

Minutes of a Meeting of Warringah Council

held on Tuesday, 26 July 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 Kirsch, V Laugesen, M Ray, J Sutton and Dr H Wilkins.

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), A/Director Community and Environmental Services (M Ryan), A/Director Strategic and Development Services (D Kerr), A/Corporate Lawyer (E Julliard), A/Manager Strategic Planning (K Fadeev), Manager Parks, Reserves and Foreshores (M Keelan), Manager Roads Traffic & Waste (B Bolgoff), Manager Marketing and Communications (G Middleton), Manager Natural Environment (T Dickinson), A/Manager Strategic Planning (M McDermid), Team Leader Natural Environment - Strategic Outcomes (A Turnbull), Team Leader Natural Environment Projects (A Burrowes), Team Leader Media and Content (B Noble), Regional Economic Development Coordinator (P William-Smith), Senior Environment Officer – Catchment (J Lawry), Team Leader Governance (M Lee), Coordinator Governance (A Moore), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.00pm adjourned at 8.04pm, resumed at 8.12pm and adjourned at 8.28pm on Tuesday 26 July 2011; resumed at 6.01pm Thursday 11 August 2011, adjourned at 6.05pm on Thursday 11 August 2011, resumed at 6.00pm Tuesday 16 August 2011 and concluded at 6.25pm Tuesday 16 August 2011.

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, Items by Exception 7.1, 8.3, 10.3, 10.5 and 10.6 followed by 5.1, 5.2, 5.3, 5.4, 5.5, 8.1, 8.2, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10.1, 10.2, 10.4 and 6.2 (26 July 2011).

1.0 APOLOGIES

An apology for non-attendance was received from Cr Dr Harris.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 28 June 2011

190/11 **RESOLVED**

Cr Falinski / Cr Kirsch

That the Minutes of the Meeting of Council of 28 June 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, subject to the update of Cr Sutton's declaration of interest on page 18 to reflect a non pecuniary interest.

VOTING

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

Against the resolution: Nil.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Regan declared a pecuniary interest in relation to Item 6.3, as he owns property within the affected area.

Cr Regan declared a significant non pecuniary interest in relation to Item 10.2, recommendation 4.9, as his children attend the school in Forestville.

Cr Falinski declared a pecuniary interest in relation to Item 6.3, as he owns property within the affected area.

Cr Falinski declared a non pecuniary, less than significant interest in relation to Items 6.1 and 6.2.

Cr Wilkins declared a potential pecuniary interest in relation to Item 6.3.

Cr Sutton declared a non pecuniary interest in relation to Item 6.3.

PROCEDURAL MOTION – CHANGE ORDER OF BUSINESS

191/11 **RESOLVED**

Cr Falinski / Cr Sutton

To move Items 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 to the beginning of Item 12, Notices of Motion, on the agenda.

VOTING

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

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

MOTION OF URGENCY – POTENTIAL UNLAWFUL ACTS UNDER SEX DISCRIMINATION ACT AND ANTI-DISCRIMINATION ACT IN RELATION TO SPORTING FIELDS.

192/11 **RESOLVED**

Cr Falinski / Cr Kirsch

That as a matter of urgency, Council considers a motion in relation to any potential unlawful acts under the *Sex Discrimination Act 1984 (Commonwealth)* and *Anti-Discrimination Act 1977 (NSW)* in relation to allocation of sporting fields.

VOTING

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

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

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS ONE OF URGENCY.

IN ACCORDANCE WITH COUNCIL'S CODE OF MEETING PRACTICE, THIS ITEM WILL BE DEALT WITH AS ITEM 12.3 ON THE AGENDA.

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 Jack Tilburn asked the following question:

Why is the Code of Conduct, edition dated 8 September 2009, Part 3: Procedures, Section 12.8, page 23 , which states that:

“The General Manager is responsible for assessing complaints made under Section 11.1, alleged breaches of the code of conduct by councilors,....”
been so changed and altered from a letter received from the General Manager, that he has seen fit to refer the complaint to the Office of the Internal Ombudsman, a Mr. Patterson; and all such referral appears to be in breach of the said Section 12.8? and, furthermore, why does there appear not to be in existence any resolution of any Amendment by the full Council to bring about this alleged breach of Section 12.8 which is so bringing about changing of the Code of Conduct operating guidelines without Amendment to the present current Code of Conduct?

