

Minutes of an Extraordinary Meeting of Warringah Council

held on Wednesday, 6 October 2010

at the Civic Centre, Dee Why, Commencing at 10.00am

ATTENDANCE

Members

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

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), Director Community and Environmental Services (G Sloan), Director Strategic and Development Services (M Ryan), Manager Property and Commercial Development (M Viney), Team Leader Governance (M Lee), Administration Officer (A Moore), A/Manager Marketing and Communications (J Fishpool), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 10.00am and concluded at 1.06pm.

ORDER OF BUSINESS

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

Items 1.0, 2.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 and 3.9.

1.0 APOLOGIES

Nil.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Sutton declared a pecuniary interest in relation to Item 3.2.

3.0 MATTERS CARRIED OVER FROM THE COUNCIL MEETING OF 28 SEPTEMBER 2010

NOTICES OF MOTION

3.1 Notice of Motion No 45/2010 Security Cameras for Manly Dam Memorial

(BP REF 1)

Cr Giltinan/ Cr Wilkins

That Council:

Share the cost of security cameras for the Manly Dam Memorial. A set up fee of \$5,500 be shared by Council and the Memorial trust.

The ongoing cost of \$400 per year for maintenance of cameras be paid by the Giltinan family until 2020.

AMENDMENT

Cr Regan/ Cr De Luca

That:

- A. Council in principle approve the cameras subject to funding being available at Quarterly Review;
- B. Full detail of costings and any required legislative requirements be provided in a report to Council.

VOTING

For the amendment: Crs De Luca, Regan, Sutton and Wilkins.

Against the amendment: Crs Falinski, Giltinan, Harris, Kirsch, Laugesen and Ray.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr Harris/ Cr Ray

That Notice of Motion No45/2010 Security Cameras for Manly Dam Memorial be deferred until a briefing is held on the matter.

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

Cr Giltinan/ Cr Wilkins

That Council:

Share the cost of security cameras for the Manly Dam Memorial. A set up fee of \$5,500 be shared by Council and the Memorial trust.

The ongoing cost of \$400 per year for maintenance of cameras be paid by the Giltinan family until 2020.

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

That Council:

Share the cost of security cameras for the Manly Dam Memorial. A set up fee of \$5,500 be shared by Council and the Memorial trust.

The ongoing cost of \$400 per year for maintenance of cameras be shared by the Giltinan and Falinski families until 2020.

AMENDMENT

Cr De Luca/ Cr Falinski

That Notice of Motion 45/2010 Security Cameras for Manly Dam be deferred pending advice from staff.

VOTING

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

Against the amendment: Nil.

304/10 RESOLVED

Cr De Luca/ Cr Falinski

That Notice of Motion 45/2010 Security Cameras for Manly Dam be deferred pending advice from staff.

VOTING

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

Against the resolution: Nil.

MOTION OF URGENCY

Cr Wilkins

That the Housing Strategy be brought forward.

CRS FALINSKI, REGAN AND SUTTON LEFT THE CHAMBER AT 10.31AM.

PROCEDURAL MOTION – CR HARRIS TO ASSUME THE CHAIR

305/10 RESOLVED

Cr Wilkins / Cr Giltinan

That Cr Harris assume the chair.

VOTING

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

Against the resolution: Nil.

CRS FALINSKI, REGAN AND SUTTON WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

AT THIS STAGE, THE CHAIR RULED THE URGENCY MOTION OUT OF ORDER AND ADVISED THAT A RESCISSION MOTION WOULD BE REQUIRED.

CRS FALINSKI, REGAN AND SUTTON RETURNED TO THE CHAMBER AT 10.33AM.

CR SUTTON LEFT THE CHAMBER AT 10.34AM.

3.2 Notice of Motion No 46/2010 Commitment Register

(BP REF 2)

306/10 **RESOLVED**

Cr Falinski/ Cr Regan

That this Council resolves to:

Establish a "Commitment Register", based on the model currently being used in the City of Sydney which has been running since 2005, to enable unmarried couples to register their commitment to each other through a process managed by Council

VOTING

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

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

CR SUTTON RETURNED TO THE CHAMBER AT 10.40AM.

