

Minutes of an Extraordinary Meeting of Warringah Council held on Tuesday, 1 March 2011 at the Civic Centre, Dee Why, Commencing at 5.03pm

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

General Manager (R Hart), Director Community and Environmental Services (G Sloan), A/Director Corporate Services (D Walsh), A/Director Strategic and Development Services (D Kerr), Corporate Lawyer (V Ingram), Manager Marketing and Communications (G Middleton), Manager Development Assessments (P Robinson), Manager Roads, Traffic and Waste (B Bolgoff), A/Coordinator Governance (A Moore), Administration Officer (A Cooke), Administration Officer (G Dawson) and IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 5.03pm and concluded at 6.51pm.

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, Motion of Urgency, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13 and 5.1.

1.0 APOLOGIES

Nil.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Regan declared a potential pecuniary interest in relation to item 3.13 (declared at Item 3.13)

Cr Sutton declared a pecuniary interest in relation to item 3.13 as she owns property in the affected area (declared at Item 3.13)

Cr Wilkins declared a pecuniary interest in relation to item 3.13 as she was rebuilding her property in the area (declared at Item 3.13)

3.0 MATTERS CARRIED OVER FROM THE COUNCIL MEETING OF 22 FEBRUARY 2011

STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

3.1 NSW Department of Planning Review of State Environmental Planning Policy (Affordable Rental Housing) 2009

(BP REF 1)

49/11 **RESOLVED**

Cr Wilkins / Cr Harris

- A. That Council endorse the submission on the review of State Environmental Planning Policy (Affordable Rental Housing) 2009 as outlined as Attachment 1 to this report.
- B. That Council forward the submission at Attachment 1 to this report to the NSW Department of Planning by 1 March 2011.

VOTING

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

Against the resolution: Nil.

3.2 Provision of Parking in Housing NSW Projects

(BP REF 8)

50/11 **RESOLVED**

Cr Harris / Cr Kirsch

- A. That Council endorse the submission on the Housing NSW review of car parking at Attachment 1 to this report and includes references to the provision of bicycle parking.
- B. That Council forward the submission at Attachment 1 to this report to Housing NSW at APPEL@dhs.nsw.gov.au by Monday 28 February 2011.

VOTING

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

Against the resolution: Nil.

3.3 Frenchs Forest State Significant Site Proposal

(BP REF 19)

Cr Regan / Cr Sutton

- A. That Council endorse the comments included within this report and as outlined in the proposed submission at Attachment E to this report.
- B. That a copy of this report be forwarded to the Department of Planning as Council's formal submission on the exhibition of the Frenchs Forest State Significant Site Proposal.

AMENDMENT

Cr Laugesen / Cr Ray

- A. That Council endorse the comments included within this report and as outlined in the proposed submission at Attachment E to this report.
- B. That a copy of this report be forwarded to the Department of Planning as Council's formal submission on the exhibition of the Frenchs Forest State Significant Site Proposal.
- C. That the Department of Planning notes that not all Warringah Councillors and not all local residents agree that a new Northern Beaches hospital is "critical" or necessary and that many have a preference for refurbishing or rebuilding Manly and Mona Vale Hospitals in the immediate future.
- D. That a Motion of Urgency to hold a Council poll to the above effect was defeated only by the Mayor's casting vote at the 22 February 2011 council meeting.

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 DECLARED LOST.

51/11 RESOLVED

Cr Regan / Cr Sutton

- A. That Council endorse the comments included within this report and as outlined in the proposed submission at Attachment E to this report.
- B. That a copy of this report be forwarded to the Department of Planning as Council's formal submission on the exhibition of the Frenchs Forest State Significant Site Proposal.

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 MAYOR USED HIS CASTING VOTE FOR THE MOTION, WHICH WAS DECLARED CARRIED.

3.4 Proposal to Classify Land Operational and Operate a Free Parking Area at Coles Car Park Forestville Shopping Centre

(BP REF 31)

52/11 RESOLVED

Cr Wilkins / Cr Sutton

That Council reclassify the Coles Car Park, Starkey St, Forestville land as Operational for the purpose of operating a Free Parking Area in accordance with Section 650 of the Local Government Act 1993.

