

Minutes of a Meeting of Warringah Council

held on Tuesday, 22 February 2011

at the Civic Centre, Dee Why, Commencing at 6.03pm

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

A/General Manager and Director Community and Environmental Services (G Sloan), Director Corporate Services (J Warburton), Director Strategic and Development Services (M Ryan), Corporate Lawyer (V Ingram), Chief Financial Officer (D Walsh), Manager Marketing and Communications (G Middleton), Manager Strategic Planning (D Kerr), Manager Property and Commercial Development (M Viney), Team Leader Asset Management (A Vine), Team Leader Governance (M Lee), Administration Officer (A Cooke), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.03pm and concluded at 10.03pm.

ORDER OF BUSINESS

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

Items 1.0, 2.0, 2.1, 2.2, 3.0, 4.0, 7.4 Items by exception 7.1, 7.3, 8.3, 8.5, 8.8 and 9.1 followed by 5.1, 5.2, 5.3, 7.2, 8.1, 8.2 10.1 and 11.1.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 14 December 2010

29/11 **RESOLVED**

Cr Wilkins / Cr Sutton

That the Minutes of the Meeting of Council of 14 December 2010, 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, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

2.2 Minutes of Council Meeting held 8 February 2011

30/11 **RESOLVED**

Cr Sutton / Cr Giltinan

That the Minutes of the Meeting of Council of 8 February 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, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Ray declared a non pecuniary, less than significant interest in relation to item 7.4, as she has a sister who is a member of the Long Reef Surf Life Saving Club

Cr Regan declared a non pecuniary interest in relation to item 7.4, as he has a friend who is a member of at Long Reef Surf Life Saving Club and friends who have children at Long Reef Surf Life Saving Club.

4.0 PUBLIC FORUM

THE MAYOR REQUESTED EACH SPEAKER TO ACKNOWLEDGE THEY HAD BEEN INFORMED THAT THE MEETING WAS TO BE WEBCAST LIVE AND THAT COUNCIL ACCEPTS NO RESPONSIBILITY FOR ANY DEFAMATORY COMMENTS MADE.

4.1. Mr Michael Syme made a statement.

PROCEDURAL MOTION – EXTENSION OF TIME

31/11 **RESOLVED**

Cr Wilkins / Cr Giltinan

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

VOTING

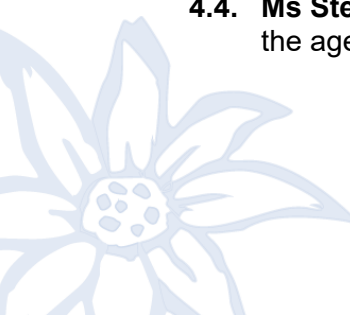
For the resolution: Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Sutton and Wilkins.

Against the resolution: Crs Falinski and Regan.

4.2. Mr Phil Curry, representing Friends of Freshwater Village, made a statement regarding outdoor dining.

4.3. Mr Doug Lucas, President Long Reef Surf Life Saving Club, addressed Item 7.4 on the agenda.

4.4. Ms Stella Watson, representing Long Reef Surf Life Saving Club, addressed Item 7.4 on the agenda.



- 4.5. Mr Brendan Donohoe**, representing the Surfrider Foundation, addressed Item 7.4 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

32/11 **RESOLVED**

Cr Kirsch / Cr De Luca

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

VOTING

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

Against the resolution: Crs Falinski and Regan.

- 4.6. Mr Gordon Lang**, President Surf Life Saving Northern Beaches, addressed Item 7.4 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

33/11 **RESOLVED**

Cr Ray / Cr Kirsch

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

VOTING

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

Against the resolution: Crs Falinski and Regan.

- 4.7. Mr Paul Jaffe** addressed Item 7.4 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

34/11 **RESOLVED**

Cr Harris / Cr Wilkins

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

VOTING

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

Against the resolution: Crs Falinski and Regan.

4.8. Mr Jack Tilburn addressed Item 7.4 on the agenda.

CR DE LUCA LEFT THE CHAMBER AT 6.43PM AND RETURNED AT 6.45PM.

4.9. Mr Tom Kirsop addressed Item 7.4 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

35/11 **RESOLVED**

Cr Wilkins / Cr Harris

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

VOTING

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

Against the resolution: Crs Falinski and Regan.

