



# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 22 MARCH 2016**

(2016/4)



## Minutes of an Ordinary Meeting of Council

**adjourned on Tuesday 22 March 2016 and resumed on Tuesday 29 March 2016**

**at the Civic Centre, Dee Why**

**Commencing at 6:00pm**

### ATTENDANCE:

#### Members

Councillors R Harrison (Deputy Mayor), B Giltinan, J Menano-Pires, S Heins, D Kerr and V Moskal

#### Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Nicki Adams	Executive Coordinator, Office of the Mayor
Sylwia Stafford	IM&T Support Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Peter Robinson	Group Manager Strategic Planning

### NOTES

The meeting commenced at 6.00pm, adjourned at 6.12pm, resumed at 6.22pm Tuesday 29 March 2016 and concluded at 7.42pm Tuesday 29 March 2016.

On 22 March 2016, Deputy Mayor Councillor Harrison advised that apologies have been received from Councillors P Daley, W Gobert, S Heins, S Kerr, J Menano-Pires, V Moskal and M Regan and therefore quorum was not achieved for the Council Meeting on 22 March 2016 to proceed.

In accordance with Clause 6.1(b) and 6.2(b) of the Code of Meeting Practice, Deputy Mayor Councillor Harrison with the agreement of Councillor Giltinan being the only councillors present, adjourned the meeting until 29 March 2016 at 6.00pm in the Council Chambers.

The meeting resumed at 6.22pm Tuesday 29 March 2016 with Councillors R Harrison (Deputy Mayor), B Giltinan, S Heins, D Kerr, J Menano-Pires and V Moskal present.

## 1.0 APOLOGIES

### 036/16 RESOLVED

#### ***Cr Harrison / Cr Menano-Pires***

That apologies for non-attendance be received from Councillor Michael Regan, Councillor Pat Daley, Councillor Vincent De Luca and Councillor Wayne Gobert.

#### **VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 16 FEBRUARY 2016

#### 037/16 RESOLVED

#### ***Cr Heins / Cr Giltinan***

That the Minutes of the Ordinary Council Meeting held 16 February 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### **VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

### 2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 23 FEBRUARY 2016

#### 038/16 RESOLVED

#### ***Cr Kerr / Cr Menano-Pires***

That the Minutes of the Extraordinary Council Meeting held 23 February 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### **VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

### 3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Harrison declared a less than significant non-pecuniary interest in Item 7.3 as she was aware of a person making a submission who has connections to the Your Warringah political party.

Councillor Moskal declared a less than significant non-pecuniary interest in Item 7.3 as she was aware of people she knows and people who have supported her who have children at the school and are community members that have handed out for Your Warringah.

Councillor Heins declared a less than significant non-pecuniary interest in Item 7.3 as she knew a member of the public who is speaking at public forum and is part of Your Warringah.

### 4.0 PUBLIC FORUM

The Deputy 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 **Malcolm Fisher representing Manly Lagoon Catchment Coordinating Committee and Mermaid Pools addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**

#### PROCEDURAL MOTION - EXTENSION OF PUBLIC FORUM PERIOD

039/16

#### EXTENSION OF PUBLIC FORUM PERIOD

***Cr Harrison / Cr Kerr***

That Council extend the public forum period beyond the thirty minutes as provided for in Clause 12.1 (ii) of the Code of Meeting Practice and that all speakers who requested to speak at Public Forum be granted permission to address Council.

#### VOTING

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

***CARRIED***

- 4.2 **Ray Cox addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**
- 4.3 **Emily Fewster addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**
- 4.4 **Stewart Davies representing President of the Manly Vale Public School P&C addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**
- 4.5 **Ian Hills addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**
- 4.6 **Louise Stedman addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.**

- 4.7 Michael Houston representing Secretary, Save Manly Dam Catchment Committee addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.
- 4.8 Paul Hoskinson addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.
- 4.9 Helen Kvelde addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.
- 4.10 David Tribe representing Past Principal of Manly Vale Public School addressed Item 7.3, Proposed Acquisition of Land for Manly Vale Public School's Asset Protection Zone.

