

Minutes of a Meeting of Warringah Council held on Tuesday, 22 March 2011 at the Civic Centre, Dee Why, Commencing at 6.02pm

ATTENDANCE

Members

Cr M Regan (Mayor), and Crs V De Luca OAM, 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), Team Leader Governance (M Lee), A/Coordinator Governance (A Moore), Manager Marketing and Communications (G Middleton), Team Leader Natural Environment Strategic Outcomes (T Dickinson), Managers Roads Traffic & Waste (B Bolgoff), Manager Community & Safety Services (V King), Manager Natural Environment (G Curtis), Chief Financial Officer (D Walsh), Manager Warringah Aquatic Centre (Gary Penfold), Corporate Lawyer (V Ingram), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.02pm adjourned at 8.01pm, resumed at 8.06pm, moved into closed session at 9.56pm, resumed in open session at 9.59pm and concluded at 10.04pm.

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 7.1, 8.2, 9.1, 9.2, 9.4, 9.5 and 9.6 followed by 5.1, 6.1, 8.1, 9.3, 9.7, 9.8, 14.0, 14.1, 14.3, 14.2 and 15.0.

1.0 APOLOGIES

An apology for non-attendance was received from Cr Falinski.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 22 February 2011

Cr Regan / Cr Harris

That the Minutes of the Meeting of Council of 22 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.

PROCEDURAL MOTION – DEFERRAL OF MATTER

Cr De Luca / Cr Laugesen

That Council defer the confirmation of the minutes of the Council Meeting of 22 February 2011 to a later meeting until the Internal Ombudsman and relevant Council staff confirm whether Cr Regan declared a less than significant interest on the Long Reef Surf Life Saving Club matter.

VOTING

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

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

60/11 RESOLVED

Cr Regan / Cr Harris

That the Minutes of the Meeting of Council of 22 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 Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

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

2.2 Minutes of Council Meeting held 1 March 2011

61/11 RESOLVED

Cr Ray / Cr Harris

That the Minutes of the Extraordinary Meeting of Council of 1 March 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.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Regan declared a non pecuniary, less than significant interest in Item 9.8, due to his employment at Manly Council and a non pecuniary, less than significant interest in Item 11.2, as he has friends who have children in nippers at Long Reef Surf Life Saving Club.

Cr Ray declared a non pecuniary, less than significant interest in Item 11.2, as she has a sister who is a member of the 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 Gleeson** representing Long Reef Surf Riders Association made a statement regarding the Long Reef Surf Club Development Application.

PROCEDURAL MOTION – EXTENSION OF TIME

62/11 **RESOLVED**

Cr Kirsch / Cr Ray

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, Sutton and Wilkins.

Against the resolution: Cr Regan.

- 4.2. Mr Jack Tilburn** asked the following question regarding Answers to Public Forum Questions at Council Meetings:

- a) Why isn't the Code of Meeting Practice booklet issued on 10 February 2009 which proclaims under Section 12.1 on page 9, the code of practice procedure for Public Forum Questions and Comments; have installed that all Questions will be diligently and truthfully and expeditiously answered at the finish of the Questions by citizens, and therefore a necessary Amendment thereto is required ASAP?

ANSWER:

In respect to Mr Tilburn's first part, it is a matter for Council to decide what Council's Code of Meeting Practice contains.

- b) Why if Questions have to be delivered by 3PM time to the Council on the day before the Council meeting which therefore provides for more than 8 hours of preparation of an Answer, that the Answer is not forthcoming and not presented for vital and necessary information, disclosure, and transparency for the Questioner and to the much wider audience in the public gallery?

ANSWER:

It may not be possible to answer the question in the time allocated for that purpose, and it may necessitate further research.

- c) Why if after five long transformational administrative years from July 2003 to September 2008, under the progressive control of the Administrator, Mr Persson, who always supplied the Answers to my Questions, and to all other citizens, we now have a new Council since September 2008 which prevents Answers being automatically supplied to the serious detriment of communicating openly and democratically to the ratepayers and citizens?