4.10. Ms Wendy Harmer, representing Save Long Reef Coalition, addressed Item 7.4 on the agenda.

CR WILKINS LEFT THE CHAMBER AT 6.57PM.

PROCEDURAL MOTION – EXTENSION OF TIME

36/11 **RESOLVED**

Cr Ray / Cr Kirsch

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

CR WILKINS RETURNED TO THE CHAMBER AT 6.58PM.

VOTING

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

Against the resolution: Crs Falinski and Regan.

PROCEDURAL MOTION – THAT ITEM 7.4 BE BROUGHT FORWARD

37/11 RESOLVED

Cr De Luca / Cr Laugesen

That Item 7.4 be brought forward and dealt with immediately.

VOTING

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

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

7.4 Feedback on Public Display Period for Long Reef SLSC Concept Design

BP REF (32)

Cr Wilkins / Cr Falinski

- A. That Council note that the feedback received from the Public Display Period indicated an overwhelming level of support for the Long Reef SLSC Concept Design.
- B. That Council agree to the lodgement of a DA generally consistent with the building envelope as shown on the Concept Design during the Public Display Period, and proceed immediately to detailed design. The detailed design process shall consider amending internal components of the concept to achieve enhanced environmental outcomes, such as the rearrangement of some upper level rooms. Such detail will be considered as part of the development of the DA plans.
- C. That \$40,000 from the proposed 2011/12 Capital Expenditure Program project LRSLSC Redevelopment Stage 2 (\$100,000 funding listed) be brought forward to 2010/11 to fund the detailed design stage.

AMENDMENT

Cr Kirsch

- 1. That Council rejects the recommendations a, b and c, from the Director of Corporate Services.

2. That Council directs the Director of Corporate Services to consult with “key stakeholders” as per the requirements set down in the Griffith Park Plan of Management.
3. That Council directs the Director of Corporate Services to liaise with the Department of Crown Lands on a proper consultation process to ensure wide community support for the project.
4. That this process should take into account:
 - a) economic justification and relevant business models;
 - b) public vs. private facilities;
 - c) environmental impact;
 - d) duplication of facilities already available in the district.
5. That Council requires these considerations to be contained and costed within the original brief on the proposal which has not been adequately fulfilled.

THE MAYOR RULED THE AMENDMENT OUT OF ORDER AS IT WAS A DIRECT NEGATIVE OF THE ORIGINAL MOTION.

AMENDMENT

Cr Kirsch / Cr Ray

That the item be deferred for three months to allow:

1. Consultation with “key stakeholders” as per the requirements set down in the Griffith Park Plan of Management.
2. Liaison with the Department of Crown Lands on a proper consultation process to ensure wide community support for the project.
3. That this process should take into account:
 - a. economic justification and relevant business models;
 - b. public vs. private facilities;
 - c. environmental impact;
 - d. duplication of facilities already available in the district.
 - e. funding allocation of facilities
4. That Council requires these considerations to be contained and costed within the original brief on the proposal which has not been adequately fulfilled.

CR FALINSKI LEFT THE CHAMBER 7.16PM AND RETURNED AT 7.17PM.



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

1. That the item be deferred for three months to allow
2. Consultation with “key stakeholders” as per the requirements set down in the Griffith Park Plan of Management.
3. Liaison with the Department of Crown Lands on a proper consultation process to ensure wide community support for the project.
4. That this process should take into account:
 - a. economic justification and relevant business models;
 - b. public vs. private facilities;
 - c. environmental impact;
 - d. impact on biodiversity
 - e. duplication of facilities including hospitality already available in the district.
 - f. funding allocation of facilities
5. That Council requires these considerations to be contained and costed within the original brief on the proposal which has not been adequately fulfilled.

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.

FORESHADOWED AMENDMENT

Cr De Luca / Cr Laugesen

That the proposal for Long Reef Surf Life Saving Club house be deferred until:

- a) Council obtains independent advice from legal Counsel in relation to the correspondence from the NSW Environmental Defender's Office dated 21 February 2011 and confirms whether the current proposal complies with NSW Coastal Planning Guidelines – Adapting to sea level rise – principles 3 and 4, the Warringah Council's Griffith Park Plan of Management and the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999.
- b) Pending the outcome of (a), Council 's Architects reduce the size of the cafe to 60 seats only and Council Staff develop conditions regarding trading hours and operations, particularly restricting operating hours between 8am and 4pm.
- c) In view of (b) reduce the footprint of the building.

