clause 14.5(iii)(c) of the Code of Meeting Practice; and
2. That in relation to allegation two, this issue be deferred until the next available Council Meeting; and
3. That the sanction of Mayor Regan be deferred until the next available Council Meeting.

## **VOTING**

**For the motion:** Crs De Luca, Laugesen and Ray.

**Against the motion:** Crs Falinski, Giltinan, Harris, Kirsch, Sutton and Wilkins.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

CR REGAN WAS ABSENT DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

## **AMENDMENT**

### ***Cr De Luca / Cr Laugesen***

1. That this Council finds that the Mayor Michael Regan has breached the Code of Conduct as found by the Code of Conduct Reviewer.
2. That this Council notes the Code of Conduct Reviewer's rejection of Mayor Michael Regan's claim, particularly where he claimed his declaration was not picked up on sound recording due to the "boisterousness of the crowd" and that Code of Conduct Reviewer after listening to the webcast and the audio transmission of the 22 February meeting found "There is no evidence of "boisterousness from the crowd".
3. That Mayor Michael Regan be censured for breaching the Code of Conduct and misleading Council and the Code of Conduct Reviewer by stating at the 22 March Council Meeting and subsequently:

'..apparently it was not audible on the tape where I declared my less than significant non-pecuniary interest to item 7.4 minutes of 22 February and subsequent meeting'

'He goes on to state, that the declaration was made during the item when there was a bit of boisterousness from the crowd'

## **VOTING**

**For the amendment:** Crs De Luca and Laugesen.

**Against the amendment:** Crs Falinski, Giltinan, Harris, Kirsch, Ray, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

CR REGAN WAS ABSENT DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

## **393/11 RESOLVED**

### ***Cr Falinski / Cr Kirsch***

That Council notes:

1. In relation to allegation one that Mayor Regan is found to be in breach of:
  - a. clause 7.22 of the Code; and
  - b. clause 6.1 of the Code – that being, the obligation to comply with clause 14.5(iii)(c) of the Code of Meeting Practice.
2. In relation to allegation two, Mayor Regan is found not to have breached
  - a. clause 6.1 of the Code, that being, the obligation to comply with the Local Government Act 1993 and Council's policies including:
    - i. section 375(1) of the Local Government Act 1993; and
    - ii. clause 27 of the Code of Meeting Practice;
  - b. clause 6.2 (c) of the Code;
  - c. clause 6.2 (d) of the Code; and
  - d. clause 6.3 of the Code.
3. That Mayor Regan be counselled.

## **VOTING**

**For the resolution:** Crs Falinski, Giltinan, Harris, Kirsch, Sutton and Wilkins.

**Against the resolution:** Crs De Luca, Laugesen and Ray.

CR REGAN WAS ABSENT DURING CONSIDERATION OF AND VOTING ON THIS ITEM.



## **6.0 GENERAL MANAGER'S REPORTS**

### **6.2 Minutes of the SHOROC Inc Annual General Meeting held 16 November 2011**

(BP REF 27)

375/11 **RESOLVED**

That the Minutes of the SHOROC Incorporated Annual General Meeting of 16 November 2011 be noted and the recommendations contained therein be ADOPTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **6.4 Councillor Report from 20th Anniversary NSW Coastal Conference (2011) held in Tweed Heads, New South Wales**

(BP REF 33)

375/11 **RESOLVED**

That the report by Councillor Dr Christina Kirsch regarding the 20th Anniversary NSW Coastal Conference 2011 be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **7.0 CORPORATE SERVICES DIVISION REPORTS**

### **7.1 Review of FIN-PL 520 – Rebate of Pensioners' Rates and Charges Policy**

(BP REF 69)

375/11 **RESOLVED**

That the draft FIN-PL 520 – Rebate of Pensioners' Rates and Charges Policy be put on public exhibition for a period of 28 days and the results be reported back to Council.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **7.2 Monthly Funds Management Report November 2011**

(BP REF 75)