VOTING

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

Against the resolution: Nil.

3.5 December 2010 Quarterly Business and Budget Report

(BP REF 34)

Cr Falinski / Cr Regan

- A. That the December 2010 Business and Budget Report in the separate Attachment Booklet be noted.
- B. That changes to the Current Forecast detailed in the December 2010 Quarterly Business and Budget Report (page 2 Attachment Booklet) increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$134,003 to \$1,251,109 at 30 June 2011 be approved.

C.

Item	Cost
Sports Capital Assistance Grants (possibly 2 years- 2011/12 and 2012/13)	\$250,000 per annum (\$500,000) [Capital]
Doubling footpaths expenditure in 2011/12	\$200,000 [Capital]
Restoration of Narrabeen Lagoon From unallocated previous years surplus	\$200,000 [Capital]
Shade Structure over the new terraces at Freshwater	\$80,000 [Capital]
Commissioning concept plans for the future environmental education centre at Fishermans Beach Long Reef facility	\$40,000 [operational]
Upgrade playground at the Forestville Arts Centre	\$60,000 [Capital]
Allowance for capital works at Stony Range in 2011/12	\$100,000 [Capital]
Remainder to be banked for future years working capital.	\$200,000 approx
Total	\$1,380,000 (assuming 2 years of sports grants)

AMENDMENT

Cr Ray / Cr Laugesen

- A. That the December 2010 Business and Budget Report in the separate Attachment Booklet be noted.
- B. That changes to the Current Forecast detailed in the December 2010 Quarterly Business and Budget Report (page 2 Attachment Booklet) increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$134,003 to \$1,251,109 at 30 June 2011 be approved.

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 AMOUNT OF VOTES, THE MAYOR USED HIS CASTING VOTE AGAINST THE AMENDMENT, WHICH WAS DECLARED LOST.

53/11 **RESOLVED**

Cr Falinski / Cr Regan

- A. That the December 2010 Business and Budget Report in the separate Attachment Booklet be noted.
- B. That changes to the Current Forecast detailed in the December 2010 Quarterly Business and Budget Report (page 2 Attachment Booklet) increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$134,003 to \$1,251,109 at 30 June 2011 be approved.
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Remainder to be banked for future years working capital.	\$200,000 approx
Total	\$1,380,000 (assuming 2 years of sports grants)

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 AMOUNT OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE MOTION, WHICH WAS DECLARED CARRIED.

MOTION OF URGENCY - REZONE LAND IN NARRABEEN

54/11 **RESOLVED**

Cr Falinski / Cr Sutton

That as a matter of urgency, Council considers a motion in relation to rezoning land in Narrabeen.

CR DE LUCA LEFT THE CHAMBER AT 5.45PM.

VOTING

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

Against the motion: Crs Kirsch, Laugesen and Ray.

CR DE LUCA WAS ABSENT FROM CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

THE MAYOR SUBSEQUENTLY RULED THE MATTER TO BE ONE OF URGENCY.

IN ACCORDANCE WITH CLAUSE 14(3)(b) OF COUNCIL'S CODE OF MEETING PRACTICE, THIS ITEM WILL BE DEALT WITH AS ITEM 5.1 ON THE AGENDA.

CR DE LUCA RETURNED TO THE CHAMBER AT 5.46PM.

NOTICES OF MOTION

3.6 Notice of Motion No 15/2011 Request to Minister for Local Government for Exemption for Councillors to Discuss the Housing Strategy

(BP REF 38)

55/11 **RESOLVED**

Cr Falinski / Cr Wilkins

That Council makes a submission to the Minister for Local Government for an exemption for all Councillors under Section 458 of the Local Government Act so that they may take part in the consideration of the Warringah Housing Strategy.

VOTING

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

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

3.7 Notice of Motion No 16/2011 Fund for the Acquisition of Environmentally Sensitive Lands

(BP REF 39)

56/11 **RESOLVED**

Cr Harris / Cr Falinski

That Council write to the Shadow Minister for Local Government seeking his undertaking to grant Ministerial approval to Council's request for approval under Section 358 of the Local Government Act for the creation of a fund for the acquisition of environmentally sensitive lands within 8 weeks of gaining government.