- d) Council introduces restrictions that accommodation at the Club house may only be used by registered members of Surf Life Saving Australia and not for commercial purposes.
- e) That Council staff draft a Memorandum of Understanding in accordance with relevant legislation and the Plan of Management to ensure that:
 - i) Funds raised from either the leasing of the cafe or profits made from the cafe are expended on the maintenance of the Surf Life Saving Club house and surrounding environment within the Griffith Park Plan of Management and equipment and training for surf life saving.
 - ii) Funds raised from Hall Hire are expended on the maintenance of the Surf Life Saving Club house, equipment and training for surf life saving.

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr De Luca / Cr Kirsch

- A. That Council note that the feedback received from the Public Display Period indicated an overwhelming level of support for the Long Reef SLSC Concept Design.
- B. That prior to Council lodging any DA that it consults with the department of Lands, Dept of Planning, any other State or Federal Authority that is required to be consulted under legislation and with all community and surf life saving stakeholders as outlined in the correspondence to Council from surf life saving and community organisation. The detailed design process shall consider amending internal components of the concept to achieve enhanced environmental outcomes. Such detail will be considered as part of the development of the DA plans.
- C. That \$40,000 from the proposed 2011/12 Capital Expenditure Program project LRSLSC Redevelopment Stage 2 (\$100,000 funding listed) be brought forward to 2010/11 to fund the detailed design stage.

VOTING

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

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.

38/11 RESOLVED

Cr Wilkins / Cr Falinski

- A. That Council note that the feedback received from the Public Display Period indicated an overwhelming level of support for the Long Reef SLSC Concept Design.
- B. That Council agree to the lodgement of a DA generally consistent with the building envelope as shown on the Concept Design during the Public Display Period, and proceed immediately to detailed design. The detailed design process shall consider amending internal components of the concept to achieve enhanced environmental outcomes, such as the rearrangement of some upper level rooms. Such detail will be considered as part of the development of the DA plans.
- C. That \$40,000 from the proposed 2011/12 Capital Expenditure Program project LRSLSC Redevelopment Stage 2 (\$100,000 funding listed) be brought forward to 2010/11 to fund the detailed design stage.

VOTING

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

Against the resolution: Crs Harris and Kirsch.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS AJOURNED AT 8.27PM. THE MEETING RESUMED AT 8.32PM WITH THE SAME COUNCILLORS PRESENT.

MOTION OF URGENCY - STATE ELECTION DAY COUNCIL POLL

Cr Laugesen / Cr Kirsch

That as a matter of urgency, Council considers a motion in relation to the State Election Day and a Council Poll on Direction of Northern Beaches Hospital Funding.

VOTING

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

Against the resolution: 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.

PROCEDURAL MOTION – AMENDMENT TO ORDER OF BUSINESS

39/11 **RESOLVED**

Cr Giltinan /Cr Wilkins

That the Order of Business be amended 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

40/11 **RESOLVED**

Cr Giltinan /Cr Wilkins

That the recommendations of the Director in each of the following Items 7.1, 7.3, 8.3, 8.5, 8.8 and 9.1 be adopted.

VOTING

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

Against the resolution: Cr Kirsch.

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 Monthly Funds Management Report January 2011

(BP REF 1)

40/11 **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 EARLIER IN THE AGENDA)

7.3 Fox Park, Florence Avenue, Collaroy – Proposed Drainage Easement in favour of 29 Beach Road Collaroy

(BP REF 27)

40/11 RESOLVED

- A. That subject to Item C and D of this recommendation, Council authorise a 1 metre wide Easement to drain water and associated Positive Covenant, by underground pipe within Lot 2 DP 566490 Fox Park Collaroy in favour of 29 Beach Road, Collaroy (Lot 9 & 10 DP 455993 & Lot A DP 364490) for an amount assessed by an independent qualified valuer.
- B. That Council authorise the affixing of Council's seal to, and delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.
- C. That all costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the owner of 29 Beach Road, Collaroy.
- D. That Council proceed with the Easement and Positive Covenant described in item A of this recommendation subject to the Applicant obtaining a modified Development Consent for the proposed new drainage infrastructure to be located within the subject easement.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