375/11 **RESOLVED**

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

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **7.3 CS-PL 01 – Beach Parking Permit Policy**

(BP REF 81)

375/11 **RESOLVED**

That the revised CS-PL 01 – Beach Parking Permit Policy be placed on exhibition for 28 days and the results be reported back to Council.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **7.4 NSW Government Grant for Brookvale Oval**

(Report not contained in the agenda – late agenda item distributed in accordance with cl 14.2 of the Code of Meeting Practice)

375/11 **RESOLVED**

That the report be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)



## **8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS**

### **8.2 Reporting of Strategic Reference Group Minutes - November 2011**

(BP REF 94)

375/11 **RESOLVED**

That the draft minutes and notes of the Strategic Reference Group meetings held between 2 November and 17 November 2011 be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **8.3 Grants and Sponsorship Policy**

(BP REF 122)

375/11 **RESOLVED**

- A. That the draft Grants and Sponsorship Policy as amended at Attachment A be adopted
- B. That the following Policies be rescinded as they have been superseded by the Grants and Sponsorship Policy
  - a) Financial Assistance to Community Organisations - Community Development Grants Program (CCS-PL 425)
  - b) Cultural Development Grants Program (CCS-PL 405)
  - c) Discretionary Grants to Individuals and Community Organisations (GOV-PL 230)
- C. That the following new fees for 2011-2012 be adopted :
  - a) Fee reduction for financial hardship – \$0.00
  - b) One-off venue hire for event that deliver broad community benefit - \$0.00
  - c) Provision of services to one-off event that deliver broad community benefit - \$0.00

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **8.5 Local Government Reform**

(BP REF 141)

375/11 **RESOLVED**

- A. That the report on Local Government Reform be noted.
- B. That a submission be made on the Draft Destination 2036 Action Plan by 15 February 2012.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

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

### **9.1 SHOROC Common Waste Collection Contract - Community Consultation Program**

(BP REF 147)

375/11 **RESOLVED**

That Council agree to the implementation of the community engagement and consultation program.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **9.2 Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWP LEMC)**

(BP REF 157)

375/11 **RESOLVED**

- A. That the amended Constitution of the Manly Warringah Pittwater Local Emergency Management Committee (MWP LEMC) as presented in this report be adopted.
- B. That the General Manager be authorised to sign the Constitution on behalf of the Council.
- C. That Manly and Pittwater Councils be advised of Warringah Council's decision.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **9.3 Rescheduling of Rectification of Adams Street Reserve to 2011/2012**

(BP REF 171)

375/11 **RESOLVED**

That \$642,676 be brought forward to the current financial year for the construction phase of Adams Street Reserve Rectification Project, which is currently included in the 2012-2013 Capital Works budget.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **9.4 Request to Waive Fees for Collaroy Beach Reserve for the Day for Daniel on 28 October 2011**

(BP REF 175)

375/11 **RESOLVED**

That Council waive the booking fee for Re/MAX Property Specialists, Narrabeen, use of Collaroy Beach Reserve for the Day for Daniel event held on 28 October 2011.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **9.5 Minutes of Sydney Coastal Councils Group Annual General Meeting held 10 September 2011**

(BP REF 176)

375/11 **RESOLVED**

That the Minutes of the Sydney Coastal Councils Group Annual General Meeting held 10 September 2011, and the resolutions contained in the attached copy of the Minutes, be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)



\_\_\_\_\_  
The meeting concluded at 10.13pm.  
\_\_\_\_\_

This is the final page of the Minutes comprising (30) pages numbered (1) to (30)  
of meeting 2011/20 of Warringah Council held on 13 December 2011  
and confirmed on 14 February 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager



**COUNCIL MEETING****2011/20****13 DECEMBER 2011****ATTACHMENT A  
REPORTS NOT CONTAINED IN THE AGENDA**

<b>Item</b>		<b><u>MP Ref</u></b>
7.4	NSW Government Grant for Brookvale Oval	???