3.3 Notice of Motion No 47/2010 Community Garden Survey

(BP REF 3)

Cr Wilkins/ Cr Giltinan

That, given the recent opening of the Manly Vale community garden and given the uncertain level of demand for further community gardens in Warringah, Council:

1. Undertake a review of successful models for the developing of community gardens in NSW / Australia;
2. Review lessons learned from Manly Vale;
3. Ascertain the level of demand for community gardens in Warringah via community consultation and surveys and, if possible, the reason for that demand, eg. is it for social sustainability (assisting socially disadvantaged / social cohesion), ecological sustainability (city farms, permaculture), improved nutrition, education, or because people just enjoy gardening?

4. And, depending on the level of demand, develop a strategy for community gardens in the Warringah LGA, that is ideally bottom up, rather than imposed by Council on the community. The strategy should include appropriate models of engagement with the community and identify possible locations for Community Gardens in Warringah. This policy is to be underpinned by equity and fairness, in terms of access to all, and those most disadvantaged, both in terms of access to green space and those socio- economically disadvantaged.

AMENDMENT

Cr Harris/ Cr Ray

That, given the recent opening of the Manly Vale community garden and given the likely demand for further community gardens in Warringah, Council:

1. Undertake a review of successful models for the developing of community gardens including Schrebergaerten;
2. Ensure the history from setting up of the Manly Vale Community Garden is being documented;
3. Collect data to review motives for participation in community gardens and their change over time;
4. Develop a strategy for community gardens in the Warringah LGA, that is ideally bottom up, rather than imposed by Council on the community.

VOTING

For the amendment: Crs Harris and Ray.

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr Kirsch/ Cr Laugesen

That Warringah Council develop a Policy on Community Gardens and Verge Gardens for the Warringah LGA that is

1. facilitating a community driven 'bottom up' approach to the establishment of community gardens, rather than a 'top down' approach imposed by Council and delegates initiative and control as much as possible to the community
2. includes appropriate models of engagement with the community
3. identifies possible locations, including but not limited to council owned land and crown reserves, for Community Gardens in Warringah
4. takes into consideration the need for equity and fairness, both in terms of access to green space and those socio- economically disadvantaged.

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 MAYOR USED HIS CASTING VOTE AGAINST THE MOTION/ AMENDMENT, WHICH WAS LOST.

307/10 RESOLVED

Cr Wilkins/ Cr Giltinan

That, given the recent opening of the Manly Vale community garden and given the uncertain level of demand for further community gardens in Warringah, Council:

1. Undertake a review of successful models for the developing of community gardens in NSW / Australia;
2. Review lessons learned from Manly Vale;
3. Ascertain the level of demand for community gardens in Warringah via community consultation and surveys and, if possible, the reason for that demand, eg. is it for social sustainability (assisting socially disadvantaged / social cohesion), ecological sustainability (city farms, permaculture), improved nutrition, education, or because people just enjoy gardening?
4. And, depending on the level of demand, develop a strategy for community gardens in the Warringah LGA, that is ideally bottom up, rather than imposed by Council on the community. The strategy should include appropriate models of engagement with the community and identify possible locations for Community Gardens in Warringah. This policy is to be underpinned by equity and fairness, in terms of access to all, and those most disadvantaged, both in terms of access to green space and those socio- economically disadvantaged.

CR HARRIS LEFT THE CHAMBER AT 11.27AM, RETURNING AT 11.28AM.

VOTING

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

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



3.4 Notice of Motion No 48/2010 Warringah Council Garbage Contractors Dispute

(BP REF 4)

Cr De Luca/ Cr Ray

That this Council resolves to:

1. Request the General Manager to furnish a report to the next Council Meeting comprehensively outlining the industrial dispute between Council's Garbage Truck Contractors and its employees and how this dispute has affected garbage collection services in Warringah.
2. Requests the General Manager to fully advise on the contract between Council and the provider and whether there is provision within the contract for Council to intervene in order to resolve the dispute and protect services for residents of Warringah.