ANSWER:

It is a matter for Council to decide if they wish to change the way they handle question times.

- d) Why after giving serious study and examination to the Answer to my Question on Tuesday night 22nd February 2011 but only supplied in written form and dated Wednesday 2nd March, comprising only a humble and short 140 words; it wasn't an impossible task, project, and assignment to spread the good and beneficial words at the Council meeting immediately following Mr Tilburn's carefully spoken words to his Question by the Director Corporate Service, Mr Warburton?

ANSWER:

In terms of Mr Warburton's response, I assume it took him that time to prepare the response to Mr Tilburn.

- e) Isn't it a fact and truthful that by not answering the Questions at the Council meeting nights, the Answers are not included in the Minutes of the Council meetings; therefore leaving an unwanted black hole in Council's Minutes which is an unacceptable omission and non-compliance practice of having the Minutes not reflecting and not recording what happens in the vital and important democratic Public Forums?

ANSWER:

It is not recorded in the minutes, but is recorded in Council's records system, again if Council wishes to record it in the minutes, the subsequent answers, it is a matter for Council to decide.

- 4.3. Mr Paul Jaffe**, representing Save Long Reef Coalition, made a statement regarding use of public space at Long Reef beach.

PROCEDURAL MOTION – EXTENSION OF TIME

63/11 **RESOLVED**

Cr Harris / Cr Kirsch

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 and Wilkins.

Against the resolution: Crs Regan and Sutton.

- 4.4. Mr Steve Heffernan**, representing the Long Reef Boardriders Association, addressed Item 11.2 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

64/11 **RESOLVED**

Cr Ray / Cr Harris

That Mr Heffernan 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 Regan and Sutton.

4.5. Ms Wendy Harmer, representing the Save Long Reef Coalition, addressed Item 11.2 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

65/11 **RESOLVED**

Cr Harris / Cr Ray

That Ms Harmer 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 Regan and Sutton.

4.6. Mr Tom Kirsop addressed Item 11.2 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

66/11 **RESOLVED**

Cr Harris / Cr Ray

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 and Wilkins.

Against the resolution: Crs Regan and Sutton.

4.7. Ms Prue Harris, representing the Surfriders Foundation, addressed Item 11.2 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

67/11 **RESOLVED**

Cr Ray / Cr Harris

That Ms Harris 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 Regan and Sutton.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

68/11 **RESOLVED**

Cr Kirsch / Cr Wilkins

That Mr Hazell be granted permission to address Council in Public Forum.

VOTING

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

Against the resolution: Nil.

4.8. Mr Tom Hazell addressed Item 9.8 on the agenda.



PROCEDURAL MOTION – EXTENSION OF TIME

69/11 **RESOLVED**

Cr Ray / Cr Wilkins

That Mr Hazell 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 Regan and Sutton.

AT THIS STAGE THE DIRECTOR STRATEGIC AND DEVELOPMENT SERVICES ADVISED THAT CONFIDENTIAL ITEM 14.4 HAD BEEN WITHDRAWN.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

70/11 **RESOLVED**

Cr Regan / Cr Wilkins

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, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION

71/11 **RESOLVED**

Cr Regan / Cr Wilkins

That the recommendations of the Director in each of the following Items 7.1, 8.2, 9.1, 9.2, 9.4, 9.5, and 9.6 be adopted.

VOTING

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

Against the resolution: Nil.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 4/2011 Constitutional Recognition of Local Government

(BP REF 1)

72/11 **RESOLVED**

Cr Regan

That Warringah Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

VOTING

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

Against the resolution: Nil.

6.0 GENERAL MANAGER'S REPORTS

6.1 Minutes of the SHOROC Inc Board Meeting held 9 February 2011

(BP REF 2)

Cr Regan / Cr Wilkins

That the Minutes of the SHOROC Incorporated Board Meeting of 9 February 2011 be noted and the recommendations contained therein be ADOPTED.