## 5.0 MAYORAL MINUTES

Nil

### PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

040/16 **RESOLVED**

***Cr Harrison / Cr Kerr***

That the Order of Business be changed so Items 6.1, 7.1, 7.2, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 13.1, 13.2, 13.3 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

### ITEMS RESOLVED BY EXCEPTION:

#### 6.1 MONTHLY FUNDS MANAGEMENT REPORT FEBRUARY 2016

041/16 **RESOLVED**

***Cr Harrison / Cr Kerr***

That Council note:

- A. The report indicating Council's Funds Management position as at 29 February 2016.
- B. The Certificate of the Responsible Accounting Officer and that the report be adopted.

***RESOLVED BY EXCEPTION***

#### 7.1 AUDIT AND RISK COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER – REVIEW

042/16 **RESOLVED**

***Cr Harrison / Cr Kerr***

That Council adopt the revised Internal Audit Charter and Audit and Risk Committee Charter.

***RESOLVED BY EXCEPTION***

**7.2 LOT 21 DP 819277 - PARCEL OF COUNCIL LAND ADJACENT TO OXFORD FALLS GRAMMAR SCHOOL**043/16 **RESOLVED*****Cr Harrison / Cr Kerr***

That:

- A. Council authorises the sale of the Operational Land part Lot 21 DP 819277 Wakehurst Parkway Oxford Falls to the adjoining land owner Oxford Falls Grammar School at 1078 Oxford Falls Road Oxford Falls (Lot 1 DP 1046451) in accordance with independent valuation advice received by Council, conditional upon the land to be sold being consolidated with the adjoining land parcel and an appropriate Restriction on Use of Land by a Prescribed Authority being registered on the land prohibiting vehicular access to Wakehurst Parkway.
- B. Item A of this resolution is also subject to Oxford Falls Grammar School (OFGS) participating in negotiating an agreement with Council for community access to the sportsground on the southern side of the creek which traverses the School and the subject land, when not used by OFGS, for sport and recreation use. As part of this agreement Council will consider an appropriate and reasonable contribution to on-going costs such as maintenance.
- C. Council grant owners consent to the adjoining land owner Oxford Falls Grammar School at 1078 Oxford Falls Road Oxford Falls (Lot 1 DP 1046451) to lodge a Development Application/Subdivision Certificate Application for the subdivision of Lot 21 DP 819277 Wakehurst Parkway Oxford Falls and a Planning Proposal for the rezoning of this land.
- D. Council authorises an Easement and associated Positive Covenant for the underground stormwater detention tanks and associated drainage infrastructure within the remainder of Lot 21 DP 819277 and adjoining Lot 2 DP 881167 (Community Land) subject to statutory notification in accordance with the Local Government Act and subject to compensation being paid to Council in accordance with Council's adopted Fees & Charges.
- E. Council prepare an amendment to the relevant Plan of Management for the Community Land part of Lot 21 DP 819277 and adjoining Lot 2 DP 881167 Wakehurst Parkway Oxford Falls authorising any future lease of the Community Land by Oxford Falls Grammar School for school recreation purposes.
- F. Any enclosed use of Council's public reserve or road reserve by Oxford Falls Grammar School be authorised in a lease in accordance with the Local Government Act or Roads Act with annual rent based on 5% of the Valuer General's land assessment value for that year per metre squared of the land or directly adjoining land.
- G. Authorises the General Manager to negotiate and execute all documentation necessary in order to give effect to this resolution.
- H. All costs associated with the items in the resolution, including but not limited to, Council's legal costs, GST if applicable, document registration etc., be funded by the applicant.
- I. Funds received from the sale of land to be allocated to the capital improvements works being undertaken at the Warringah Aquatic Centre.

**RESOLVED BY EXCEPTION**

**8.1 ADOPTION OF PESTICIDE USE NOTIFICATION PLAN 2016**044/16 **RESOLVED****Cr Harrison / Cr Kerr**

That Council adopt the Pesticide Use Notification Plan 2016.

**RESOLVED BY EXCEPTION****8.2 MINUTES OF STRATEGIC REFERENCE GROUPS**045/16 **RESOLVED****Cr Harrison / Cr Kerr**

That Council note the draft minutes and notes of the meeting from the following meetings:

- A. Open Space and Recreation Strategic Reference Group meeting held 17 February 2016
- B. A Connected Environment Strategic Reference Group meeting held on 17 February 2016
- C. Vibrant Connected Communities Strategic Reference Group meeting held 17 February 2016
- D. Environment, Conservation and Overall Sustainability Strategic Reference Group meeting held 17 February 2016.

