



MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 22 SEPTEMBER 2015

(2015/9)



Minutes of an Ordinary Meeting of Council
held on Tuesday 22 September 2015
at the Civic Centre, Dee Why
Commencing at 6:02pm

ATTENDANCE:

Members

Councillors M Regan (Mayor), B Giltinan, S Heins, D Kerr, V Moskal and W Gobert OAM.

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Eskil Julliard	Legal Counsel
Kelly Sentance	Acting Governance Manager
Katie Kirwan	Administration Officer Governance
Sylvia Stafford	IM&T Support Officer
David Walsh	Chief Financial Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Melissa Messina	Group Manager Children's Services
Ruth Robins	Group Manager Community Services
Graham Middleton	Group Manager Marketing & Communications
Peter Robinson	Group Manager Strategic Planning
Adrian Turnbull	Acting Group Manager Natural Environment

NOTES

The meeting commenced at 6:03pm, adjourned at 6:04pm, resumed at 6:32pm, adjourned at 6:33pm, resumed at 7:18pm and concluded at 7:28pm

NOTE: In accordance with Clause 6.1(b) and 6.2(b) of the Warringah Council Code of Meeting Practice, Cr Regan with the agreement of Cr Giltinan, Cr Kerr, Cr Heins and Cr Moskal, being the majority of the councillors present, adjourned the meeting until 6:30PM in the Council Chambers.

NOTE: At 6:32PM, in accordance with Clause 6.1(b) and 6.2(b) of the Warringah Council Code of Meeting Practice, Cr Regan with the agreement of Cr Giltinan, Cr Kerr, Cr Heins and Cr Moskal, being the majority of the councillors present, adjourned the meeting until 7:15PM in the Council Chambers.

NOTE: At 6:40PM Cr Gobert arrived and quorum was achieved. The meeting resumed at 7:18PM

1.0 APOLOGIES

183/15 **RESOLVED**

Cr Regan / Cr Kerr

That apologies for non-attendance be received from Cr Jose Menano-Pires, Cr Pat Daley, Cr De Luca and Cr Roslyn Harrison.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 25 AUGUST 2015

184/15 **RESOLVED**

Cr Giltinan / Cr Heins

That the Minutes of the Ordinary Council Meeting held 25 August 2015, 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, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

PROCEDURAL MOTION – SUSPENSION OF PUBLIC FORUM

185/15 **RESOLVED**

Cr Regan / Cr Heins

That Council agree to suspend Item 4.0 – Public Forum as the Councillors that were in attendance heard the speakers informally prior to commencement of the meeting.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION – MATTER OF URGENCY

186/15 **RESOLVED**

Cr Regan / Cr Moskal

That as a matter of urgency, Council considers the following motion in relation to Nomination For Warringah's Selection Panel Member to Recruit a District Commissioner for the Greater Sydney Commission:

That the Mayor or the General Manager's representative represent Warringah Council on the selection panel for the Sydney North District's recruitment of a District Commissioner for the Greater Sydney Commission.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

NOTE: The Mayor subsequently ruled that the matter was one of urgency and that the item would be dealt with as the last item on the agenda.

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

187/15 **RESOLVED**

Cr Moskal / Cr Regan

That the Order of Business be changed so Items 5.1, 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 7.3, 8.1, 8.2, 8.3, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 13.1 are dealt with by exception with the recommendations of the

General Manager / Deputy General Managers being adopted.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

ITEMS RESOLVED BY EXCEPTION:**5.1 MAYORAL MINUTE NO 8/2015 - PROPOSED DEVELOPMENT OF A BOARDING HOUSE IN CROMER**

188/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council writes to the Warringah Development Assessment Panel and formally advises the Panel of our strong objections and concerns in relation to the proposal to build a boarding house on the site at 18 Grover Avenue, Cromer.

RESOLVED BY EXCEPTION

6.1 ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY

189/15 **RESOLVED**

Cr Moskal / Cr Regan

That Investment Policy FIN-PL 215 be adopted.

RESOLVED BY EXCEPTION

6.2 SUBMISSIONS ON THE 2014/15 ANNUAL FINANCIAL STATEMENTS

190/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council note the submission received on the 2014/15 Annual Financial Statements.

RESOLVED BY EXCEPTION

6.3 MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2015

191/15 **RESOLVED**

Cr Moskal / Cr Regan

That:

- A. The report indicating Council's Funds Management position as at 31 August 2015 is noted.
- B. The Certificate of the Responsible Accounting Officer is noted and the report adopted.

RESOLVED BY EXCEPTION**6.4 AMENDMENTS TO SECTION 149 (5) PLANNING CERTIFICATE NOTATIONS FOR LOT 11 DP 257403 BANTRY BAY ROAD, FRENCHS FOREST**192/15 **RESOLVED****Cr Moskal / Cr Regan**

That Council include the following notation on planning certificates under section 149(5) of the *Environmental Planning and Assessment Act 1979* in respect of Lot 11 DP 257403 Bantry Bay Road, Frenchs Forest:

"Information available to Council indicates that asbestos containing material has been identified on Lot 11 DP 257403 Bantry Bay Road, Frenchs Forest. Further information is available from Council's Natural Environment Unit."