**ATTACHMENT B  
RESOLUTIONS PASSED IN CLOSED SESSION**

<b>Item</b>		<b><u>MP Ref</u></b>
14.2	RFT 2011/078 – Construction of Alfresco Dining Terraces and a New Village Plaza Shade Structure	
14.3	RFT 2011/082 – Construction of Narrabeen Lagoon Multi-use Trail Stage 2A	
14.4	RFT 2011/112 – Warringah Aquatic Centre Feasibility Study	
14.5	RFT 2011/122 – Warringah Aquatic Centre – Roof Remedial Works Stage I	
14.6	RFT 2011/114 – Provision of Road Construction Services and Materials	
14.7	RFT 2011/117 – Investment Advisory Services	
14.8	RFT 2011/094 – Supply and Implementation of Website Redevelopment (Including Content Management System)	
14.9	Alternative Procurement for Delivery of High Performance Leadership Coach Program	
14.10	RFT 2011/079 – Business Writing Training	
14.12	Update on Purchase of Land at Beacon Hill Road, Brookvale	

Item 7.4 NSW Government Grant for Brookvale Oval

**7.4**

**NSW Government Grant for Brookvale Oval**

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**EXECUTIVE SUMMARY**

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**Purpose**

To report to Council the breakdown of works the \$6 million NSW Government grant was expended on at Brookvale Oval, as resolved by Council at its Extraordinary Meeting on 24 November 2011 (Resolution 360/11).

**Summary**

At the Extraordinary Meeting of Council on 24 November 2011 it was resolved that:

1. *In an effort to expedite matters and show transparency for the benefit of the Warringah community, the Sea Eagles and NSW Government, in the hope of obtaining a State Government Grant in the future, the General Manager be requested to furnish a Report to the next Council meeting outlining:*
  - a) *A full breakdown of works the \$6 million NSW Government grant was expended on and dates of commencement and completion of those respective works.*
  - b) *A full breakdown of works Warringah Council funds were expended on, how much those respective works cost Warringah Council and the dates of commencement and completion of those respective works.*

This report details the spend, commencement and completion dates of the works and notes that the majority of the works undertaken and listed are based on the requirement of NSW Department Sport and Recreation's stated purpose for expenditure of their \$6 million grant, with an additional \$4 million being contributed by Warringah Council for a total pool of \$10 million.

**Financial Impact**

Nil.

**Policy Impact**

There will be no impact on Council's policies.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER  
CORPORATE SERVICES**

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That the report be noted.

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## REPORT

### Background

At the Extraordinary Meeting of Council on 24 November 2011 it was resolved:

*That this Council:*

1. *Notes:*
  - a) *The announcement of the NSW Treasurer in the Sydney Morning Herald on 24 November 2011 that he will not consider any allocation of State Funding until Warringah Council explains how it spent a \$6 million grant for Brookvale Oval allocated by the previous lemma Labor Government;*
  - b) *Mr Baird's comments in the Sydney Morning Herald of 24 November 2011 that information he has been waiting for from Warringah Council since October 2011 and has now received does "not distinguish between state and council funds".*
2. *In an effort to expedite matters and show transparency for the benefit of the Warringah community, the Sea Eagles and NSW Government, in the hope of obtaining a State Government Grant in the future, the General Manager be requested to furnish a Report to the next Council meeting outlining:*
  - a) *A full breakdown of works the \$6 million NSW Government grant was expended on and dates of commencement and completion of those respective works.*
  - b) *A full breakdown of works Warringah Council funds were expended on, how much those respective works cost Warringah Council and the dates of commencement and completion of those respective works.*

This report details the spend and notes that the majority of the works undertaken and listed are based on the requirement of NSW Dept Sport and Recreation's stated purpose for expenditure of their \$6 million grant, with an additional \$4 million being contributed by Warringah Council for a total pool of \$10 million.

It should be noted that the grant received from the NSW government was mixed with \$4m from Council's general revenue to create a total fund of \$10m to be spent on revitalisation of Brookvale Oval. Any allocation of money against particular projects would be totally arbitrary as the combined funds have been used to deliver the total project.