Answer: The General Manager stated that the Internal Ombudsman has explained to Mr Tilburn that on occasions he supports the General Manager on his duties.

4.2. Mr Peter Harley addressed Item 9.8 on the agenda.

MR HARLEY, WITH PERMISSION FROM THE CHAIR, CIRCULATED THE FAVOURED DESIGN OPTION FOR FRESHWATER VILLAGE TO COUNCILLORS AND STAFF.

PROCEDURAL MOTION – EXTENSION OF TIME

193/11 **RESOLVED**

Cr Wilkins / Cr Ray

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

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

Mr Ken Higgs addressed Item 10.1 on the agenda.

CR DE LUCA LEFT THE CHAMBER AT 6.23PM AND RETURNED AT 6.26PM.

PROCEDURAL MOTION – EXTENSION OF TIME

194/11 **RESOLVED**

Cr Ray / Cr Wilkins

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

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

- 4.3. Mr John Benson**, representing the Save Narraweena Action Group, made a statement and asked the following question regarding the Warringah Housing Plan:

Will Warringah Council release Draft 1 of Warringah Housing Plan? If not, why not?

Answer:

The Mayor reiterated that this issue was to be discussed later on the agenda and that no work is being carried out on the Housing Strategy pending receiving confirmation of Council's dwelling targets from the Minister of Planning (NSW Government).

The Mayor reiterated that that no work is being carried out on the Housing Strategy pending receiving confirmation of Council's dwelling targets from the Minister of Planning (NSW Government).

- 4.4. Mr David Lombardo**, representing the Save Narraweena Action Group, addressed Item 6.3 on the agenda.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

195/11 **RESOLVED**

Cr Sutton / Cr Regan

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

Against the resolution: Nil.

PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION

196/11 **RESOLVED**

Cr Sutton /Cr Regan

That the recommendations of the Director in Items 7.1, 8.3, 10.3, 10.5 and 10.6 be adopted.

VOTING

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

Against the resolution: Nil.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 16/2011

Waive Fee for Frenchs Forest Rotary Spring Fair

(BP REF 1)

197/11 **RESOLVED**

Cr Regan

- A. That the permit fee of \$388 be waived for the Frenchs Forest Rotary Club to hold the annual Spring Fair on the weekend commencing Saturday 3 September at the Centre, Forestville.
- B. Funds to be made available from Grants and Subsidies within the Budget.

VOTING

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

Against the resolution: Cr Ray.

5.2 Mayoral Minute No 17/2011

Council to Provide Support for John Ogden's Publication – "Saltwater People of the Broken Bays"

(BP REF 2)

198/11 **RESOLVED**

Cr Regan

- A. That Council provide \$1,000 towards the publication *Saltwater People of the Broken Bays*
- B. That Council note that it will be credited in the book, in any associated publicity material and will receive 13 copies of the publication.
- C. That Council provide copies to our libraries and send two copies of the publication to our sister city in Brewarrina.
- D. That funds be provided from Grants and Subsidies within the Budget.

CR LAUGESSEN LEFT THE CHAMBER AT 6.43PM.

VOTING

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

Against the resolution: Nil.

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

5.3 Mayoral Minute No 18/2011

Waiving of DA fees for Not-For-Profit Sporting and Community Organisations

(BP REF 3)

199/11 **RESOLVED**

Cr Regan

- A. That a policy, which includes for providing financial support for not for profit sporting and community organisations as stated above, be prepared for Council's consideration and exhibition.
- B. That \$5,000 from the budget surplus be made available to prepare the draft policy.

VOTING

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

Against the resolution: Crs De Luca and Ray.

