

Minutes of an Extraordinary Meeting of Warringah Council held on Tuesday, 29 March 2011 at the Civic Centre, Dee Why, Commencing at 6.00pm

ATTENDANCE

Members

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

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), Director Community and Environmental Services (G Sloan), Acting Director Strategic and Development Services (D Kerr), Chief Financial Officer (D Walsh), Manager Marketing and Communications (G Middleton), Manager Natural Environment (G Curtis), Team Leader Asset Management (A Vine), Team Leader Corporate Planning (M McDermid), Team Leader Natural Environment (T Dickinson), Team Leader Governance (M Lee), Acting Coordinator Governance (A Moore), Manager Marketing and Communications (G Middleton), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.00pm adjourned at 8.20pm, resumed at 8.25pm and concluded at 8.26pm.

ORDER OF BUSINESS

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

Items 1.0, 2.0, 3.0, Motion of Urgency, 5.1, 4.1, 4.2, 5.2 and 6.1.

1.0 APOLOGIES

Nil.

CR SUTTON LEFT THE CHAMBER AT 6.00PM AND RETURNED AT 6.02PM.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Ray declared a non pecuniary, less than significant interest in relation to Item 5.1, as she has a sister who is a member of the Long Reef Surf Life Saving Club.

Cr Regan declared a non pecuniary, less than significant interest in relation to Item 5.1, as he has friends who have children in nippers at Long Reef Surf Life Saving Club and a non pecuniary, less than significant interest in Item 5.2, due to his employment at Manly Council.

PROCEDURAL MOTION - PERMISSION TO ADDRESS COUNCIL ON RESCISSION MOTION

88/11 **RESOLVED**

Cr Regan / Cr De Luca

That speakers be allowed to address Council in relation to Item 5.1 Rescission Motion 4/2011 - Notice of Motion No 24/2011 Long Reef Surf Life Saving Club Development Application on the basis of exceptional circumstances.

VOTING

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

Against the resolution: Cr Falinski.

3.0 PUBLIC FORUM

3.1. Mr Michael Gleeson, representing Long Reef Surfriders Association, addressed Item 5.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

89/11 **RESOLVED**

Cr Harris / 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 and Wilkins.

Against the resolution: Crs Falinski, Regan and Sutton.

3.2. Mr Stuart Gold addressed Item 5.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

90/11 **RESOLVED**

Cr Harris / Cr Ray

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

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

3.3. Mr Gordon Lang, representing Surf Life Saving Sydney Northern Beaches, addressed Item 5.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

91/11 **RESOLVED**

Cr Ray / Cr Harris

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 and Wilkins.

Against the resolution: Crs Falinski, Regan and Sutton.

3.4. Mr Carl Musker, President Long Reef Surfriders Association, addressed Item 5.1 on the agenda.

3.5. Ms Prue Harris, representing Surfrider Foundation, addressed Item 5.1 on the agenda.

3.6. Ms Kristen Beck addressed Item 5.1 on the agenda.

3.7. Mr Tom Kirsop addressed Item 5.1 on the agenda.

MOTION OF URGENCY – DWELLING TARGET FOR WARRINGAH

92/11 **RESOLVED**

Cr Falinski / Cr Giltinan

That as a matter of urgency, Council considers a motion in relation to writing to the Premier and the next Minister of Planning regarding the dwelling target for Warringah.

VOTING

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

Against the resolution: Cr Laugesen.

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 6.1 ON THE AGENDA.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

93/11 **RESOLVED**

Cr De Luca / Cr Laugesen

That Item 5.1 be brought forward.

VOTING

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

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

5.1 Notice of Rescission Motion 4/2011 Notice of Motion No 24/2011 Long Reef Surf Life Saving Club Development Application, Item 11.2, 22 March 2011

(BP REF 16)

Cr Sutton / Cr Wilkins

That item 11.2 Notice of Motion No 24/2011 Long Reef Surf Life Saving Club Development Application, passed at the meeting of the Council held on 22 March 2011 which reads as follows:

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
- 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

be and is hereby rescinded.

PROCEDURAL MOTION- THAT THE MOTION BE PUT

94/11 **RESOLVED**

Cr Sutton / Cr Falinski

That the motion be put.

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.

Cr Sutton / Cr Wilkins

95/11 RESOLVED

That item 11.2 Notice of Motion No 24/2011 Long Reef Surf Life Saving Club Development Application, passed at the meeting of the Council held on 22 March 2011 which reads as follows:

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
- 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

be and is hereby rescinded.

VOTING

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

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

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

Consequential Motion

Cr Sutton / Cr Wilkins

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 Kirsch / Cr Harris

That the current concept plan be reviewed in consultation with all stakeholders and the community and an alternative concept plan be developed.