PROCEDURAL MOTION – THAT THE ITEM BE WITHDRAWN

73/11 **RESOLVED**

Cr Ray / Cr Sutton

That Item 6.1, Minutes of the SHOROC Incorporated Board Meeting of 9 February 2011, be withdrawn.

VOTING

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

Against the resolution: Nil.

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 Monthly Funds Management Report February 2011

(BP REF 28)

71/11 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)

8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

8.1 2011 National General Assembly of Local Government – Australian Local Government Association (ALGA)

(BP REF 34)

PROCEDURAL MOTION – MOTION TO BE MOVED SERIATIM

74/11 RESOLVED

Cr Sutton / Cr Regan

That the motion be moved seriatim.

VOTING

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

Against the resolution: Nil.

75/11 RESOLVED

Cr Regan / Cr Wilkins

- A. That Council nominate Cr Regan and Cr Harris to attend the 2011 National General Assembly of Local Government to be held in Canberra from 19-22 June 2011.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

76/11 RESOLVED

Cr Giltinan / Cr Harris

- B. That the attendance of delegates and payment of expenses be in accordance with Council's Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

Cr Harris / Cr Kirsch

- C That Council determine whether to support the Motion of Councillor Conny Harris (as included in attachment 2 to this report) as a Motion of Warringah Council to the 2011 National General Assembly of Local Government.

PROCEDURAL MOTION – THAT THE MOTION BE PUT

Cr Kirsch / Cr Wilkins

That the motion be put.

VOTING

For the motion: Crs Giltinan, Kirsch, Regan and Wilkins.

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

Cr Harris / Cr Kirsch

- C That Council determine whether to support the Motion of Councillor Conny Harris (as included in attachment 2 to this report) as a Motion of Warringah Council to the 2011 National General Assembly of Local Government.

VOTING

For the motion: Crs Harris, Kirsch and Wilkins.

Against the motion: Crs De Luca, Giltinan, Laugesen, Ray, Regan and Sutton

THE MOTION, UPON BEING PUT, WAS DECLARED LOST

- D. That Council determine any further Motions to be put forward by Warringah to the 2011 National General Assembly of Local Government.

THE MAYOR ADVISED THAT 8.1D LAPSED AS NO OTHER MOTIONS WERE PUT FORWARD.

8.2 Council Submission to NSW Coal and Gas Strategy – Scoping Paper

(BP REF 40)

71/11 RESOLVED

That Council make a submission to the Department of Planning as outlined in Attachment 1 by 15 April 2011.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)



9.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

9.1 Public Exhibition of Draft Friends of the Bush Code of Practice

(BP REF 42)

71/11 **RESOLVED**

- A. That the Draft Friends of the Bush Code of Practice be approved and placed on Public Exhibition for 28 days.
- B. That following public exhibition a further report be submitted to Council to consider any submissions received and to adopt the final Friends of the Bush Code of Practice.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

9.2 Adoption of Frenchs Creek Floodplain Risk Management Study

(BP REF 47)

71/11 **RESOLVED**

That Council adopt the Frenchs Creek Floodplain Risk Management Study (Dec 2010).

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

9.3 Minutes of Warringah Traffic Committee Meeting held 1 March 2011

(BP REF 55)

77/11 **RESOLVED**

Cr Kirsch / Cr Regan

That the Minutes of the Warringah Traffic Committee Meeting held on 1 March 2011 and the recommendations 3.1A, 3.1B, 3.2A, 3.2B, 3.2C, 3.3A, 3.3B, 3.3D and 3.4A as reprinted below and 3.1C and 3.3C as amended below be ADOPTED.

3.1 Invitation of Bicycle Representative to the Warringah Traffic Committee

- A. That the existing bicycle representative on the Warringah Traffic Committee be retained as an informal (non-voting) member of the Warringah Traffic Committee.
- B. That Council writes to Bicycle NSW and seek a nomination of a representative to represent cyclists as an informal (non-voting) member of the Warringah Traffic Committee.
- C. That the positions of Bicycle Representative be subject to a review of the Warringah Traffic Committee every four (4) years.