VOTING

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

Against the resolution: Cr Laugesen.

3.8 Notice of Motion No 17/2011 Midnight Basketball

(BP REF 40)

Cr Kirsch / Cr Ray

A. That Council note

- the extraordinary success of the Midnight Basketball program on the Northern Beaches, and congratulate Youth Reach and Pittwater council to the successful trial, and
- the fact that the majority of participants came from Warringah council area and thank Pittwater council for looking after our young people and keeping them off the street.

B. That Council join the partnership between Midnight Basketball Australia, Youth Reach and Pittwater Council and support the Midnight Basketball program at the Northern Beaches Indoor Sports Centre for the remaining tournaments.

C. That Council, subject to ongoing commitment of Youth Reach and Pittwater Council to the program, Warringah council provide a financial commitment to the Midnight Basketball program as follows:

- \$30,000 in 2011/2012
- \$30,000 in 2012/2013

D. That the General Manager be authorised to enter into a funding agreement with Youth Reach for:

- \$30,000 in 2011/2012

- \$30,000 in 2012/2013

E. Funding for the program to be identified at March Quarterly Review.

VOTING

For the motion: Crs Kirsch, Laugesen and Ray.

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

3.9 Notice of Motion No 18/2011 Funding for Warringah's Cycleways

(BP REF 41)

Cr Kirsch / Cr Harris

That Council:

- allocate 10% of the 2011-12 and 2012-13 road budget to the construction of cycle lanes, shared paths and bike paths in order to expedite the creation of an integrated network of safe cycleways
- write to the four Northern Beaches State MPs and all candidates running in the state election raising the issue of the lack of an integrated and safe network of bike paths and commuter cyclist routes on the Northern Beaches and request their support and the allocation of infrastructure funding for the construction of cycleways in NSW in general, and Warringah in particular.

VOTING

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

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

3.10 Notice of Motion No 19/2011 Planning Regulations

(BP REF 42)

Cr Kirsch / Cr Harris

That Council call on the Planning Minister, Shadow Planning Minister and all local MPs and candidates for the state election to agree to:

1. Disband the Joint Regional Planning Panels and to disclose what instrument or regulation they plan to use if disbanding JRPPs
2. Repeal Part 3A of the Act and allow local councils to determine developments within their localities to ensure they are consistent with the desired future character of their specific locality, and to disclose if and/or what planning instrument or regulation they plan to replace Part 3A with
3. Agree to not increase the housing targets of the sub-regional strategy for Warringah under the Metropolitan Strategy, unless adequate infrastructure, especially in terms of efficient public and active transport solutions, is provided to support the increase in population

AMENDMENT

Cr Wilkins / Cr Giltinan

That Council write to the Ministers of Planning and Transport, local MPs and senior members of the Liberal and Labor Parties requesting their commitment to funding the implementation of the Metropolitan Transport Plan concurrent with Council's implementation of the Metropolitan Plan for Sydney 2036, and noting that Council's and Sydney's sustainability is dependent on supplementary infrastructure, most essentially an integrated multi-scalar transport system.

VOTING

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

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

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

POINT OF ORDER

Cr Kirsch raised a Point of Order that the amendment was a direct negative of the original motion.

The Mayor ruled that the amendment was in order stating it was not a direct negative of the original motion.

MOTION OF DISSENT – RULING OF THE CHAIRPERSON ON THE POINT OF ORDER

Cr Kirsch / Cr Ray

That the ruling of the Chairperson, on the point of order, be dissented from for the following reasons:

The amendment was:

- a) a direct negative of the original motion; and
- b) irrelevant to the key aspects of the motion.

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 DECLARED LOST.

57/11 RESOLVED

Cr Wilkins / Cr Giltinan

That Council write to the Ministers of Planning and Transport, local MPs and senior members of the Liberal and Labor Parties, requesting their commitment to funding the implementation of the Metropolitan Transport Plan concurrent with Council's implementation of the Metropolitan Plan for Sydney 2036, and noting that Council's and Sydney's sustainability is dependent on supplementary infrastructure, most essentially an integrated multi-scalar transport system.