**RESOLVED BY EXCEPTION****8.3 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE HELD 29 OCTOBER 2015**046/16 **RESOLVED****Cr Harrison / Cr Kerr**

That Council note the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 29 October 2015.

**RESOLVED BY EXCEPTION****8.4 ANNUAL REPORT (INCLUDING MINUTES OF MEETING) OF THE NARRABEEN LAGOON STATE PARK ADVISORY COMMITTEE**047/16 **RESOLVED****Cr Harrison / Cr Kerr**

That Council note the Annual Report of the Narrabeen Lagoon State Park Advisory Committee.

**RESOLVED BY EXCEPTION**

**8.5 AMENDMENTS TO POLICY ON APPLICATIONS FOR DEVELOPMENT - HANDLING OF UNCLEAR, NON CONFORMING, INSUFFICIENT AND AMENDED APPLICATIONS**

048/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council place the amendments to the *Applications for Development – Handling of Unclear, Non Conforming, Insufficient and Amended Applications Policy* on public exhibition for a period of 28 days.

**RESOLVED BY EXCEPTION**

**8.6 DRAFT AMENDMENTS TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 IN REGARDS TO WASTE MANANGEMENT**

049/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council endorse the exhibition of draft changes to the Warringah Development Control Plan 2011 for a period of 28 days involving:

- A. Amendments to Parts C8 – Demolition and Construction and C9 – Waste Management
- B. The removal of Appendices 3, 4 and 13.

**RESOLVED BY EXCEPTION**

**8.7 DELEGATION UNDER THE NOXIOUS WEEDS ACT 1993**

050/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council delegate authority pursuant to Section 68 of the *Noxious Weeds Act 1993* to the holders (from time to time) of the positions outlined in Schedule 1 – Positions requiring delegation of powers under the *Noxious Weeds Act 1993* of this report, and authorise them to exercise any of the Council's functions under that Act.

**RESOLVED BY EXCEPTION**

**8.9 MERITON DRAFT VOLUNTARY PLANNING AGREEMENT AMENDMENT AND DRAFT EXPLANATORY NOTE**

051/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Endorse the Draft Deed of Amendment to the Planning Agreement and Draft Explanatory Note between Karimbla Properties (No.41) Pty Ltd, Meriton Properties Pty Ltd and Warringah Council.
- B. Pursuant to s377 of the *Local Government Act 1993*, delegate authority to the General



Manager to execute the Deed of Amendment to the Planning Agreement and Draft Explanatory Note between Karimbla Properties (No.41) Pty Ltd, Meriton Properties Pty Ltd and Warringah Council.

**RESOLVED BY EXCEPTION**

**8.10 DRAFT WARRINGAH DEVELOPMENT CONTRIBUTIONS PLAN 2016**

052/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council endorses the public exhibition of the Draft Warringah Development Contributions Plan 2016 for a period of at least 28 days and the results be reported back to Council.

**RESOLVED BY EXCEPTION**

**8.11 PLANNING PROPOSAL - INCREASED FLOOR AREA OF SECONDARY DWELLINGS IN EXISTING DWELLING HOUSES**

053/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council instruct the NSW Parliamentary Counsel's Office to draft and finalise amendments to Warringah Local Environmental Plan 2011 to give effect to the Planning Proposal to increase the maximum permissible floor area of Secondary Dwellings in existing dwelling houses in R2 and R3 zones to 75 sqm.

**RESOLVED BY EXCEPTION**

**8.12 BP FORESTVILLE PLANNING PROPOSAL - 632-634 WARRINGAH ROAD, FORESTVILLE**

054/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Approve the submission of the BP Forestville Planning Proposal to the Department of Planning and Environment for a Gateway determination.
- B. Publicly exhibit the BP Forestville Planning Proposal in accordance with any Gateway approval granted by the Department of Planning and Environment.