VOTING

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

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

3.5 Notice of Motion No 49/2010 State Affordable Housing Policy – DA for 22-24 Gladys Avenue, Frenchs Forest

(BP REF 5)

308/10 **RESOLVED**

Cr De Luca/ Cr Regan

That this Council resolves to:

1. Note with concern that the application for 22-24 Gladys Avenue, Frenchs Forest, made under the State Government's Affordable Housing Policy is:
 - a) In a Bush Fire/buffer zone;
 - b) That the access way from Frenchs Forest Road to the development is that narrow and steep that Council's Garbage Truck Contractors cannot travel down the access way;
 - c) That the access way from Epping Drive is also narrow and steep;

- d) That the area was subjected to extensive bush fires in 1994 and has also had instances of flooding and due to the narrowness of the access ways Fire Trucks and other emergency service vehicles are prevented from easily accessing the area; and
 - e) That a right of way to the development is in between a small block of Council land and in close proximity to a home.
2. Write to the NSW Minister for Planning, The Hon Tony Kelly MLC, requesting the Government urgently amends its Affordable Housing Policy so as to strictly prohibit such developments in areas that are in Bush Fire/Buffer zones, have inadequate access for Fire and Emergency Services and could cause damage to adjoining properties by way of flooding and land stability.
3. Call upon the applicant, in view of the proposal being in a Bush Fire/Buffer zone, having inadequate access for emergency services vehicles and other undesirable impacts on adjoining residences, to withdraw the proposal.

CR FALINSKI LEFT THE CHAMBER AT 11.52AM.

CR WILKINS LEFT THE CHAMBER AT 11.53AM, RETURNING AT 11.54AM.

CR WILKINS LEFT THE CHAMBER AT 11.55AM, RETURNING AT 11.56AM.

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.

3.6 Notice of Motion No 50/2010 Advertising Signs on Schools

(BP REF 6)

AT THE REQUEST OF THE MOVER, THIS ITEM WAS WITHDRAWN FROM THE AGENDA.



CR FALINSKI RETURNED TO THE CHAMBER AT 11.56AM.

3.7 Notice of Motion No 51/2010 Impact Statements in Staff Reports and Recommendations to Council

(BP REF 7)

Cr Kirsch/ Cr De Luca

That:

All future reports to Council, wherever possible, outline the financial impact, policy impact, environmental impact and impact on the community, residents, and relevant stakeholder groups of the recommendations provided to council

CR SUTTON LEFT THE CHAMBER AT 12.03PM, RETURNING AT 12.04PM.

AMENDMENT

Cr Harris

All future reports to Council, wherever possible, outline the financial impact, policy impact and an estimate on the carbon footprint impact.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

Cr Kirsch/ Cr De Luca

That:

All future reports to Council, wherever possible, outline the financial impact, policy impact, environmental impact and impact on the community, residents, and relevant stakeholder groups of the recommendations provided to council

VOTING

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

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 12.11PM. THE MEETING RESUME AT 12.16PM WITH THE SAME COUNCILLORS PRESENT.

3.8 Notice of Motion No 52/2010 Community Garden and Verge Garden Policy

(BP REF 8)

Cr Harris/ Cr Ray

That Warringah Council develop a Policy on Community Gardens and Verge Gardens for the Warringah LGA.

The objectives of this policy is to:

1. Promote the development of community gardens and verge gardens.
2. Document and standardise processes and procedures to ensure consistency in the management of all community gardens, verge gardens and sustainable streets within the Warringah LGA.
3. Help increase the number of community gardens according to Warringah LGA capacity, community need and availability of appropriate sites or streets by developing a clear process and allocating appropriate resources to support new and existing community and verge gardens and sustainable street projects.
4. Clarify the rights and responsibilities of all stakeholders involved in community garden and sustainable street projects including the volunteers, committees, Warringah Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access.
5. Support community gardens, verge gardens and sustainable streets to be self managed to increase community ownership.
6. Recommend planning controls to support the development of sustainable streets, verge gardens and community gardens on land established for community use and to be integrated into new development.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

AMENDMENT

Cr Wilkins / Cr Sutton

That Notice of Motion 52/2010 Community Garden and Verge Garden Policy be deferred until the Community Garden Strategy is prepared.