8.3 Warringah Development Control Plan - Flood Related Development Controls

(BP REF 111)

40/11 RESOLVED

- A. That Council receive and note the submissions documented at the Attachment to this report.
- B. That Council resolves to amend draft Warringah Development Control Plan (Amendment 1) in accordance with the recommendations set out in the body of this report.
- C. That Council resolves to approve draft Warringah Development Control Plan (Amendment 1) as amended in accordance with item B in accordance with clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*.
- D. That Council gives public notice under clause 21(2) and clause 21(4) of the *Environmental Planning and Assessment Regulation 2000* that the Warringah Development Control Plan (Amendment 1) will come into effect from the date of the making of the Warringah Local Environmental Plan 2009.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

8.5 Development Control Plan for Freshwater Village

(BP REF 127)

40/11 **RESOLVED**

That Council defer further work on the development of the Development Control Plan for Freshwater Village until the judgement is received from the Land and Environment Court on DA2010/1446.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

8.8 Submission to the New Inquiry into the National Broadband Network (NBN)

(BP REF 142)

40/11 **RESOLVED**

That Council make a submission to the House of Representatives as detailed in attachment 1 by 25 February 2011.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

9.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

9.1 Minutes of Warringah Traffic Committee Meeting held 1 February 2011

(BP REF 157)

40/11 **RESOLVED**

That the Minutes of the Warringah Traffic Committee Meeting held on 1 February 2011 and the recommendation 3.1 and 3.2 as reprinted below be ADOPTED.

3.1 Victor Road, Dee Why – Proposed Traffic Calming Devices

- A. That the proposed traffic calming devices for Victor Road not be installed on the grounds the accident history does not indicate there is a traffic safety problem and the majority of residents that made submissions are not in favour of the traffic calming devices.

- B. That a mixed traffic treatment be provided on Victor Road to cater for cyclists i.e. install bicycle logos on both sides of the carriageway and route marker signs on the nature strip.

3.2 Beacon Hill Road, Brookvale – Guard rail and safety adjacent to Brookvale Public School

- A. That the installation of guard rails be supported to enhance safety on the southern approach of Beacon Hill Road to Elizabeth Place/Old Pittwater Road .
- B. That it be noted the RTA is investigating speed cameras, flashing lights including a permanent 40km/h speed zone on Beacon Hill Road and will advise the Brookvale Early Learning Centre and the Traffic Committee of the outcome.
- C. That the Licensee and the Director of Brookvale Early Learning Centre be advised of Council's Decision.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No. 1/2011 Beachley Classic 2011-2013

(Item not contained in the agenda)

41/11 **RESOLVED**

Cr Regan

That Council:

- A. Enters into a three year Agreement (2011-2013) with the organisers of the Beachley Classic to hold the event at Dee Why (within the Warringah LGA);
- B. Waive all fees associated with the event inclusive of parking permits, bond and event booking fee - up to an amount of \$31,765 in 2011 and to be adjusted to include any fee increases in 2011/12 and 2012/13;
- C. Free use of 24 parking spaces for the event, noting foregoing of income of \$2,352 in 2011;
- D. Paying the direct costs incurred for lifeguard, jet ski, cleansing and waste services associated with the event - up to \$5,912 in 2011 and to be adjusted to include any fee increases in 2011/12 and 2012/13. This cost for the 2011 event to be met from the surplus at December Quarterly Review; and
- E. Contribute \$15,000 to the Events budget in 2010/ 2011 from the surplus at December Quarterly Review for a series of complimentary events.

CR SUTTON LEFT THE CHAMBER 8.45PM AND RETURNED AT 8.46PM.

CR KIRSCH LEFT THE CHAMBER AT 9.04PM.

THE MEETING WAS ADJOURNED AT 9.06PM. THE MEETING RESUMED AT 9.12PM WITH ALL COUNCILLORS PRESENT.

VOTING

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

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

5.2 Mayoral Minute No. 2/2011 Northern Beaches Pacific Islander & Maori Work on the Streets Committee

(Item not contained in the agenda)

42/11 **RESOLVED**

Cr Regan

That:

- A. Council note the valuable contribution Northern Beaches Pacific Islander and Maori Work on the Street are making to strengthen the local Pacific Islander and Maori communities.
- B. That Council agrees to provide seed funding to cover the cost of public liability insurance for Northern Beaches Pacific Islander & Maori Work on the Streets to the value of \$2,000 for three (3) years commencing this financial year (2010-11) until 2012/13.