**RESOLVED BY EXCEPTION**

**8.13 MINOR WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 AMENDMENTS****055/16 RESOLVED*****Cr Harrison / Cr Kerr***

That Council:

- A. Prepare a Planning Proposal to make the following amendments to WLEP 2011 including the attached proposed mapping amendments and WLEP 2000:
- i. Re-Zone Cromer High School (Lots 623, 624, 625 and 626 in DP 752038) from IN1 – General Industrial to SP2 - Infrastructure
  - ii. Re-Zone 2-10 Lindrum Street, Belrose (Lot 25 DP 1179618) from R2 – Residential to RE1 - Public Recreation
  - iii. Re-Zone Lot 262 DP 1028346 (near the corner of Pitt and Playfair Roads, North Curl Curl) from R2 – Residential to B1 - Neighbourhood Centre
  - iv. Re-Zone western part of the Dee Why Post Office site (Lot B DP 350145) from RE1 – Recreation to B4 - Mixed Use
  - v. Zone southern part of Lot 2 DP 587690 (pedestrian/drainage lot in Dee Why) from B4 - Mixed Use to RE1 -Public Recreation
  - vi. Prohibit 'restriction facilities' in all business and industrial zones – zones B1, B2, B3, B4, B5, B7, IN1 and IN2
  - vii. Amend the Heritage Map on 53 Aubreen Street, Collaroy Plateau (Lot 2, DP 1029592) and 56 Idaline Street, Collaroy Plateau (Lot 1 DP 1029592)
  - viii. Adjust the cadastre and associated LEP mapping for Glen Street Theatre (Lot 1 DP 595183) and Lionel Watts Reserve (Lot 2 DP 595183)
  - ix. Adjust the cadastre and associated LEP mapping for all properties within the blocks bounded by Adams Street, Rabbett Street and Forest Way, Frenchs Forest
  - x. Adjust the cadastre and associated LEP mapping for 34 Monserra Road, Allambie Heights (Lot 4 DP 241969), 1, 3 and 5 Cootamundra Drive, Allambie Heights (Lots 3, 2 and 1 of DP 241969)
  - xi. Delete exempt development requirements for signage in WLEP 2011 and WLEP 2000 where similar requirements apply under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - xii. Amend Clause 2.8 of the WLEP 2011 to increase the maximum period for which development consent may be granted for a "temporary use" from 28 days to 52 days
  - xiii. Include signage on trailers as exempt development under WLEP 2011 and WLEP 2000.
- B. Submit the Planning Proposal to the Department of Planning and Environment for Gateway determination.
- C. Publicly exhibit the Planning Proposal in accordance with any directions contained in the Department of Planning and Environment's Gateway approval.

***RESOLVED BY EXCEPTION***

**8.14 VOLUNTARY PLANNING AGREEMENT - 184 WYNDORA AVENUE, FRESHWATER****056/16 RESOLVED*****Cr Harrison / Cr Kerr***

That Council:

- A. Endorse execution of the Voluntary Planning Agreement and Explanatory Note between Warringah Council and Peninsular 1 Pty Limited.
- B. Resolve to place a notation on the section 149(5) certificate for Lots 1, 2, 33, 34 and 35 of DP 7912 in relation to the Voluntary Planning Agreement and Explanatory note once the agreement is executed.

**RESOLVED BY EXCEPTION****8.15 PLANNING PROPOSAL - 184 WYNDORA AVENUE, FRESHWATER****057/16 RESOLVED*****Cr Harrison / Cr Kerr***

- A. That Council amend the following within Warringah Local Environmental Plan 2011:
  - a. Clause 6.8 Subdivision of Certain Land to allow subdivision of the site into allotments smaller than the current minimum permitted allotment size, but only in conjunction with a single development of the site with 14 attached dwellings.
  - b. Schedule 1 - Additional Permitted Uses, to allow "attached dwellings" as an additional permitted use for the site.
  - c. Additional Permitted Uses Map to include the site.
- B. That Council forward the Planning Proposal to Parliamentary Counsel's Office.

**RESOLVED BY EXCEPTION****13.1 RFT 2016/001 - CONSTRUCTION OF WALTER GORS PARK****058/16 RESOLVED*****Cr Harrison / Cr Kerr***

That Council:

- A. Declines to accept any of the tenders received for RFT 2016/001 – Construction of Walter Gors Park;
- B. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, enters into negotiations with Landscape Solutions Pty Ltd (and if those negotiations fail, enters into negotiations with Glascott Group Pty Ltd and/or Coordinated Landscapes Pty Ltd), with a view to entering into a contract in relation to the subject matter of the tender;
- C. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)-(d) of the *Local Government (General) Regulation 2005* because:
  - the persons referred to at B are well experienced and qualified in the field of landscape

construction but their tenders were deemed non-compliant on technical issues; and