CR FALINSKI LEFT THE CHAMBER AT 12.31PM.

CR WILKINGS LEFT THE CHAMBER AT 12.32PM, RETURNING AT 12.33PM.

CR FALINSKI RETURNED TO THE CHAMBER AT 12.33PM.

VOTING

For the amendment:

Crs Falinski, Giltinan, Sutton and Wilkins.

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

CR SUTTON LEFT THE CHAMBER AT 12.40PM, RETURNING AT 12.41PM.

AMENDMENT

Cr Laugesen/ Cr Ray

That Warringah Council develop a Policy on Community Gardens and Verge Gardens for the Warringah LGA.

The objectives of this policy is to:

1. Promote the development of community gardens and verge gardens.
2. Document and standardise processes and procedures to ensure consistency in the management of all community gardens, verge gardens and sustainable streets within the Warringah LGA.
3. Help increase the number of community gardens according to Warringah LGA capacity, community need and availability of appropriate sites or streets by developing a clear process and allocating appropriate resources to support new and existing community and verge gardens and sustainable street projects.
4. Clarify the rights and responsibilities of all stakeholders involved in community garden and sustainable street projects including the volunteers, committees, Warringah Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access.
5. Support community gardens, verge gardens and sustainable streets to be self managed to increase community ownership.
6. Recommend planning controls to support the development of sustainable streets, verge gardens and community gardens on land established for community use and to be integrated into new development.
7. Promote access to fresh, organic and locally produced fruit and vegetables.
8. That research be undertaken from other LGAs into their community garden policies to expedite Warringah's and save money.
9. In accordance with Warringah Council practice the draft policy when developed goes out for community consultation.

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 MAYOR USED HIS CASTING VOTE AGAINST THE AMENDMENT, WHICH WAS LOST.

Cr Harris/ Cr Ray

That Warringah Council develop a Policy on Community Gardens and Verge Gardens for the Warringah LGA.

The objectives of this policy is to:

1. Promote the development of community gardens and verge gardens.
2. Document and standardise processes and procedures to ensure consistency in the management of all community gardens, verge gardens and sustainable streets within the Warringah LGA.
3. Help increase the number of community gardens according to Warringah LGA capacity, community need and availability of appropriate sites or streets by developing a clear process and allocating appropriate resources to support new and existing community and verge gardens and sustainable street projects.
4. Clarify the rights and responsibilities of all stakeholders involved in community garden and sustainable street projects including the volunteers, committees, Warringah Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access.
5. Support community gardens, verge gardens and sustainable streets to be self managed to increase community ownership.
6. Recommend planning controls to support the development of sustainable streets, verge gardens and community gardens on land established for community use and to be integrated into new development.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

VOTING

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

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

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

3.9 Notice of Motion No 53/1010 Precinct Committee Forums

(BP REF 9)

Cr Laugesen/ Cr Ray

That Council:

Bring forward to the first Council Meeting of 2011, the delivery of the report on options for models for precinct committee forums in Warringah.

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

That Council:

1. Notes the success of Manly Council's precinct committees
2. Bring forward to the first Council Meeting of 2011, the delivery of the report on options for models for precinct committee forums in Warringah, explore the effectiveness of the Manly Council system of precinct committees as well as other Councils that currently have precinct committees.

CR KIRSCH LEFT THE CHAMBER AT 1.02PM, RETURNING AT 1.05PM.

VOTING

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

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

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

The meeting concluded at 1.06PM.

This is the final page of the Minutes comprising (14) pages numbered (1) to (14) of meeting 2010/12 of Warringah Council held on 6 October 2010 and confirmed on 19 October 2010.

Mayor

General Manager