VOTING

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

Against the resolution: Cr Laugesen.

5.3 Mayoral Minute No. 3/2011 Permanent Waiving Of Booking Fees For Disabled Surfers' Association Annual Collaroy Event

(Item not contained in the agenda)

43/11 **RESOLVED**

Cr Regan

That :

- A. Council waive all event booking fees and bonds associated with the 2011 annual February DSA surfing event at Collaroy Beach and subsequent annual Hands On Day DSA events at a Warringah local government area beach;
- B. Council's support be conditional upon DSA's compliance with the following conditions: recognising Council as a supporter of this event; holding the event at a Warringah local government area beach; and DSA providing Council with an event report within two months of the holding of the event.

VOTING

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

Against the resolution: Cr Ray.

6.0 GENERAL MANAGER'S REPORTS

Nil.

7.2 17B Crown Road Queenscliff - Proposed Transfer of Property to Warringah Council

(BP REF 22)

44/11 **RESOLVED**

Cr Regan / Cr Wilkins

- A. That Council authorise the transfer of 17B Crown Road, Queenscliff (Lot 1 DP 960506) from the Minister Administering the Environmental Planning & Assessment Act 1979 as outlined in this report and such land be classified as Community Land on transfer to Council.
- B. That Council authorise the affixing of Council's seal to, and delegate authority to the General Manager to execute, the necessary documentation in order to give effect to this resolution.

VOTING

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

Against the resolution: Cr Laugesen.



8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

8.1 Amendment to Council Meeting Cycle March, April and October 2011

(BP REF 90)

Cr Ray / Cr Wilkins

- A. That Council convene an extraordinary meeting on Tuesday 29 March 2011 to consider the draft Budget;
- B. That the April Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Thursday 28 April 2011 due to the gazettal of Tuesday 26 April 2011 as a public holiday;
- C. That the October Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Tuesday 18 October 2011 due to the Local Government Association Annual Conference being held 23 to 26 October 2011.

AMENDMENT

Cr Regan / Cr Falinski

- A. That Council convene an extraordinary meeting on Tuesday 29 March 2011 to consider the draft Budget;
- B. That the April Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Monday 2 May 2011 due to the gazettal of Tuesday 26 April 2011 as a public holiday;
- C. That the October Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Tuesday 18 October 2011 due to the Local Government Association Annual Conference being held 23 to 26 October 2011.

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED.

FORESHADOWED AMENDMENT

Cr Laugesen / Cr Ray

- A. That Council convene an extraordinary meeting on Tuesday 29 March 2011 to consider the draft Budget;

- B. That the April Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Thursday 28 April 2011 due to the gazettal of Tuesday 26 April 2011 as a public holiday;

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

45/11 RESOLVED

Cr Regan / Cr Falinski

- A. That Council convene an extraordinary meeting on Tuesday 29 March 2011 to consider the draft Budget;
- B. That the April Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Monday 2 May 2011 due to the gazettal of Tuesday 26 April 2011 as a public holiday;
- C. That the October Council Meeting cycle be amended and the Ordinary Meeting of Council be held on Tuesday 18 October 2011 due to the Local Government Association Annual Conference being held 23 to 26 October 2011.

VOTING

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

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

8.2 Sydney Harbour Councils 'Our Harbour Agreement'

(BP REF 92)

46/11 RESOLVED

Cr Harris / Cr Falinski

- A. That Council become a party to the Sydney Harbour Councils 'Our Harbour Agreement'
- B. That the Mayor sign the Sydney Harbour Councils 'Our Harbour Agreement' on behalf of Council
- C. That the Mayor be Council's representative at Sydney Harbour Councils meetings as per the 'Our Harbour Agreement'.
- D. Council write to the Sydney Harbour Councils to bring to their attention the Bantry Bay Road subdivision and its potential impacts on the environment and request that a buy back scheme be established to acquire this land to permanently protect it from development.

VOTING

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

Against the resolution: Cr Laugesen.