- it is considered that inviting fresh tenders and applications would not elicit tenders or applications which are more advantageous to Council or offer better value for money than the tenders submitted by the persons referred to at B;

- D. Notes, for the purpose of clause 178(4)(b) of the *Local Government (General) Regulation* 2005, that entering into negotiations with the persons as referred to at B is expected to result in a contract which is the most advantageous to Council, offers value for money and will deliver a contractor that has the necessary skills and experience to undertake the works; and
- E. Delegates authority to the General Manager to give effect to the above including entering into the negotiations and executing a negotiated contract on behalf of Council.

**RESOLVED BY EXCEPTION**

**13.2 RFT 2016/010 FISHERMANS BEACH BANK STABILISATION**

059/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Accept the tender of Soil Conservation Service for RFT 2016/010 – Fishermans Beach Bank Stabilisation for the sum of \$396,780.30 excluding GST.
- B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential tender report.

**RESOLVED BY EXCEPTION**

**13.3 RFT 2016/011 - SOUTH CURL CURL SEAWALL WORKS**

060/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Accept the tender of Silver Raven Pty Ltd for RFT 2016/011 – South Curl Curl Beach Seawall Works for the sum of \$625,975.62 excluding GST.
- B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential tender report.

**RESOLVED BY EXCEPTION**

## 6.0 GENERAL MANAGER'S REPORTS

### 6.2 DRAFT DELIVERY PROGRAM 2016-2020, OPERATIONAL PLAN AND BUDGET 2016/17

061/16 **RESOLVED**

***Cr Menano-Pires / Cr Harrison***

That the draft Delivery Program 2016-2020, Operational Plan 2016/17 and Long Term Financial Plan 2016-2026 be placed on exhibition for 28 days.

#### **VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

## 7.0 COMMUNITY DIVISION REPORTS

### 7.3 PROPOSED ACQUISITION OF LAND FOR MANLY VALE PUBLIC SCHOOL'S ASSET PROTECTION ZONE

062/16 **RESOLVED**

***Cr Heins / Cr Moskal***

That Council object to the request by the NSW Department of Education to compulsorily acquire part parcels of land within Lot 1 DP433773 and Lot 1 DP1146289.

#### **VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

## 8.0 ENVIRONMENT DIVISION REPORTS

### 8.8 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA)

063/16 **RESOLVED**

***Cr Harrison / Cr Menano-Pires***

That Council:

- A. Authorise Cr Menano-Pires and Cr Regan to attend the National General Assembly of Local Government to be held in Canberra from 19-22 June 2016;
- B. Determine any Motions to be put forward by Warringah Council to the 2016 National General Assembly of Local Government.

**VOTING**

**For the resolution:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the resolution:** Nil

**CARRIED**

**9.0 NOTICES OF RESCISSION**

Nil

**10.0 NOTICES OF MOTION****10.1 NOTICE OF MOTION NO 2/2016 - REMOVAL OF TREES ON THE PEDESTRIAN CROSSINGS IN FRESHWATER VILLAGE**

064/16 **RESOLVED**

***Cr Giltinan / Cr Harrison***

That Item 10.1 Notice of Motion No 2/2016 – Removal of Trees on the Pedestrian Crossings in Freshwater Village be deferred for a Councillor Briefing and be brought back to the next Council Meeting.

**VOTING**

**For the motion:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the motion:** Nil

**CARRIED**

**10.2 NOTICE OF MOTION NO 3/2016 - ILLEGAL WORKS**

065/16 **RESOLVED**

***Cr Harrison / Cr Menano-Pires***

A. That Council write to the Minister for Planning, Rob Stokes, and cc the Minister for Local Government, Hon. Paul Toole, seeking their support and assistance in:

- a) Changing legislation to deter illegal developments that are built without appropriate approvals;
- b) Increasing sanctions for illegal works and commencement of building works without appropriate consent.

B. That Council write to all Councils in NSW asking them to pass similar resolutions to highlight the growing problem of illegal developments in NSW.