RESOLVED BY EXCEPTION**7.1 COMMUNITY ENGAGEMENT REVIEW AND REVISED POLICY**193/15 **RESOLVED****Cr Moskal / Cr Regan**

- A. That Council note the findings of Community Engagement Review and associated research documents
- B. That the revised Community Engagement Policy and Matrix be placed on public exhibition for a period of 28 days.

RESOLVED BY EXCEPTION**7.2 SUBMISSIONS ON THE DRAFT MULTICULTURAL STRATEGY - CULTURALLY DIVERSE WARRINGAH 2015-2020**194/15 **RESOLVED****Cr Moskal / Cr Regan**

That Council adopt the Multicultural Strategy – Culturally Diverse Warringah 2015-2020

RESOLVED BY EXCEPTION**7.3 IMPLEMENTATION OF A COMMUNITY AWARENESS PROGRAM TO PREVENT DOMESTIC VIOLENCE**195/15 **RESOLVED****Cr Moskal / Cr Regan**

That Council:

- A. Implement a campaign to prevent domestic violence, which:
 - a. utilises the space on large non skinned Garbage and Recycling and Vegetation

vehicles to carry messaging in time for White Ribbon Day, 25 November 2015.

- b. works with the Northern Beaches Local Domestic Violence Committee and White Ribbon to establish appropriate messaging and support programs.
- c. utilises appropriate Council communication channels.

- B. Commit \$19,000 to initiate a campaign to coincide with White Ribbon Day 2015 if Council is unsuccessful in obtaining the Grant funding.

RESOLVED BY EXCEPTION

8.1 WOOD HEATER REGULATION AMENDMENT

196/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council endorse the listing of Warringah Council in Parts 1 and 3 of the new 'Schedule 9' of the proposed amendment to the *Protection for the Environment Operations (Clean Air) Regulation 2010*, prohibiting new wood heaters and fireplaces in the entire local government area, except with an approval.

RESOLVED BY EXCEPTION

8.2 PUBLIC EXHIBITION OF THE DRAFT A SPIRIT OF PLAY: WARRINGAH'S OPEN SPACE STRATEGY

197/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council place the Draft A Spirit of Play: Warringah's Open Space Strategy on public exhibition for a period of 28 days from late September until late October 2015.

RESOLVED BY EXCEPTION

8.3 PROPOSED EXPANSION OF BELROSE CHILDREN'S CENTRE

198/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council approve the expansion of the Belrose Children's Centre from 56 to 77 places per day

RESOLVED BY EXCEPTION

8.5 MINUTES OF STRATEGIC REFERENCE GROUPS

199/15 **RESOLVED**

Cr Moskal / Cr Regan

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

- A. A Connected Environment Strategic Reference Group meeting held on 11 August 2015.

- B. Vibrant Connected Communities Strategic Reference Group meeting held 11 August 2015.
- C. ECOS Strategic Reference Group meeting held 19 August 2015.
- D. Open Space and Recreation Strategic Reference Group meeting held 19 August 2015.

RESOLVED BY EXCEPTION

8.6 MINUTES OF THE WARRINGAH/PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 3 MARCH 2015

200/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council note the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 3 March 2015.

RESOLVED BY EXCEPTION

8.7 MINUTES OF NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP HELD 6 AUGUST 2015

201/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council note the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held on 6 August 2015.

RESOLVED BY EXCEPTION

8.8 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 30 APRIL 2015

202/15 **RESOLVED**

Cr Moskal / Cr Regan

That Council note the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 30 April 2015.

RESOLVED BY EXCEPTION

8.9 ADDITIONAL FEES 2015/16 - PLANNING PROPOSALS

203/15 **RESOLVED**

Cr Moskal / Cr Regan

That the proposed amendments to the 2015/16 Planning Proposal fees be placed on public exhibition for a period of 28 days.

RESOLVED BY EXCEPTION

**8.10 SUBMISSIONS ON THE PLANNING PROPOSAL - DEE WHY TOWN CENTRE -
MERITON PROPERTY GROUP****204/15 RESOLVED*****Cr Moskal / Cr Regan***

That Council:

- A. Proceed with draft amendments to Warringah Local Environmental Plan 2011, in respect of 'Key Site B' within the Dee Why Town Centre to:
 - a. allow an increase in the podium height from RL 31 metres to RL 32 metres;
 - b. allow for a pedestrian footbridge within Key Site B;
 - c. allow residential development within the second floor level but not the first floor level of the proposed development.
- B. Advise the proponent that the remainder of the requested changes are not supported.
- C. Finalise the Planning Proposal and effect the above amendments to Warringah Local Environmental Plan 2011.