PROCEDURAL MOTION – THAT ITEM 10.1 BE BROUGHT FORWARD

47/11 RESOLVED

Cr Sutton / Cr Wilkins

That Item 10.1 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.

10.0 NOTICES OF RESCISSION

10.1 Notice of Rescission Motion No 2/2011 Freshwater Village Alfresco Dining Upgrade Results of Consultation, Item 10.4, 8 February 2011

(BP REF 193)

Cr Ray / Cr Laugesen

That the Council's resolution relating to Item 10.4, BP Ref B197, Freshwater Village Alfresco Dining Upgrade Results of Consultation passed at the meeting of the Council held on 8 February 2011 which reads as follows:

- A. That Council note the results of the consultation.
- B. That Council resolve to proceed with the detailed design and construction of Option 2 to create four new level paved areas funded from the existing budget allocation for Freshwater Village
- C. Request local State Member Mike Baird to support and call on Sydney Buses to move their bus stop in Lawrence Street to the location it was during the works, Dowling Street, or other suitable location nearby and thus provide additional parking."

be and is hereby rescinded.

CR LAUGESSEN LEFT THE CHAMBER AT 9.45PM AND RETURNED AT 9.46PM.

VOTING

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

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

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

11.0 NOTICES OF MOTION

11.1 Notice of Motion No 76/2010 Planning Regulations

(BP REF 194)

THE NOTICE OF MOTION WAS WITHDRAWN BY SIGNED WRITTEN CORRESPONDENCE FROM THE COUNCILLOR.

PROCEDURAL MOTION – ADJOURNMENT OF MEETING

48/11 **RESOLVED**

Cr Sutton / Cr Regan

That the Council Meeting be adjourned and that the Meeting reconvene in no less than 72 hours.

VOTING

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

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

A RESCISSION MOTION WAS RECEIVED IN RELATION TO RESOLUTION 48/11 PROCEDURAL MOTION – ADJOURNMENT OF MEETING PRIOR TO THE END OF THE COUNCIL MEETING.

The meeting concluded at 10.03pm.

This is the final page of the Minutes comprising (21) pages numbered (1) to (21)
of meeting 2011/2 of Warringah Council held on 22 February 2011
and confirmed on 22 March 2011.

Mayor

General Manager



COUNCIL MEETING

2011/02

22 FEBRUARY 2011

REPORTS NOT CONTAINED IN THE AGENDA

Item		<u>MP Ref</u>
5.1	Mayoral Minute No 1/2011 Beachley Classic 2011-2013	23-24
5.2	Mayoral Minute No 2/2011 Northern Beaches Pacific Islander & Maori Work on the Streets Committee	25-26
5.3	Mayoral Minute No 3/2011 Permanent Waiving Of Booking Fees For Disabled Surfers' Association Annual Collaroy Event	27

5.1**Mayoral Minute No 1/2011
Beachley Classic 2011-2013**

This Mayoral Minute is to seek Council's consideration to continue the support (financial and in-kind) provided to the Beachley Classic in order that this world class event can continue at Dee Why until 2013 (i.e. a further 3 years for the 2011- 2013 events).

The Beachley Classic organisers have approached Council with a request for Council to continue to support this event financially by foregoing income through the waiving of booking and parking fees and Council paying for direct costs associated with the event (i.e. waste, cleansing, jet skis and lifeguards).

The 2011 Beachley Classic is to be held on Dee Why Beach 1 May to 9 May 2011. This includes 6 competition days, bump in and bump out days. Long Reef beach will be used as an alternate surf location if required. The Classic is an ASP Women's World Tour surfing event. It is the only women's stand alone World Tour event sanctioned for Australia and will feature the top 17 ranked female surfers in the world. The Classic organisers have indicated that their current sponsors include- CBA, Blue Kiss, Events NSW and Oakley.

Until 2008 the event was held at Manly. In 2009 the Classic relocated to Dee Why as a result of the works that were being undertaken on the Corso. The Classic organisers have been extremely pleased in the growth of the event at Warringah and the relationship it has developed with this Council, and as such they would like the event to continue at Dee Why.

The event held in September 2009 was affected by rain. The rescheduling of the event to April in 2010 and the significantly improved weather conditions led to a highly successful event that attracted over 25,000 spectators and visitors to Dee Why, with extensive media coverage (440 items across all media outlet types in NSW alone).