All of the works both completed and underway comply with the specification from the Premier's Department emailed from Steve Cameron to the Manly Warringah Sea Eagles on 25 August 2008 which was then forwarded onto Council staff, see attachment.

The scope of additional works was identified from asset condition and auditing undertaken by Council/Consultants - e.g. roof renewals, concrete cancer repairs, upgrades to comply with legislation (Disability Discrimination Act, Building Code of Australia, and Australian Standards)

### Consultation

The Sea Eagles have been involved throughout the process and have agreed plans for the new Jane Try Extension, which will provide them with a new corporate entertainment area, able to house 200 people, an additional undercover seating for 265 people, with 5 new disabled accessible places being provided. This extension will be completed in the 2011/12 period and be ready for the first home game.

## Item 7.4 NSW Government Grant for Brookvale Oval

**Timing**

\$4 Million of the funds were spent by 30 June 2010 and the remaining \$6 Million has been allocated as follows:

- 2010/11 - \$2.31 Million
- 2011/12 - \$3.69 Million

Below is listed all works both undertaken and expected for final delivery this financial year.

**Expenditure to date (Completed Works, \$6.31 Million):**

- New flip-up seats - \$450K – start March 2009 and end March 2010.
- Upgrades to rooms beneath Jane Try Stand - \$1.7m – start January 2010 and end April 2010.
- Upgrades to tennis box suites in Jane Try Stand - \$50k – start March 2010 and end April 2010.
- Upgrades to function room (Presidents Lounge) and amenities in Ken Arthurson Stand - \$600k – start January 2010 and end April 2010.
- Amenities upgrade (Stage 1) - start January 2010 and end April 2010.
- Additional corporate suites in Ken Arthurson Stand- \$850k – start January 2010 and end April 2010.
- Consultancies (architect, BCA, structural, electrical and services engineers) - \$400k – start October 2009 and end March 2010.
- Community Consultation Process - \$100k – start November 2009 and end November 2010.
- Other minor renewals and upgrades throughout venue for access and trip hazards- \$100k – start March 2009 and end April 2009
- Roof renewals and structural integrity (concrete cancer) issues, new lighting and PA system- \$1.55k – start October 2010 and end March 2011.
- Upgrades to function room in Ken Arthurson Stand- \$320k – start December 2010 and end March 2011.
- Pitch rectification- \$140k – start December 2010 and end January 2011.
- Temporary sponsorship screen in scoreboard - \$46k – start March 2011 and end March 2011.

**Expenditure 2011 -2012 (\$3.69 Million) works have commenced but have not been invoiced:**

- Two Bay extension to Jane Try stand (commenced) – to be completed by April 2012.
- New Public amenities) – to be completed by May 2012.
- New Kitchen (north of Jane Try stand) – to be completed by May 2012.
- New Enclosed Bin Store – to be completed by May 2012.
- Upgrades to electrical supply into site with Energy Australia - (commenced) – to be completed by April 2012.

Item 7.4 NSW Government Grant for Brookvale Oval

- Other BCA and DDA compliance works throughout entire venue – to be completed by May 2012.
- New Lift in Ken Arthurson Stand – to be completed by May 2012.

**Policy Impact**

Nil.

**Financial Impact**

Nil.

**Acting Group Manager, Buildings, Property, & Spatial Information**



## RESOLUTIONS PASSED IN CLOSED SESSION

### PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

389/11 **RESOLVED**

***Cr Falinski / Cr Harris***

That the Order of Business be changed so that Item 14.2 be brought forward and dealt with immediately.

### VOTING

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

**Against the resolution:** Nil.

### 14.2 RFT 2011/078 - Construction of Alfresco Dining Terraces and a New Village Plaza Shade Structure

(BP REF C3)

390/11 **RESOLVED**

***Cr Regan / Cr Giltinan***

- A. That Council accepts the tender for undertaking the Construction of Alfresco Dining Works for an amount of \$97,337.00 (excluding GST) from Sam the Paving Man Pty Ltd.
- B. That the General Manager be delegated authority to enter into the contract with Sam the Paving Man Pty Ltd and to approve contract variations up to a total contingency amount of \$20,000 (excluding GST).
- C. That the consultation, design and installation of a shade structure in the Freshwater Village Plaza area be included in the 2012-2013 Capital Works Program.
- D. That the shade structure for the Plaza area at Freshwater be funded from savings of \$119,000.