3.2 Tobruk Avenue, Allambie Heights – Request for signage and traffic concerns

- A. That the provision of pedestrian warning signs in Tobruk Avenue be deferred.
- B. That Council undertake a traffic volume and speed survey in the area and the results be brought back to the May meeting of Warringah Traffic Committee for further consideration.
- C. That Mrs Julia Trout, Mr Ross Clark, Ms Nadine Fagan, Mrs Paula Brennan and Mr James Pasfield be advised of Council's decision.

3.3 Special Event Parking/Tow Away Zones near Brookvale Oval

- A. That the Council note the advice of the Dee Why Police representative that Police attend the Brookvale Oval area before the game on a regular basis and that parking behaviour has improved considerably since enforcement of parking has been in place in recent years.
- B. That the possible establishment of Special Event Parking Schemes in the Brookvale Oval area not be supported for the reasons detailed in the report.
- C. That Councils Property and Parks Section consider a review of the Operational Plan of Management for Brookvale Oval and ensure that incentives for the use of public transport, including but not limited to the inclusion of public transport in the ticket price be incorporated to address the issues related to event parking at Brookvale Oval
- D. That Mr Kevin Milner and Mrs Julie Milner and the Principal of Brookvale Public School be advised of the Traffic Committees decision.

3.4 Aquatic Drive, Frenchs Forest – Review of Proposed Pedestrian Refuge Island

- A. That the line marking treatments and pedestrian warning signs be provided on Aquatic Drive in lieu of a pedestrian refuge island to enhance traffic, pedestrian and cyclists safety as generally shown on the attached plans.

VOTING

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

Against the resolution: Nil.

9.4 Warringah Pedestrian Access and Mobility Plan

(BP REF 93)

71/11 RESOLVED

That Council considers the Draft Pedestrian Access and Mobility Plan, attached to this report and resolves to:

- A. Adopt the draft Plan and place it on public exhibition for a minimum of 28 days at Council offices and libraries.
- B. Invite submissions to the Plan during the public exhibition period.
- C. Following the public exhibition, consider a further report that considers all submissions and recommends a way forward to finalisation of the Warringah PAMP.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

9.5 Weldon Oval Horticultural Contract T2009/82

(BP REF 98)

71/11 RESOLVED

That Council approves an additional \$60,976 of existing budgeted funds in the Sportsfields Rectification levy to cover the variation for extra growing medium and delegate authority to the General Manager to approve the payment.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)

9.6 Future Direction of the Warringah Aquatic Centre

(BP REF 101)

71/11 RESOLVED

That Council approve the proposed Community Consultation and Needs Assessment Process, with the results to be reported back to Council in late 2011.

(THIS ITEM WAS DEALT WITH EARLIER IN THE AGENDA)



9.7 Collaroy All-abilities Tourism Precinct - Feedback from Community Consultation/ Exhibition of Concept Designs

(BP REF 106)

Cr Ray / Cr Laugesen

- A. Note the outcomes of the Community Consultation process summarised in this report
- B. Support and proceed with Option 1 of the Concept Design
- C. Incorporate the community suggestions for additions and removals to the plan, where possible, within the existing budget allocation and;
- D. Note the feedback with regard to the lack of support for additional trees and the new pedestrian crossing and not proceed with these (d) elements.