In addition Council, through the Events budget in particular, contributed \$8,000 in 2010 to the success of the event by hosting a series of activities including; surf markets, free surfing lessons and a music concert on Dee Why beach reserve. As such a Classic Weekend at Warringah commenced, the goal being that Dee Why would be an exciting destination for locals and visitors all weekend, complimenting the surf activities with artistic, culinary and family activities. This was a great success in 2010 and it is hoped that Council will continue to fund such activities whilst the Classic is being held at Dee Why, and as such an amount of up to \$15,000 per annum is sought for the Events budget from the December Quarterly Review surplus.

The organisers are seeking the following support from Council

Item	Detail	In-kind Cost	Direct Cost
COUNCIL FEES/ CHARGES			
Event Booking fee - Dee Why	Commercial/profit fee 9 days x \$3,285. Plus Bond \$1000	\$ 30,565.00	
Lifeguard fees	12 hours of lifeguard services per competition day		\$ 3,024.00
Jet ski hire	\$190 per competition day x 6 days		\$ 1,140.00
Parking fees	24 parking permits X \$50 each	\$ 1,200.00	
	Income from Parking Meters	\$ 2,352.00	
Waste fees	Additional services (including bins for 20 stalls) and additional cleansing officers		\$ 1,748.00
TOTALS		\$ 34,117.00	\$ 5,912.00
TOTAL Council In Kind and Direct Costs for the Beachley Classic (Based on 2010/2011 Fees / Charges)			\$40,029

Item 5.1 Mayoral Minute No 1/2011

Financial Impact

The cost to Council if it were to agree to the organisers request would be

- \$30,565 for hiring the area required (income foregone)
- \$3,552 for parking and parking permits (income foregone)
- \$5,912 direct costs incurred by Council for the event (i.e. waste, cleansing, jet skis and lifeguards)
- A total cost of \$40,029

An additional \$15,000 for the Council's Events budget would cover a series of complimentary events to continue to grow a "Classic Warringah" Event.

The costs to Council for the 2011 event are based on 2010/2011 fees and charges. Increases in fees and charges in 2011/2012 and 2012/2013 will increase the cost to Council to support the 2012 and 2013 Beachley Classic events.

Note there may be some reduction in the direct costs incurred, particularly waste costs. In previous years the Chamber of Commerce has supported the event by meeting these costs, however at this stage this sponsorship is not confirmed.

Any Council support for the Beachley Classic would be conditional on the organisers-

- Appropriately recognising Council as a sponsor in all event marketing and promotion; and
- Holding the event in the Warringah Local Government Area (LGA).

RECOMMENDATION

That Council –

- Enters into a three year Agreement (2011-2013) with the organisers of the Beachley Classic to hold the event at Dee Why (within the Warringah LGA);
 - Waive all fees associated with the event inclusive of parking permits, bond and event booking fee - up to an amount of \$31,765 in 2011 and to be adjusted to include any fee increases in 2011/12 and 2012/13;
 - Free use of 24 parking spaces for the event, noting foregoing of income of \$2,352 in 2011;
 - Paying the direct costs incurred for lifeguard, jet ski, cleansing and waste services associated with the event - up to \$5,912 in 2011 and to be adjusted to include any fee increases in 2011/12 and 2012/13. This cost for the 2011 event to be met from the surplus at December Quarterly Review; and
 - Contribute \$15,000 to the Events budget in 2010/ 2011 from the surplus at December Quarterly Review for a series of complimentary events.
-



Michael Regan
MAYOR

5.2**Mayoral Minute No 2/2011
Northern Beaches Pacific Islander & Maori Work on the Streets
Committee****Background**

In mid-2010 the Northern Beaches Local Area Command initiated the 'Northern Beaches Pacific Islander and Maori Work on the Streets' committee as a means of addressing the high level of contact some members of these communities, particularly young people, were having with local Police. Although the vast majority of these communities are law abiding certain small elements were repeatedly coming under Police attention.

Membership of the committee is drawn from various ethnic and cultural groups and they currently have around twenty (20) members, including both older and younger people. The primary activity of the group is to run an outreach service each Friday night utilising volunteers. This usually focuses on the Dee Why area, especially the bus stops around Pittwater Road, operating from around 7.00pm to midnight or later. These volunteers have undergone training and wear a uniform and identification indicating they are members of the outreach group. The model utilised emulates that of a highly successful program operating in the Campbelltown area, which the committee visited in 2010.