**VOTING**

**For the motion:** Crs Giltinan, Harrison, Heins, Kerr, Menano-Pires and Moskal

**Against the motion:** Nil

***CARRIED***

**NOTE:** With the permission of the mover and seconder the following additions were made:

- Point A: to cc. the Minister for Local Government and
- Point B: to write to all NSW Councils

## **11.0 QUESTIONS ON NOTICE**

### **11.1 QUESTION ON NOTICE NO 4/2016 - PAYMENTS BY WARRINGAH COUNCIL TO COUNCILLOR SUE HEINS' PRIVATE COMPANY**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

### **11.2 QUESTION ON NOTICE NO 5/2016 - WARRINGAH COUNCIL MAILOUTS REGARDING AMALGAMATION**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

### **11.3 QUESTION ON NOTICE NO 6/2016 - WARRINGAH COUNCIL ADVERTISING IN MANLY DAILY REGARDING AMALGAMATION**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

## **12.0 RESPONSES TO QUESTIONS ON NOTICE**

### **12.1 RESPONSE TO QUESTION ON NOTICE NO 1/2016 WARRINGAH COUNCIL'S WEBSITE**

A response to the Question on Notice was provided in the business papers.

### **12.2 RESPONSE TO QUESTION ON NOTICE NO 2/2016 – EXPENDITURE ON WARRINGAH COUNCIL'S EXECUTIVE LEGAL COUNSEL/IN HOUSE LEGAL UNIT**

A response to the Question on Notice was provided in the business papers.

### 12.3 RESPONSE TO QUESTION ON NOTICE NO 3/2016 - WARRINGAH COUNCIL'S EXPENDITURE ON EXTERNAL LEGAL FIRMS AND BARRISTERS

A response to the Question on Notice was provided in the business papers.

**NOTE:** THE GENERAL MANAGER REPORTED THE RESOLUTIONS OF CLOSED SESSION PASSED BY EXCEPTION.

## 14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

### 13.1 RFT 2016/001 - CONSTRUCTION OF WALTER GORS PARK

066/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Declines to accept any of the tenders received for RFT 2016/001 – Construction of Walter Gors Park;
- B. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, enters into negotiations with Landscape Solutions Pty Ltd (and if those negotiations fail, enters into negotiations with Glascott Group Pty Ltd and/or Coordinated Landscapes Pty Ltd), with a view to entering into a contract in relation to the subject matter of the tender;
- C. Declines to invite fresh tenders or applications as referred to in clause 178(3)(b)-(d) of the *Local Government (General) Regulation 2005* because:
  - the persons referred to at B are well experienced and qualified in the field of landscape construction but their tenders were deemed non-compliant on technical issues; and
  - it is considered that inviting fresh tenders and applications would not elicit tenders or applications which are more advantageous to Council or offer better value for money than the tenders submitted by the persons referred to at B;
- D. Notes, for the purpose of clause 178(4)(b) of the *Local Government (General) Regulation 2005*, that entering into negotiations with the persons as referred to at B is expected to result in a contract which is the most advantageous to Council, offers value for money and will deliver a contractor that has the necessary skills and experience to undertake the works; and
- E. Delegates authority to the General Manager to give effect to the above including entering into the negotiations and executing a negotiated contract on behalf of Council.

**RESOLVED BY EXCEPTION**

### 13.2 RFT 2016/010 FISHERMANS BEACH BANK STABILISATION

067/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Accept the tender of Soil Conservation Service for RFT 2016/010 – Fishermans Beach Bank



Stabilisation for the sum of \$396,780.30 excluding GST.

- B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential tender report.

**RESOLVED BY EXCEPTION**

### 13.3 RFT 2016/011 - SOUTH CURL CURL SEAWALL WORKS

068/16 **RESOLVED**

**Cr Harrison / Cr Kerr**

That Council:

- A. Accept the tender of Silver Raven Pty Ltd for RFT 2016/011 – South Curl Curl Beach Seawall Works for the sum of \$625,975.62 excluding GST.
- B. Delegate authority to the General Manager to execute all necessary documentation to give effect to this resolution and to approve contract payments up to the amount specified in the confidential tender report.

**RESOLVED BY EXCEPTION**

*The meeting concluded at 7.42pm 29 March 2016*

This is the final page of the minutes comprising 17 pages  
numbered 1 to 17 of the Ordinary Council Meeting  
adjourned on Tuesday 22 March 2016, resuming on Tuesday 29 March 2016 and confirmed on  
Tuesday 26 April 2016

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Mayor

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General Manager