VOTING

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

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

78/11 RESOLVED

Cr Regan / Cr Sutton

- A. That Council note the outcomes of the community consultation process summarised in this report.
- B. That due to the lack of clear support for either of the concept plans exhibited, that further studies and surveys be undertaken to provide the data necessary to make informed and well founded decisions regarding the master plan and concept design for the Collaroy All-abilities Tourism Precinct project.
- C. That Council note the timeframes and program for delivery of this project.
- D. That funding to complete the studies and design for the Collaroy Accessibility Tourism Precinct Project be approved as follows:

Funding Source	Current 2010/11	Proposed 2010/11	Proposed 2011/12
Existing 2010/ 11 budget	\$200,000	\$150,000	\$50,000
Section 94A			\$80,000
TOTALS	\$200,000	\$150,000	\$130,000

VOTING

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

Against the resolution: Nil.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.01PM. THE MEETING RESUMED AT 8.06PM WITH THE SAME COUNCILLORS PRESENT.

9.8 Additional Funding Request from Manly Council - Manly Lagoon Dredging Project

(BP REF 118)

Cr De Luca / Cr Laugesen

That this Council resolves to:

1. Note that on 24 February 2011, the Acting General Manager, Ms Gayle Sloan wrote to Manly Council's General Manager, Henry Wong.
 - a) Seeking clarification as to an email received on 16 February 2011 from Manly Councils Project Manager, Mr Gordon Milosevic stating that after a recent survey of the dredged sediment, only 7.4% progress has been made to date. This figure being significantly different to the 41% progress indicated in Mr Wong's letter to Council dated 10 February 2011.
 - b) Expressing that "the removal of 880m³ of dredged materials for over \$1M expenditure is a disappointing outcome".
 - c) Advising that "any recommendation to Council that a further commitment of funds be made must include an objective assessment of whether key elements of the project are assured (i.e. ability to deliver agreed scope, quality of the outcome, actual financial implications, and within achievable timeframes)".
 - d) No response to the abovementioned letter has been received by Warringah Council.
2. Defer this matter pending receipt of correspondence from Mr Wong addressing all issues raised in Ms Sloan's correspondence of 24 February 2011.

VOTING

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

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

CR SUTTON LEFT THE CHAMBER AT 8.12PM AND RETURNED AT 8.13PM

MOTION

Cr Wilkins / Cr Harris

- A. That Council make a final additional payment of up to an amount of \$182,500 to Manly Council in full satisfaction of the Manly Lagoon dredging project, such payment will only be paid to Manly Council on the basis of audited figures and once the spoil has been removed and disposed of from Warringah Council's reserve and the reserve remediated to its prior condition.
- B. That Warringah Council advise Manly Council that no new joint projects will be initiated under the existing Memorandum of Understanding of 1999.
- C. That the terms of the Manly Lagoon Catchment Co-ordinating Committee and the Memorandum of Understanding be reviewed.

AMENDMENT

Cr De Luca / Cr Laugesen

That the conduct of Manly Council to date in failing to properly manage the project and address in writing all concerns raised in the Acting General Manager of Warringah Council's letter dated 24 February 2011 be referred to the NSW Ombudsman for proper investigation.

VOTING

For the amendment: Crs De Luca and Laugesen.

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

79/11 RESOLVED

Cr Wilkins / Cr Harris

- A. That Council make a final additional payment of up to an amount of \$182,500 to Manly Council in full satisfaction of the Manly Lagoon dredging project, such payment will only be paid to Manly Council on the basis of audited figures and once the spoil has been removed and disposed of from Warringah Council's reserve and the reserve remediated to its prior condition.
- B. That Warringah Council advise Manly Council that no new joint projects will be initiated under the existing Memorandum of Understanding of 1999.

- C. That the terms of the Manly Lagoon Catchment Co-ordinating Committee and the Memorandum of Understanding be reviewed.

VOTING

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

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

10.0 NOTICES OF RESCISSION

Nil.