RESOLVED BY EXCEPTION**8.11 AMENDMENT TO 2008 VOLUNTARY PLANNING AGREEMENT - MERITON
PROPERTY GROUP****205/15 RESOLVED*****Cr Moskal / Cr Regan***

That:

- A. Council Staff work with Karimbla Properties (No. 41) Pty Ltd to prepare a Deed of Amendment to make changes to the voluntary planning agreement between Karimbla Properties (No.41) Pty Limited and Warringah Council, relating to 890-896 Pittwater Road, 9-17 Howard Avenue, 14-16 and 26 Oaks Avenue, Dee Why.
- B. The Deed of Amendment be placed on public exhibition for a period of 28 days.

RESOLVED BY EXCEPTION**13.1 RESULT OF RECENT EXPRESSION OF INTEREST (EOI) FOR PROPOSED LEASE
OF LAND FOR AFFORDABLE RENTAL HOUSING SITE AT 725 PITTWATER ROAD
DEE WHY****206/15 RESOLVED*****Cr Moskal / Cr Regan***

That Council:

- A. Not accept any submission received from its Expression of Interest (EOI) 2015/038 for the Proposed Lease of Land for an Affordable Rental Housing Site at 725 Pittwater Road Dee Why
- B. Cancel the EOI process for the Proposed Lease of Land for an Affordable Rental Housing

Site at 725 Pittwater Road Dee Why

- C. Staff develop a draft Affordable Housing Policy to be reported to Council for consideration, within the next 12 months
- D. Postpone any further investigation for other potential affordable housing sites on Council owned or managed land until an Affordable Housing Policy has been adopted.

RESOLVED BY EXCEPTION

8.0 ENVIRONMENT DIVISION REPORTS

8.4 PROPOSED AMENDMENTS TO WARRINGAH COUNCIL WARD BOUNDARIES

207/15 **RESOLVED**

Cr Moskal / Cr Heins

That:

- A Council's preferred option for Warringah Council's proposed amended ward boundaries is:
Inclusion of Red Hill / Beacon Hill into C Ward (moved from A Ward), with the inclusion of Oxford Falls in C Ward. A section of Beacon Hill and Narraweena into A Ward from C Ward and B Ward. Part of Dee Why between Pittwater Road and The Strand from A Ward to B Ward.
- B Council's preferred option for amended ward boundaries be submitted to the NSW Electoral Commissioner and the Australian Statistician for endorsement, prior to being placed on public exhibition.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED

MATTER OF URGENCY - NOMINATION FOR WARRINGAH'S SELECTION PANEL MEMBER TO RECRUIT A DISTRICT COMMISSIONER FOR THE GREATER SYDNEY COMMISSION

208/15 **RESOLVED**

Cr Regan / Cr Gobert

That the Mayor or the General Manager's representative represent Warringah Council on the selection panel for the Sydney North District's recruitment of a District Commissioner for the Greater Sydney Commission.

VOTING

For the resolution: Crs Giltinan, Gobert, Heins, Kerr, Moskal and Regan

Against the resolution: Nil

CARRIED**9.0 NOTICES OF RESCISSION**

Nil

10.0 NOTICES OF MOTION

Nil

11.0 QUESTIONS ON NOTICE**11.1 QUESTION ON NOTICE NO 22/2015 - NUISANCE PROVISIONS OF LEASE - DEE WHY BEACH SHED**

Question accepted and will be sent to staff for a response.

11.2 QUESTION ON NOTICE NO 23/2015 - SEATING AT THE DEE WHY BEACH SHED

Question accepted and will be sent to staff for a response.

11.3 QUESTION ON NOTICE NO 24/2015 - STAFF PARTICIPATION IN YOUR WARRINGAH POLITICAL PARTY CAUCUSING PRIOR TO COUNCIL MEETINGS

Question accepted and will be sent to staff for a response.

12.0 RESPONSES TO QUESTIONS ON NOTICE**12.1 RESPONSE TO QUESTION ON NOTICE NO 19/2015 - RENT FROM LEASE OF THE BOAT SHED, DEE WHY**

Response listed in the business papers.

12.2 RESPONSE TO QUESTION ON NOTICE NO 20/2015 - FUNDS RECEIVED BY COUNCIL FOR SEATING ON THE STRAND, DEE WHY BEACH

Response listed in the business papers.

12.3 RESPONSE TO QUESTION ON NOTICE NO 21/2015 - EXPENDITURE INCURRED ON MAYORAL AND COUNCIL CREDIT CARDS AT THE BOAT SHED, DEE WHY BEACH

Response listed in the business papers.

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION**RECOMMENDATION**

- A. That, in accordance with the requirements of Section 10 of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
- a Item 13.1 Result of Recent Expression of Interest (EOI) for Proposed Lease of Land for Affordable Rental Housing Site at 725 Pittwater Road Dee Why on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].
- This report discusses a confidential Expression of Interest undertaken by Council and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would, if disclosed, prejudice the commercial position of the person who supplied it.
- B. 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.

The meeting concluded at 7:28PM

This is the final page of the minutes comprising 12 pages
numbered 1 to 12 of the Ordinary Council Meeting
held on Tuesday 22 September 2015 and confirmed on Tuesday 27 October 2015

Mayor

General Manager