The committee are hopeful that in the future they might expand their services to operate on additional nights of the week and to provide cultural events and educational activities to further strengthen their communities. The committee comprises all volunteers who give their time to directly engage, in an outreach model, those young people most at risk of becoming involved in anti-social activities and/or criminal activities, at times and locations when they are most at risk of doing so.

Warringah Council has representation on the committee in the form of the Youth & Recreation Co-ordinator having an advisory position. The group has the support of other local community organisations including YouthReach and has access to the Youth Reach bus (most evenings) if they need to be more mobile or to drive young people to their homes.

Police statistics and intelligence indicate that this service, even after only a couple of operational months, has been highly successful in engaging Pacific Islander and Maori young people and has seen a marked decrease in the amount of crime in the Dee Why area and the broader region. Police have not seen a displacement of activity to other surrounding areas, and it appears anti-social behaviour by some small sections of this community has decreased across the local area command. The flow on benefits to the wider community are the lower incidence of crime, much of it previously involving robbery and assaults, and improved perceptions of community safety. The reasons for this are only speculative at this time, however, it may be that merely by engaging in a positive fashion with a cross section of respected members of the various communities they are feeling more valued and respectful of their place in the broader community.

The group was previously auspiced by the NSW Police but has recently set up as an independent not for profit association. This is a significant step in the evolution of this committee which is designed to build their independence and their capacity to addresses local community issues by using the existing human capital within their own communities. However, associated with this transition to independence is the significant burden of finding the money to cover their public liability insurance requirements.

The committee is already researching grant opportunities from a variety of sources to help fund the expansion of their services but the insurance issue is urgent at this time, as it is a standard prerequisite to be eligible to apply for these other grants.

Item 5.2 Mayoral Minute No 2/2011

Financial Implications

Public liability insurance will cost in the order of \$2,000 per annum. In order to allow this group to establish itself, it is proposed that Council fund this cost for a period of 3 years.

RECOMMENDATION

That:

- A. Council note the valuable contribution Northern Beaches Pacific Islander and Maori Work on the Street are making to strengthen the local Pacific Islander and Maori communities.
- B. That Council agrees to provide seed funding to cover the cost of public liability insurance for Northern Beaches Pacific Islander & Maori Work on the Streets to the value of \$2,000 for three (3) years commencing this financial year (2010-11) until 2012/13.



Michael Regan
MAYOR

5.3**Mayoral Minute No 3/2011
Permanent Waiving Of Booking Fees For Disabled Surfers'
Association Annual Collaroy Event**

The Hands On Day is the premier event in the Disabled Surfers Association's (DSA) calendar. The event is an open invitation to people with a disability to try surfing under the watchful eye of trained volunteers. The event has been held at Collaroy beach for many years and attracts over 250 people, including 75-150 with a disability.

After last year's event, Council resolved to allow the Association's members, volunteers and participants to park free of charge at the annual February DSA surfing event at Collaroy Beach. Consideration of also waiving the event booking fee was not considered at this time and therefore still applies. This Mayoral Minute seeks to address that.

Council has now been requested to consider waiving the booking fees that apply to this event by the Disabled Surfers Association for this year's event on 26 February 2011, and for all subsequent years. The 2010-11 event booking fee for their use of Collaroy beach is \$205 (water event-community benefit activities) and a \$1,000 bond. Event booking fees and bonds for subsequent years are not known at this time as they are set annually through the adoption of the Strategic Community Plan.

Council support for this event should be conditional on the DSA:

- Recognising Council as a supporter of the event;
- Holding the event at a Warringah local government area beach; and
- Providing Council with an event report within two months of the holding of the event.

RECOMMENDATION

That :

- A. Council waive all event booking fees and bonds associated with the 2011 annual February DSA surfing event at Collaroy Beach and subsequent annual Hands On Day DSA events at a Warringah local government area beach;
 - B. Council's support be conditional upon DSA's compliance with the following conditions: recognising Council as a supporter of this event; holding the event at a Warringah local government area beach; and DSA providing Council with an event report within two months of the holding of the event.
-



**Michael Regan
MAYOR**