11.0 NOTICES OF MOTION

11.1 Notice of Motion No 23/2011 Voluntary Council Amalgamation

(BP REF 119)

Cr Ray / Cr Regan

That Council resolves to:

- a) Prepare an initial report in relation to the feasibility of a new form of local government for Warringah Council, by way of voluntary amalgamation, with any of the following:
 - 1. any one member Council of SHOROC
 - 2. any combination of member Councils of SHOROC
 - 3. all member Councils of SHOROC
 - 4. any other adjoining Council, and
 - 5. inclusion and operation of local municipal committees or other committee models as part of the amalgamated structure
- b) The report should contain:
 - i. both positives and negatives aspects of each structure, including how amalgamation may look electorally
 - ii. basic costings of such structures
 - iii. savings from voluntary restructures

- iv. the initial views of affected Councils
 - v. results of preliminary Public Consultation with our Warringah community
 - vi. the views of the Minister for Local Government
 - vii. the initial views of effected employee unions
 - viii. an overview of alternate solutions such as those in Brisbane, Auckland and many county councils in the USA
- c) The initial report should be completed as soon as possible and be presented to Council no later than the scheduled meeting of Council in July 2011.
- d) The General Manager to present basic interim progress reports at the scheduled Council Meeting in May.
- e) Upon receipt of the initial report Council should consider initiating further action including:
- i. commission of any subsequent detailed report with appropriate funding source identified
 - ii. preparation of a written submission or correspondence to the NSW State Government in support of the best structure and outcome for the Northern Beaches Region with regard to any future amalgamation.
- f) The initial report be funded from any surplus funds identified at the third quarterly review, end 31 March 2011.

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

That Council resolves to:

- a) Prepare an initial report in relation to the feasibility of a new form of local government for Warringah Council, by way of voluntary amalgamation, with any of the following:
- 1. any one member Council of SHOROC
 - 2. any combination of member Councils of SHOROC
 - 3. all member Councils of SHOROC
 - 4. any other adjoining Council, and
 - 5. inclusion and operation of local municipal committees or other committee **OR BOUNDARY** models as part of the amalgamated structure
- b) The report should contain:
- i. both positives and negatives aspects of each structure, including how amalgamation may look electorally
 - ii. basic costings of such structures
 - iii. savings from voluntary restructures
 - iv. the initial views of affected Councils
 - v. results of preliminary Public Consultation with our Warringah community

- vi. the views of the Minister for Local Government
 - vii. the initial views of effected employee unions
 - viii. an overview of alternate solutions such as those in Brisbane, Auckland and many county councils in the USA
- c) The initial report should be completed as soon as possible and be presented to Council no later than the scheduled meeting of Council in July 2011.
- d) The General Manager to present basic interim progress reports at the scheduled Council Meeting in May.
- e) Upon receipt of the initial report Council should consider initiating further action including:
- i. commission of any subsequent detailed report with appropriate funding source identified
 - ii. preparation of a written submission or correspondence to the NSW State Government in support of the best structure and outcome for the Northern Beaches Region with regard to any future amalgamation.
- f) The initial report be funded from any surplus funds identified at the third quarterly review, end 31 March 2011.

PROCEDURAL MOTION – THAT THE MOTION BE PUT

Cr Sutton / Cr Wilkins

That the motion be put.

VOTING

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

Against the motion: Cr Kirsch.

THE MOTION, UPON BEING PUT, WAS DECLARED CARRIED.

80/11 RESOLVED

Cr Ray / Cr Regan

That Council resolves to:

- a) Prepare an initial report in relation to the feasibility of a new form of local government for Warringah Council, by way of voluntary amalgamation, with any of the following:
- 1. any one member Council of SHOROC
 - 2. any combination of member Councils of SHOROC