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

5.4 Mayoral Minute No 19/2011 Waikiki - cooperative agreement

(BP REF 4)

200/11 **RESOLVED**

Cr Regan

- A. That in partnership with Freshwater Surf Lifesaving Club, Council prepares an agreement with the coastal community of Waikiki in Honolulu, Hawaii and that this agreement be forged with mutual respect and friendship and with the hope of enhancing the already strong bond that ties our two great communities
- B. That the General Manager prepare the agreement to ensure that it complies with Council's legal obligations.
- C. That subject to adoption of recommendation B, the Mayor be delegated authority to sign the agreement.

VOTING

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

Against the resolution: Crs De Luca and Ray.

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

CR LAUGESSEN RETURNED TO THE CHAMBER AT 6.45PM.



7.0 GENERAL MANAGERS REPORT

7.1 Councillors Report from Attendance at the National General Assembly of Local Government Conference 2011 held in Canberra

(BP REF 12)

196/11 **RESOLVED**

That the report by Councillor Dr Harris regarding the National General Assembly of Local Government Conference 2011 (Attachment) be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

8.0 CORPORATE SERVICES DIVISION REPORTS

8.1 Monthly Funds Management Report June 2011

(BP REF 15)

201/11 **RESOLVED**

Cr Falinski / Cr Regan

- 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.

VOTING

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

Against the resolution: Nil.

8.2 Relationship Declaration Policy

(BP REF 21)

202/11 **RESOLVED**

Cr Falinski / Cr Regan

That Council does not establish a commitment register but acts as a referral site for the Commitment Register operated by the NSW Registry of Births, Deaths and Marriages.

VOTING

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

Against the resolution: Nil.

8.3 Proposed Adoption of the Sustainable Event Management Policy

(BP REF 24)

196/11 **RESOLVED**

- A. That the draft Sustainable Event Management Policy at Attachment B be adopted
- B. That a copy of the adopted Sustainable Event Management Policy be provided to The Office of Environment and Heritage (NSW)

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

9.1 Councillor Meal Allowance

(BP REF 34)

Cr Regan / Cr Sutton

That Council:

- A. Continue with the provision of meals as per current practice, being a buffet style meal and small cheese platter minus dessert reducing the cost to approximately \$18-\$20 per head per meal.
- B. Redistribute 50% of funds (\$12,500) from the Councillor meal budget within Council's 2011/12 budget to be utilised for Community Development Grants and that this amount be allocated to the Grants program on an annual basis ongoing from 2012.

AMENDMENT

Cr Kirsch / Cr Ray

- A. Continue with the provision of meals as per current practice, being a buffet style meal and small cheese platter minus dessert reducing the cost to approximately \$18-\$20 per head per meal.
- B. Redistribute 50% of funds (\$12,500) from the Councillor meal budget within Council's 2011/12 budget to be utilised for (a) the provision of light refreshments to the public gallery at council meetings and (b) to the Strategic Reference Group (SRG) meal allowance for official SRG meetings and that this amount be allocated for these purposes (SRG meal allowance and refreshments for the public gallery) on an annual basis ongoing from 2012.

VOTING

For the amendment: Crs Kirsch and Ray.

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

203/11 RESOLVED

Cr Regan / Cr Sutton

That Council:

- A. Continue with the provision of meals as per current practice, being a buffet style meal and small cheese platter minus dessert reducing the cost to approximately \$18-\$20 per head per meal.
- B. Redistribute 50% of funds (\$12,500) from the Councillor meal budget within Council's 2011/12 budget to be utilised for Community Development Grants and that this amount be allocated to the Grants program on an annual basis ongoing from 2012.

VOTING

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

Against the resolution: Nil.

9.2 Review of GOV-PL 120 – Code of Meeting Practice

(BP REF 38)

A MEMO ADVISING THAT A SUBMISSION HAD BEEN RECEIVED FOR THE CODE OF MEETING PRACTICE REVIEW WAS DISTRIBUTED TO COUNCILLORS AT THE MEETING.

Cr Laugesen / Cr Ray

- A. That Council endorse proposed amendments 1-6 and option 1 of amendment 7 to the Code of Meeting Practice; and
- B. That the amendments be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act.