### VOTING

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

**Against the resolution:** Nil.

### **14.3 RFT 2011/082 - Construction of Narrabeen Lagoon Multi-Use Trail Stage 2A**

(BP REF C9)

375/11 **RESOLVED**

- A. That pursuant to Clause 178(1) (a) of the Local Government (General) Regulation 2005, Council accept the tender of Landscape Solutions Australia Pty Ltd for the Construction of the Narrabeen Multi-Use Trail Stage 2A, as specified in Tender 2011/082, for the lump sum price of **\$898,859.25** (ex GST).
- B. That pursuant to Section 377(1) of the Local Government Act 1993, Council delegate authority to the General Manager to execute the contract with Landscape Solutions Australia Pty Ltd to construct the Narrabeen Lagoon Multi-Use Trail Stage 2A, as specified in Tender 2011/082, including contingency and provisionals of up to **\$177,576.75** (ex GST).

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **14.4 RFT 2011/112 – Warringah Aquatic Centre Feasibility Study**

(BP REF C16)

375/11 **RESOLVED**

That the recommendation of the Group Manager Warringah Aquatic Centre be adopted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

### **14.5 RFT 2011/122 - Warringah Aquatic Centre - Roof Remedial Works Stage I**

(BP REF C16)

375/11 **RESOLVED**

- A. That Council accept the tender of Freyssinet Australia Pty Ltd (RFT 2011/122) for the sum of \$207,721.00 excluding GST for the remedial works to the roof and replacement of support hangers to acoustic baffles.
- B. That Council approve a contingency in the amount of \$110,000.00, to allow for latent variations and structural engineering fees, bringing the total amount to be requisitioned to \$317,721.00 excluding GST.

## Resolutions Passed in Closed Session

- C. That Council approve the reallocation of \$148,000 from the 2012/13 Strategic Community Plan and transfer of \$80,000 from the 2011/12 CR5703 Warringah Aquatic Centre Renewals budget to undertake and complete the Warringah Aquatic Centre roof safety system and roof repairs in 2011/12.
- D. That Council approve the closure of the Warringah Aquatic Centre from Monday 2 April 2012 until Sunday 20 May 2012, in order that the program of works can be undertaken.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## 14.6 RFT 2011/114 - Provision of Road Construction Services and Materials

(BP REF C23)

### 375/11 **RESOLVED**

That Council accept the Tenders and delegate to the General Manager the authority to enter into a Schedule of Rates Panel Contract with the Recommended Tenderers to provide Road Construction and Material Services consistent with the terms and period of the contract. It is noted that the initial contract period is three (3) years with the possibility at council's discretion of two (2) further twelve (12) months extensions subject to satisfactory performance.

- A. Sub-Panel 1 – Stabilisation of Road Pavement
  - a) Downer EDI Works Pty Ltd; and
  - b) Stabilised Pavements of Australia Pty Ltd.
- B. Sub-Panel 2 – Bitumen Sprayed Seal Works on Road
  - a) Downer EDI Works Pty Ltd;
  - b) SRS Road Pty Ltd; and
  - c) Stabilised Pavement of Australia Pty Ltd.
- C. Sub-Panel 3 – Asphaltic Concrete
  - a) Boral Asphalt;
  - b) Downer EDI Works Pty Ltd;
  - c) Fulton Hogan Industries Pty Ltd;
  - d) Ozpave (Australia) Pty Ltd; and
  - e) SRS Road Pty Ltd.
- D. Sub-Panel 4 – Cold Milling of Asphalt and Base Course
  - a) Boral Asphalt;
  - b) Downer EDI Works Pty Ltd;
  - c) Ozpave (Australia) Pty Ltd; and
  - d) Stabilised Pavement of Australia Pty Ltd.
- E. Sub-Panel 5 – Crack Sealing of Road