3. all member Councils of SHOROC
 4. any other adjoining Council, and
 5. inclusion and operation of local municipal committees or other committee or boundary models as part of the amalgamated structure
- b) The report should contain:
- i. both positives and negatives aspects of each structure, including how amalgamation may look electorally
 - ii. basic costings of such structures
 - iii. savings from voluntary restructures
 - iv. the initial views of affected Councils
 - v. results of preliminary Public Consultation with our Warringah community
 - vi. the views of the Minister for Local Government
 - vii. the initial views of effected employee unions
 - viii. an overview of alternate solutions such as those in Brisbane, Auckland and many county councils in the USA
- c) The initial report should be completed as soon as possible and be presented to Council no later than the scheduled meeting of Council in July 2011.
- d) The General Manager to present basic interim progress reports at the scheduled Council Meeting in May.
- e) Upon receipt of the initial report Council should consider initiating further action including:
- i. commission of any subsequent detailed report with appropriate funding source identified
 - ii. preparation of a written submission or correspondence to the NSW State Government in support of the best structure and outcome for the Northern Beaches Region with regard to any future amalgamation.
- f) The initial report be funded from any surplus funds identified at the third quarterly review, end 31 March 2011.

VOTING

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

Against the resolution: Crs Giltinan and Sutton.

11.2 Notice of Motion No 24/2011 Long Reef Surf Life Saving Club Development Application

(BP REF 121)

Cr Ray / Cr Laugesen

That Council resolve to ensure the current Development Application for the Long Reef Surf Life Saving Club convert the food outlet seating area for 112, currently marked as such on the concept design, to not more than a 40 seat food outlet area, with strict lease arrangements determined at the time of any lease, and the remaining area to be utilised as determined by the development application.

AMENDMENT

Cr De Luca / Cr Kirsch

That Council withdraw the development application/concept plan (noting that today the POM has been approved) for Long Reef Surf Life Saving Club pending consultation with all key stakeholders as well as the wider community.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr Regan / Cr Wilkins

That Council defer item 11.2 with the motion as printed in papers for discussion with Councillors and bring back to the next ordinary Council meeting.

VOTING

For the amendment: Crs Regan and Wilkins.

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr Harris

That Council resolves to rethink the necessity of a food outlet for Long Reef Surf Life Saving Club altogether, and secondly that the concept designs include maintaining the building on its current footprint and option addresses the wish for a relocatable building that would be a fine example for how to build a Surf Life Saving Club when sea level rise becomes obvious.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

AMENDMENT

Cr Kirsch

That Council resolve that the current concept plan for Long Reef Surf Life Saving Club be withdrawn and a new concept plan be developed based on consultation with all stakeholders

THE MAYOR RULED THE AMENDMENT OUT OF ORDER AS IT WAS THE SAME AS A PREVIOUSLY LOST AMENDMENT.

AMENDMENT

Cr Kirsch / Cr De Luca

That Council resolves to ensure the current Concept Plan for the Long Reef Surf Life Saving Club

- a) deletes the food outlet seating area for 112, currently marked as such on the concept design, and
- b) ensure that food outlets in the concept plan be limited to one kiosk-style outlet similar to the current size and impact with restricted day-light operating hours, and
- c) ensure that the use of this and all other areas be determined in collaboration with all interested stakeholder and community groups

VOTING

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

Against the amendment: Crs Regan, Sutton and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED

81/11 RESOLVED

Cr Kirsch / Cr De Luca

That Council resolves to ensure the current Concept Plan for the Long Reef Surf Life Saving Club:

- a) deletes the food outlet seating area for 112, currently marked as such on the concept design, and
- b) ensure that food outlets in the concept plan be limited to one kiosk-style outlet similar to the current size and impact with restricted day-light operating hours, and
- c) ensure that the use of this and all other areas be determined in collaboration with all interested stakeholder and community groups.

VOTING

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

Against the resolution: Crs Regan, Sutton and Wilkins.