AMENDMENT

Cr Wilkins

- A. That Council endorse proposed amendments 1-6 and option 2 of amendment 7 to the Code of Meeting Practice; and
- B. That the amendments be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

AMENDMENT

Cr Falinski / Cr Regan

- A. That Council endorse proposed amendments 1, 2, 3, 4, 6 and option 3 of amendment 7 to the Code of Meeting Practice; and
- B. That the amendments be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act.

VOTING

For the amendment: Crs Falinski, Giltinan and Wilkins.

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

204/11 **RESOLVED**

Cr Laugesen / Cr Ray

- A. That Council endorse proposed amendments 1-6 and option 1 of amendment 7 to the Code of Meeting Practice; and
- B. That the amendments be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act.

VOTING

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

Against the resolution: Crs Falinski, Regan and Wilkins.

9.3 Councillor Training and Conference Budget

(BP REF 44)

205/11 **RESOLVED**

Cr Falinski / Cr Regan

- A. That the allowance be renamed the Training & Conference Budget including travel & accommodation.
- B. That the current allocation per Councillor be maintained.
- C. That a Councillor be able to use their unspent allocation from the previous financial year.

- D. That GOV-PL 120 Policy for Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors be updated at the time of the annual review to reflect the change.

VOTING

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

Against the resolution: Nil.

9.4 Local Government Association of NSW Annual Conference 2011

(BP REF 48)

206/11 **RESOLVED**

Cr Regan / Cr Kirsch

That Council nominates Cr Harris and Cr Regan to attend the Local Government Association of NSW Annual Conference 2011 to be hosted by Shoalhaven City Council from 23 – 26 October 2011.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

9.5 Bike Futures Conference 2011

(BP REF 52)

207/11 **RESOLVED**

Cr Kirsch / Cr Regan

That Council nominates Councillor Harris to attend the Bike Futures Conference in Melbourne, to be held from 12-14 October 2011.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

9.6 Rezoning of Lot 2 DP202543, Narrabeen Street, Narrabeen

(BP REF 58)

208/11 **RESOLVED**

Cr Falinski / Cr Giltinan

That Item 9.6 be deferred to a Councillor briefing and be brought back to the next available Council Meeting.

VOTING

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

Against the resolution: Nil.

9.7 Warringah Draft Economic Development Plan

(BP REF 65)

209/11 **RESOLVED**

Cr Kirsch / Cr Wilkins

- A. That the draft Economic Development Plan is placed on public exhibition for 28 days
- B. That the draft Economic Development Plan be referred to all SRG's for their input and recommendation and that those be included in the report to Council.
- C. That following public exhibition, a further report to be submitted to Council to
 - i) Review and consider submissions
 - ii) Adopt the final Economic Development Plan
- D. That the community engagement facilitator's focus group notes be made available as supporting information for the exhibition.

CR DE LUCA LEFT THE CHAMBER 7.47PM.

VOTING

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

Against the resolution: Nil.

CR DE LUCA WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

9.8 Freshwater Working Party

(BP REF 105)

Cr Wilkins / Cr Regan

That Council defer the consideration of this matter until after ascertaining the community's acceptance or tolerance of increased height limits to offset any gains in open space, and by how many stores, for either recreational space or roadway.

VOTING

For the resolution: Crs Wilkins and Regan.

Against the resolution: Crs Falinski, Giltinan, Kirsch, Laugesen, Ray and Sutton.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

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

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.04PM. THE MEETING RESUMED AT 8.12PM WITH ALL COUNCILLORS PRESENT.

10.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

10.1 Proposed Adoption of the Friends of the Bush Volunteer Code of Practice

(BP REF 109)

A MEMO DETAILING CHANGES TO THE CIRCULATED FRIENDS OF THE BUSH VOLUNTEER CODE OF PRACTICE AND AN UPDATED VERSION OF THE CODE OF PRACTICE WAS DISTRIBUTED TO COUNCILLORS AT THE MEETING.

210/11 **RESOLVED**

Cr Ray/ Cr Kirsch

That Council defer this item to the 27 September 2011 Council Meeting to prepare a response to Mr Ken Higgs and Councillors in relation to his questions raised here tonight, identifying which

points can be incorporated into the Friends of the Bush Code of Practice and for consideration by the Friends of the Bush Working Group.