Resolutions Passed in Closed Session

- a) Downer EDI Works Pty Ltd;
  - b) National Road Sealing;
  - c) SRS Road Pty Ltd; and
  - d) Super Sealing Pty Ltd.
- F. Sub-Panel 6 – Pavement Rejuvenation
- a) Downer EDI Works Pty Ltd; and
  - b) SRS Road Pty Ltd.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **14.7 RFT 2011/117 Investment Advisory Services**

(BP REF C39)

**375/11 RESOLVED**

- G. That pursuant to Clause 178(1) of the Local Government (General) Regulations 2005 Council accept the tender from Oakvale Capital Limited to provide Investment Advisory Services, as specified in RFT 2011/117 for an amount of \$36,000 per annum.
- B. That pursuant to section 377(1) of the Local Government Act 1993 Council delegate authority to the General Manager to execute the contract with Oakvale Capital Limited to provide the Investment Advisory Services.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **14.8 RFT 2011/094 - Supply and Implementation of Website Redevelopment (Including Content Management System)**

(BP REF C45)

**375/11 RESOLVED**

- A. That Council decline to accept any of the tenders received.
- B. That Council decline to invite fresh tenders or applications as contemplated in subclauses 178(3)(b)-(d) of the *Local Government (General) Regulation* 2005, as it is considered that a better outcome would not be achieved and would not result in an improved financial result for Council.
- C. That Council enter into negotiations with Demonz Media with a view to entering into a contract in relation to the supply and implementation of website redevelopment services, including Content Management System. Because the tender submitted by Demonz Media

## Resolutions Passed in Closed Session

achieved the highest score for compliance with Council's requirements, were ranked best value for money of the tenders received and subject to the negotiation of appropriate contractual terms, would satisfactorily meet Council's requirements.

- D. That Council delegate authority to the General Manager to enter into negotiations with Demonz Media with a view to Council entering into a contract for their services.
- E. That Council delegate authority to the General Manager to execute a negotiated contract on behalf of Council with Demonz Media in relation to the identified services.
- F. In the event that the contract negotiations are unsuccessful with Demonz Media, then Council delegates authority to the General Manager to enter negotiations and execute a contract with the second ranked tenderer, as per points D and E.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## 14.9 Alternative Procurement for Delivery of High Performance Leadership Coach Program

(BP REF C53)

### 375/11 RESOLVED

- A. That Council exercise their authority under Section 55 (3) of the Local Government Act, because of extenuating circumstances, "a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders" and approve an alternative procurement process for the contract - Provision of a one-off High Performance Leadership Coach Program for forty-one managers by Griffith Consulting Group.

The alternate procurement process is based on the following "extenuating circumstances":

Consistency of leadership approach across the organisation, as a foundation of the Business Excellence framework. The Leadership Group have already commenced this program in 2011, having utilised a competitive quotation process.

- B. That Council delegate authority to the Deputy General Manager Corporate Services to negotiate the contract with Griffith Consulting Group.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## 14.10 RFT 2011/079 Business Writing Training

(BP REF C57)



Resolutions Passed in Closed Session

375/11 **RESOLVED**

That Council accept the tender for RFT 2011/079 submitted by **Local Government and Shires Association of NSW (LGSA), trading as Local Government Learning Solutions (LGLS)**, for the provision of Business Writing Training Services for 2012 and 2013 at the cost of up to \$268,936 excluding GST.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

## **14.12 Update on Purchase of Land at Beacon Hill Road, Brookvale**

(BP REF C68)

391/11 **RESOLVED**

***Cr Regan / Cr Falinski***

That the report be noted.

CR SUTTON LEFT THE CHAMBER AT 9.42PM.

### **VOTING**

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

**Against the resolution:** Nil.

CR SUTTON WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.