14.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 123)

82/11 RESOLVED

Cr Ray / Cr Harris

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 RFT 2010/086 Hawkesbury Avenue Bank Stabilisation

Item 14.2 Finalisation of Issues Arising from the resolution on Item 15.4 on 14 December 2010

Item 14.3 RFT 2011/004 Middle Creek Amenities Upgrade

Item 14.4 Draft Summary Brochure Strategic Community Plan

Matters to be Discussed During Closed Session - Section 10D

Item 14.1 RFT 2010/086 Hawkesbury Avenue Bank Stabilisation

Item 14.2 Finalisation of Issues Arising from the resolution on Item 15.4 on 14 December 2010

Item 14.3 RFT 2011/004 Middle Creek Amenities Upgrade

Item 14.4 Draft Summary Brochure Strategic Community Plan

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

Item 14.1 (d) commercial information of a confidential nature that would if disclosed:

(i) prejudice the commercial position of the person who supplied it

Item 14.2 (a) personnel matters concerning particular individuals (other than Councillors)

Item 14.3 (d) commercial information of a confidential nature that would if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret.

Item 14.4 (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, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

THE MEETING MOVED INTO CLOSED SESSION AT 9.56PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.59PM.

15.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE DIRECTOR STRATEGIC AND DEVELOPMENT SERVICES REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.

14.1 RFT2010/086 Hawkesbury Avenue Bank Stabilisation

(BP REF C1)

83/11 **RESOLVED**

Cr Regan / Cr Wilkins

- A. That pursuant to Clause 178(1) (a) of the Local Government (General) Regulation 2005, Council accept the Tender from Jeankon Pty Ltd to construct the Hawkesbury Avenue Bank Stabilisation works, as specified in Tender 2010/086, for the lump sum price of **\$160,067.04** (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 Jeankon Pty Ltd to construct the Hawkesbury Avenue Bank Stabilisation works, as specified in Tender 2010/086 including a contingency of up to **\$18,262.96** (ex GST).

VOTING

For the resolution: Crs De Luca, 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.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

84/11 **RESOLVED**

Cr Sutton / Wilkins

That Item 14.3 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Cr Regan.

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

14.3 RFT 2011/004 - Middle Creek Amenities Upgrade

(BP REF C8)

85/11 **RESOLVED**

Cr Wilkins / Cr Kirsch

- A. That Council accept the Tender and delegate to the General Manager the authority to enter into a contract with **DG Sundin and Co Pty Ltd** to renew the existing public amenity building at Middle Creek Reserve, as specified in RFT 2011/004, for the sum of \$336,050 ex GST
- B. This amount equates to \$305,500 ex GST for the contract sum, and a 10% contingency amount (\$30,550 ex GST).

VOTING

For the resolution: Crs De Luca, 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.

14.2 Finalisation of Issues arising from Item 15.4 Council Meeting 14 December 2010

(BP REF C7)

86/11 **RESOLVED**

Cr Wilkins / Cr Kirsch

- A. To execute the Deed of Release and Settlement and sign the letter of apology to Mr. Hart.
- B. To delegate to the Mayor the authority to sign the Deed of Release and Settlement and letter of apology on its behalf.
- C. That the General Manager is to put in place procedures to ensure that Council staff comply with the terms of the Deed of Release and Settlement.

VOTING

For the resolution: Crs De Luca, 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.

14.4 Draft Summary Brochure Strategic Community Plan

(BP REF C20)

THE DIRECTOR STRATEGIC AND DEVELOPMENT SERVICES ADVISED THAT THIS ITEM HAD BEEN WITHDRAWN FROM THE AGENDA.

A RESCISSION MOTION WAS RECEIVED IN RELATION TO ITEM 11.2, ADDITIONAL FUNDING REQUEST FROM MANLY COUNCIL - MANLY LAGOON DREDGING PROJECT, PRIOR TO THE END OF THE COUNCIL MEETING.

A RESCISSION MOTION WAS RECEIVED IN RELATION TO ITEM 9.8, NOTICE OF MOTION NO 24/2011 LONG REEF SURF LIFE SAVING CLUB DEVELOPMENT APPLICATION, PRIOR TO THE END OF THE COUNCIL MEETING.

The meeting concluded at 10.04pm.

This is the final page of the Minutes comprising (29) pages numbered (1) to (29) of meeting 2011/4 of Warringah Council held on 22 March 2011 and confirmed on 2 May 2011.

Mayor

General Manager