VOTING

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

Against the resolution: Nil.

THE MAYOR LEFT THE CHAMBER DUE TO A DECLARED NON PECUNIARY INTEREST.

IN THE ABSENCE OF THE MAYOR, THE GENERAL MANAGER CALLED FOR NOMINATIONS OF A CHAIR. CRS SUTTON AND RAY WERE NOMINATED. CR SUTTON DECLINED THE NOMINATION AND CR RAY WAS SUBSEQUENTLY ELECTED ACTING CHAIR.

CR RAY ASSUMED THE CHAIR.

10.2 Minutes of the Warringah Traffic Committee Meeting held 5 July 2011

(BP REF 114)

211/11 **RESOLVED**

Cr Sutton / Cr Giltinan

That the Minutes of the Warringah Traffic Committee Meeting held on 5 July 2011 and the recommendation 3.1 as reprinted below be ADOPTED with the exception of Item 4.9 Currie Road, Forestville (page 149 of attachment) which is to be referred back to the Traffic Committee to consider representations from a resident in Currie Road.

3.1 Alexander Street, Collaroy – Request for Traffic Calming Measures

- A. That it be noted that as part of a Local Area Traffic Management Scheme for the Collaroy area it is proposed to install a raised threshold adjacent to No.9 Alexander Street.
- B. That the provision of speed humps in the steep sections of Alexander Street (west of No. 9 Alexander Street) not be supported.
- C. That the provision of physical raised chicanes in the steep sections of Alexander Street (west of No. 9 Alexander Street) not be supported.
- D. That Council consider the possible provision of soft/coloured pavement treatments in the steep sections of Alexander Street as an alternate to speed humps in conjunction with the proposed threshold near No. 9 Alexander Street.

- E. That the provision of a raised threshold adjacent to No. 9 Alexander Street and any other proposed traffic measures in the steep sections of Alexander Street be subject to a survey of residents in Alexander Street to determine the level of support.
- F. That the existing 3 tonne load limit signs (4) at the intersection of Edgecliffe Boulevard and Telopea Street be replaced with Trucks Prohibited (R6-10-2) and 'Vehicles over 3 Tonne GVM' (R9-221) size 'B' signs.
- G. That RTA replace the 3 Tonne load limit sign on the median in Pittwater Road and the west side of Pittwater Road south of Alexander Street, with Trucks Prohibited (R6-10-2) and 'Vehicles over 3 Tonne GVM' (R9-221) size 'B' signs.
- H. That an advance 'Vehicles over 3 Tonne GVM' (R9-221) load limit sign (size B) be provided on the north side of Telopea Street immediately east of Hilma Street facing west.
- I. That the results of the vehicle classification survey for Alexander Street be referred to Council's Manager, Compliance Section for continued enforcement of the 3 Tonne truck load limit on Alexander Street.
- J. That a 'Steep Descent' (W5-12A) and 'Road Narrows' sign be installed to the existing 3 Tonne load limit sign on Alexander Street opposite Telopea Street and No.1 Edgecliffe Boulevard (facing west).
- K. That the matter of inappropriate driver behaviour and speeding vehicles be referred to Northern Beaches Highway Patrol for enforcement commensurate with normal duties.
- L. That the Council's Traffic Management Team further investigate segments of No Parking restriction to enhance passing opportunities along Alexander Street and the proposal be brought back to the traffic Committee for consideration.
- M. That the chief petitioners, Mr Cardwell and Mr Gillmer be advised of the Traffic Committee's decision.

VOTING

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

Against the resolution: Nil.

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

CR REGAN RETURNED TO THE CHAMBER AT 8.20PM AND RESUMED THE CHAIR.