VOTING

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

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

3.11 Notice of Motion No 20/2011 Report on Measures to Reduce Offences At Long Reef Marine Sanctuary

(BP REF 43)

Cr Kirsch / Cr Harris

That Council be provided with a report, with input from the Warringah Coastal Community Committee, outlining measures to improve the monitoring, patrolling, and enforcement of compliance at Long Reef headland marine sanctuary, with the report to be provided back to Council within 3 months.

VOTING

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

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

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

3.12 Notice of Motion No 21/2011 Warringah Draft LEP

(BP REF 44)

58/11 **RESOLVED**

Cr Harris / Cr Falinski

That Council call on the Liberal Party (Coalition) if elected as the NSW Government to commit to the finalisation of the Warringah LEP 2009 within 4 weeks of the NSW State election. In particular;

- i) The draft LEP be made as per Council's adopted position with no deferred matters
- ii) That the development controls and standards in the area surrounding the proposed Frenchs Forest Hospital be retained as per the Draft LEP.

VOTING

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

Against the resolution: Nil.

3.13 Notice of Motion No 22/2011 Housing Strategy

(BP REF 45)

CR REGAN DELCARED A POTENTIAL PECUNIARY INTEREST AND LEFT THE CHAMBER AT 6.25PM.

CR FALINSKI LEFT THE CHAMBER AT 6.25PM.

CR SUTTON DECLARED A PECUNIARY INTEREST, AS SHE OWNS PROPERTY IN THE AREA, AND LEFT THE CHAMBER AT 6.25PM.

CR WILKINS DECLARED A PECUNIARY INTEREST, AS SHE IS REBUILDING HER PROPERTY IN THE AREA, AND LEFT THE CHAMBER AT 6.25PM.

IN THE ABSENCE OF THE MAYOR, THE GENERAL MANAGER CALLED FOR NOMINATIONS OF A CHAIR. CR RAY WAS THE ONLY NOMINEE AND SUBSEQUENTLY ELECTED ACTING CHAIR.

CR RAY ASSUMED THE CHAIR.

THE ACTING CHAIR RULED THE NOTICE OF MOTION OUT OF ORDER ON THE GROUNDS THAT:

1. IT WAS INCONSISTENT WITH THE EXISTING RESOLUTION ITEM 14.4 OF COUNCIL MEETING 28 SEPTEMBER 2010; AND
2. THAT IT WAS A DIRECT NEGATIVE OF THE ORIGINAL RESOLUTION

CR HARRIS LEFT THE CHAMBER AT 6.28PM.

CR'S FALINSKI, REGAN, SUTTON AND WILKINS RETURNED TO THE CHAMBER AT 6.31PM
THE MAYOR RESUMED THE CHAIR.

4.0 NOTICES OF RESCISSION

4.1 Notice of Rescission Motion No 3/2011 Resolution to Adjourn Meeting

(BP REF 46)

AT THIS STAGE CR DE LUCA ADVISED THAT THE RECISSION MOTION HAD BEEN WITHDRAWN.

5.0 MOTION OF URGENCY

5.1 MOTION OF URGENCY - REZONE LAND IN NARRABEEN

Cr Falinski / Cr Giltinan

That a planning proposal be prepared to rezone the land to the east of the access way on lot 2 DP 202543 to Residential and to reclassify it as Operational.

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

59/11 RESOLVED

Cr Falinski / Cr Giltinan

- A. That staff investigate rezoning the land to the east of the access way on lot 2 DP 202543 to Residential and to reclassify it as Operational;
- B. That this be reported back to Council; and
- C. That the funding come from the 2011/12 budget.

CR DE LUCA LEFT THE CHAMBER AT 6.48PM.

VOTING

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

Against the resolution: Nil.

CR DE LUCA AND CR HARRIS WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING FOR THIS ITEM.

The meeting concluded at 6.51pm.

This is the final page of the Minutes comprising (14) pages numbered (1) to (14) of meeting 2011/3 of Warringah Council held on 1 March 2011 and confirmed on 22 March 2011.

Mayor

General Manager