POINT OF ORDER

Cr Falinski called a Point of Order on the basis that the amendment was a direct negative of the original motion.

THE MAYOR RULED THE AMENDMENT OUT OF ORDER.

AMENDMENT

Cr Ray / Cr De Luca

That Council

- A Revises the current concept design and floor plan for Long Reef Surf Life Saving Club as follows:
- i) Reduce the current 112-seat food outlet area to not more than 45 seats, with its operation restricted to day-time only operating hours to determined at the time of any lease
 - ii) With as much as possible of the remaining area of the original food outlet concept plan (i) redesignated as an open plan deck with the purpose of reducing the bulk and scale of the upper storey
 - iii) Keep the ground floor footprint as currently proposed
 - iv) Long Reef SLSC to maintain control of the food outlet lease
 - v) Combine the ground floor kiosk of Concept 1 with the smaller food outlet and locate it on the upper level
 - vi) Reallocate the space previously occupied by the kiosk to Nippers equipment storage
 - vii) Relocate the new two-storey building to generally within the existing club and associated buildings footprint location subject to flood and sea-level rise clarification, with consideration for relocation only if these risks cannot be accommodated
 - viii) In the event relocation is required the proposed additional car park be removed to reduce the hard surface areas near the new building and that a grassed overflow car park be designated for use by the club as required.
- B Further that:
- i) The amended concept design be completed within four weeks of Council resolution
 - ii) Councillors be briefed on the amended concept design
 - iii) The amended concept design to be exhibited for community consultation according to Council policy.

VOTING

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

AMENDMENT

Cr Kirsch / Cr Laugesen

That Council resolve to ensure the current concept plan 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 that the use and design of the facilities be determined in consultation with all interested stakeholders and community groups.

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.

Cr Sutton / Cr Wilkins

96/11 RESOLVED

That Council resolve to ensure the current concept plan 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 concept plan.

VOTING

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

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



4.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

4.1 Draft Strategic Community Plan 2011 - "The Budget 2011-2012"

(BP REF 1)

97/11 **RESOLVED**

Cr Regan / Cr Sutton

- A. That pursuant to Sections 404 and 405 of the Local Government Act, 1993, the Draft Strategic Community Plan 2011 – “The Budget 2011-2012”, including the Delivery Program and Operational Plan and Fees and Charges for 2011-2012 be placed on public exhibition for a period of 43 days.
- B. That Council give notice of its intention to:
 - i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories of rates on all rateable land in its area for 2010-2011, and
 - ii) Increase its rates income by 2.8% in 2011-2012.
- C. That a further report be submitted to Council on 28 June 2011 to enable consideration of:
 - i) Any submissions received during the exhibition period referred to in A above; and
 - ii) Formal adoption of Warringah Council's Strategic Community Plan 2011.

VOTING

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

Against the resolution: Nil.

4.2 Draft Warringah Section 94A Development Contributions Plan 2011

(BP REF 9)

98/11 **RESOLVED**

Cr Regan / Cr Giltinan

- A. That the draft amended *Warringah Section 94A Development Contributions Plan 2011* be placed on public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*.

- B. That all submissions received be reported back to Council at the conclusion of the exhibition period.

VOTING

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

Against the resolution: Cr Falinski.

5.0 NOTICES OF RESCISSION

5.2 Notice of Rescission Motion 5/2011 Additional Funding Request from Manly Lagoon Dredging Project, Item 9.8, 22 March 2011

(BP REF 17)

99/11 **RESOLVED**

Cr De Luca / Cr Laugesen

That item 9.8 Additional Funding Request from Manly Lagoon Dredging Project, passed at the meeting of the Council held on 22 March 2011 which reads as follows:

- 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.

be and is hereby rescinded.

CR SUTTON LEFT THE CHAMBER AT 8.00PM AND RETURNED AT 8.02PM.

VOTING

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

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

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS AJOURNED AT 8.20PM. THE MEETING RESUMED AT 8.25PM WITH THE SAME COUNCILLORS PRESENT.

6.0 NOTICE OF MOTION

6.1 Motion of Urgency - Dwelling Target For Warringah

100/11 **RESOLVED**

Cr Falinski / Cr Regan

That this Council write urgently to the Premier and the next Minister of Planning asking whether they intend to lower the current dwelling target for Warringah and that they reply to this request prior to the next meeting of Council.

VOTING

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

Against the resolution: Cr Laugesen.

The meeting concluded at 8.26pm.

This is the final page of the Minutes comprising (11) pages numbered (1) to (11) of meeting 2011/5 of Warringah Council held on 29 March 2010 and confirmed on 2 May 2011.

Mayor

General Manager