10.3 Amendments to Section 149 (5) Certificate Notations for Flood and Coastal Erosion Risk Information

(BP REF 153)

196/11 **RESOLVED**

That Council approve the replacement of Section 149 (5) notations regarding flood and the inclusion of advice on coastal erosion risk as identified in the report being:

- A. Information available to Council indicates properties within the catchments of Dee Why CBD, Manly Lagoon and Middle Creek may be flood affected. This includes the suburbs of Narrabeena, Dee Why, Cromer, Ingleside, Brookvale and Oxford Falls. Council's Natural Environment Unit can be contacted for further information; and
- B. Information available to Council indicates coastal erosion may affect a greater number of properties and may present an increased risk to properties than that shown on published hazard maps of the Warringah coastline. Council's Natural Environment Unit can be contacted for further information.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

10.4 Narrabeen Lagoon Plan of Management

(BP REF 157)

212/11 **RESOLVED**

Cr De Luca / Cr Regan

- A. That Council adopt the Narrabeen Lagoon Plan of Management (Attachment Booklet)
- B. That Council approve the submission of the Plan to the Minister administering the *Crown Lands Act (1989)* for formal adoption.

VOTING

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

Against the resolution: Nil.

10.5 Draft Coastal Erosion Emergency Action Subplan for Beaches in Warringah

(BP REF 174)

196/11 **RESOLVED**

- A. That Council note the information included in this report, the Draft Coastal Erosion Emergency Action Subplan and supporting document entitled 'Management of Coastal Erosion Emergencies at Beaches in Warringah'.
- B. That Council submit the Draft Coastal Erosion Emergency Action Subplan to the Minister for the Environment by 31 July 2011, in accordance with the Ministerial Direction received 31 January 2011, and request that the Minister refers the Subplan to relevant NSW Government Departments and the NSW Coastal Panel.
- C. That Council develop and implement a communication strategy to inform members of the public (in particular beach-front land owners) about coastal hazards and risks.
- D. That a further report be considered by Council when feedback on the Draft Coastal Erosion Emergency Action Subplan has been received from the Minister for the Environment and the NSW Coastal Panel.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

10.6 Variations to Contract T2010/152 - Restoration Works to South Curl Curl Rock Pool

(BP REF 189)

196/11 **RESOLVED**

- A. That Council resolve to increase budget to \$696,617 (excluding gst).
- B. That Council delegates authority to the General Manager to approve contract variations up to a total contract value of \$696,617 (excluding gst).

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

11.0 NOTICES OF RESCISSION

Nil.

12.0 NOTICES OF MOTION

6.1 Notice of Motion No 31/2011 Brookvale Public School Access to Brookvale Oval

(BP REF 6)

AT THIS STAGE THE MOVER ADVISED THAT THE MOTION HAD BEEN WITHDRAWN.

6.2 Notice of Motion No 32/2011 Councillor Membership of Strategic Reference Groups

(BP REF 7)

213/11 **RESOLVED**

Cr Falinski / Cr Regan

That Item 6.2 be deferred until the next available Council Meeting.

VOTING

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

Against the resolution: Nil.

CRS FALINSKI, REGAN AND WILKINS LEFT THE CHAMBER DUE TO DECLARED PECUNIARY INTERESTS IN ITEM 6.3 AT 8.26PM.

CR SUTTON LEFT THE CHAMBER DUE TO DECLARED NON PECUNIARY INTEREST IN ITEM 6.3 AT 8.26PM.

AT THIS STAGE A QUORUM WAS NOT PRESENT. CRS DE LUCA, GILTINAN, KIRSCH, LAUGESSEN AND RAY WERE PRESENT IN THE CHAMBER.

IN ACCORDANCE WITH CLAUSE 6.1(b) AND 6.2(b) OF THE WARRINGAH COUNCIL CODE OF MEETING PRACTICE, CR RAY WITH THE AGREEMENT OF CRS DE LUCA AND LAUGESSEN, BEING THE MAJORITY OF COUNCILLORS PRESENT, ADJOURNED THE MEETING UNTIL 6.00PM THURSDAY 11 AUGUST IN THE COUNCIL CHAMBERS.

AT 8.28PM ON TUESDAY 26 JULY 2011 THE MEETING STOOD ADJOURNED.

AT 6.01PM ON THURSDAY 11 AUGUST 2011 THE MEETING RESUMED.

PRESENT IN THE CHAMBER WERE CRS DE LUCA, LAUGESSEN AND RAY.

THE GENERAL MANAGER INFORMED THE MEETING OF THE FOLLOWING APOLOGIES:

- CR REGAN DUE TO PRIOR ENGAGEMENT.
- CR HARRIS DUE TO WORKING THIS EVENING.
- CR WILKINS DUE TO ATTENDING INFRASTRUCTURE AND DEVELOPMENT SRG MEETING.
- CR FALINSKI DUE TO ATTENDING INFRASTRUCTURE AND DEVELOPMENT SRG MEETING.
- CR SUTTON DUE TO A CONFLICT WITH A PRIOR ENGAGEMENT.

AT THIS STAGE A QUORUM WAS NOT PRESENT. CRS DE LUCA, LAUGESSEN AND RAY WERE PRESENT IN THE CHAMBER.

IN ACCORDANCE WITH CLAUSE 6.1(b) AND 6.2(b) OF THE WARRINGAH COUNCIL CODE OF MEETING PRACTICE, CR RAY WITH THE AGREEMENT OF CRS DE LUCA AND LAUGESSEN, BEING THE MAJORITY OF COUNCILLORS PRESENT, ADJOURNED THE MEETING UNTIL 6.00PM TUESDAY 16 AUGUST 2011 IN THE COUNCIL CHAMBERS TO HEAR THE REMAINING ITEMS OF AGENDA 26 JULY 2011.

CR RAY TABLED THE FOLLOWING SPEECH:

"It is disappointing that seven Councillors were unable to attend tonight's meeting to efficiently progress the business of Council, additionally represent the community members who elected them, as numerous attempts to ensure a quorum were also made.

On behalf of those Councillors present, Crs De Luca, Laugesen and Ray, we apologise to the community and the gallery and any Council staff for any inconvenience this has caused."

AT 6.05PM ON THURSDAY 11 AUGUST 2011 THE MEETING STOOD ADJOURNED.

AT 6.00PM ON TUESDAY 16 AUGUST 2011 THE MEETING RESUMED.

PRESENT IN THE CHAMBER WERE CRS DE LUCA, FALINSKI, GILTINAN, KIRSCH, LAUGESSEN, RAY, SUTTON AND WILKINS.

AN APOLOGY WAS RECEIVED FROM CR REGAN.

IN THE ABSENCE OF THE MAYOR, THE ACTING GENERAL MANAGER CALLED FOR NOMINATIONS OF A CHAIR. CRS FALINSKI AND RAY WERE NOMINATED AND ON A SHOW OF HANDS CR FALINSKI WAS ELECTED ACTING CHAIR.

CR FALINSKI ASSUMED THE CHAIR.

PROCEDURAL MOTION – ITEM BROUGHT OUT OF CLOSED SESSION

214/11 **RESOLVED**

Cr Falinski

That the Draft Housing Strategy 24 May 2011 Version be brought out of closed session.

VOTING

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

Against the resolution: Nil.

PROCEDURAL MOTION – THAT THE MEETING BE CLOSED

Cr Wilkins / Cr Sutton

That the 26 July 2011 Council Meeting be closed and that all outstanding items be carried over to the 23 August 2011 Council Meeting after Item 12, Notices of Motion.

PROCEDURAL MOTION – THAT THE MOTION BE PUT

215/11 **RESOLVED**

Cr Sutton / Cr Wilkins

That the motion be put.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.



PROCEDURAL MOTION – THAT THE MEETING BE CLOSED

216/11 **RESOLVED**

Cr Wilkins / Cr Sutton

That the 26 July 2011 Council Meeting be closed and that all outstanding items be carried over to the 23 August 2011 Council Meeting after Item 12, Notices of Motion.

VOTING

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

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

The meeting concluded at 6.25pm
on Tuesday 16 August 2011.

This is the final page of the Minutes comprising (24) pages numbered (1) to (24)
of meeting 2011/10 of Warringah Council held on 26 July 2011
and confirmed on 27 September 2011.

Mayor

General Manager

