



WARRINGAH
COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 23 JUNE 2015

(2015/6)



Minutes of an Ordinary Meeting of Council**held on Tuesday 23 June 2015****at the Civic Centre, Dee Why****Commencing at 6:00pm****ATTENDANCE:****Members**

Councillors M Regan (Mayor), J Menano-Pires (Deputy Mayor), V De Luca OAM, B Giltinan, W Gobert OAM, R Harrison, S Heins, D Kerr and V Moskal

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Eskil Julliard	A/Executive Legal Counsel
Kelly Sentance	Acting Governance Manager
Ximena Von Oven	Administration Officer Governance
Katie Kirwan	Administration Officer Governance
Dinesh Mishra	IM&T Support Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Graham Middleton	Group Manager Marketing & Communications
Adam Vine	Group Manager Business Enterprise and Risk
Boris Bolgoff	Group Manager Roads, Traffic and Waste
David Walsh	Chief Financial Officer
Peter Robinson	Group Manager Strategic Planning
Todd Dickinson	Group Manager Natural Environment

NOTES

The meeting commenced at 6:02pm, adjourned at 7:20pm, resumed at 7:27pm, moved into closed session at 8:09pm, resumed in open session at 8:21pm and concluded at 8:23pm

1.0 APOLOGIES

108/15 **RESOLVED**

Cr Heins / Cr Kerr

That an apology for non-attendance be received from Councillor Pat Daley.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 MAY 2015

109/15 **RESOLVED**

Cr Gobert / Cr Menano-Pires

That the Minutes of the Ordinary Council Meeting held 26 May 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 De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Gobert declared a less than significant non-pecuniary interest in relation to Item 7.4 2015/16 Community Grants Program, as his wife was involved with the committee that awarded the grants.

Cr De Luca declared a less than significant non-pecuniary interest in Item 7.4 2015/16 Community Grants Program and Item 8.9 Alternative Procurement – John Fisher Park Netball Lighting, as he is an associate member of the Manly Warringah Netball Association, by virtue of his membership of an affiliated club but he does not hold any position within the association and his impartiality is not comprised.

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 Patrick Joseph Morrissey representing Friends of Freshwater Inc made a statement in relation to Plans of Management he is developing for Undercliff Reserve at Freshwater and Freshwater View Reserve at Queenscliff and table issues that have arisen, draft recommendations and request feedback from Council**
- 4.2 Mary Bee made a statement in relation to the Draft District Plan of Management.**
- 4.3 Jack Tilburn asked the following questions regarding more money for our three Council Public Libraries**
- A. Has the Warringah Council supported the LGNSW President Keith Rhodes in making strong representations to both the Premier Michael Baird and Arts Minister Troy Grant to commit much more money to NSW Council – 150 such – by the NSW state government?**
 - B. Has the Warringah Council supported the NSW Public Libraries Association to obtain much more NSW Budget Funds and other on-going current yearly funds to help and assist the future of these invaluable public assets at grave risk to survive?**
 - C. Has the Warringah Council with its large 2014-15-16 budget surpluses of millions of dollars undertaken increasing any monies for its three public libraries, and if not, then why not?**
 - D. As it has been stated in the Sydney Morning Herald, Tuesday , May 12, 2015; the NSW government only pays 8 cents in every dollar with Councils picking up nearly 93 per cent of the bill, so would the Warringah Council agree that much more Council support is required and what, if additional measures of monies has the Council allocated to overcome money shortages and deficiencies with its own three Council Libraries?**

Response

The Deputy General Manager Community provided the following response:

Warringah Council has four libraries which are Warringah Mall, Dee Why, Belrose and Forestville Library.

- A. Council has not been involved with Keith Rhodes however has worked very closely with the NSW Public Libraries Association and in 2014 this Council resolved on two occasions to support the Public Library Association and has made representations to numerous politicians including the Premier to try to increase support for public libraries. Council staff have also attempted to gain support by implementing a Black Friday campaign where staff dressed in black to represent budget cuts and raise awareness of this issue.
- B. Council has resolved the expenditure of \$5m to redevelop the Belrose Library and create a new library at the community hub area linking in the Glenn St Theatre Cultural Hub, which is a great facility for the Belrose area.
- C. In relation to generally dealing with budgetary issues in the libraries, Council spends approximately \$6.8m per year on libraries as its stands which is \$43.41 per capita, which is up to 30% less than neighbouring councils however, we open more hours and circulate three to four times more books.
- D. Council uses the Business Excellence Framework to drive efficiencies and improvements and to date has realised efficiencies of approximately \$6.4 million over 10 years. Councillors and staff have been working to reinvest these savings

and provide improvements for Council's libraries. We are currently using our in house expertise to increase productivity which can then be used to provide greater service.

The Mayor noted that Council also has volunteer libraries at Terry Hills and Freshwater and the volunteer ladies at The Narrabeen Ladies Book Club.

4.4 Peter Harley representing Friends of Freshwater Inc made a statement in relation to Freshwater View Reserve

The Mayor, Councillor Regan left the chamber at 6:26 pm and the Deputy Mayor, Councillor Menano-Pires took the chair.

4.5 Gary Hatcher addressed Item 10.1, Notice of Motion No 15/2015 - Boat Shed Kiosk Dee Why.

4.6 Babette Hatcher addressed Item 10.1, Notice of Motion No 15/2015 - Boat Shed Kiosk Dee Why.

Councillor Regan returned to the chamber at 6:34pm

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

110/15 RESOLVED

Cr Gobert / Cr Kerr

That the Order of Business be changed so Items 6.1, 6.2, 7.1, 7.2, 7.3, 8.1, 8.2, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

ITEMS RESOLVED BY EXCEPTION:

6.1 MINUTES OF THE SHOROC INCORPORATED BOARD MEETING HELD ON 20 MAY 2015

111/15 RESOLVED

Cr Gobert / Cr Kerr

That the Minutes of the SHOROC Incorporated Board Meeting held 20 May 2015 be noted.

RESOLVED BY EXCEPTION

6.2 MONTHLY FUNDS MANAGEMENT REPORT MAY 2015

112/15 **RESOLVED**

Cr Gobert / Cr Kerr

That:

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

RESOLVED BY EXCEPTION

7.1 PROPOSED COMPULSORY ACQUISITION OF COUNCIL COMMUNITY LAND AT WARRINGAH ROAD FRENCHS FOREST BY ROADS & MARITIME SERVICES

113/15 **RESOLVED**

Cr Gobert / Cr Kerr

That Council authorises:

- A. Compulsory Acquisition by agreement by Roads & Maritime Services of the Council Community Land at Warringah Road Frenchs Forest as identified, by the legal description below, subject to Roads & Maritime Services paying to Warringah Council compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 within 30 days of the publication of an Acquisition Notice in accordance with this Act.

1.	C/361887	1,085 m ²
2.	B/36616	3,060 m ²
3.	C/36616	9,260 m ²
4.	12/580560	3,480 m ²
5.	61/631400	435 m ²
6.	1/558009	210 m ²
7.	1/225569	910 m ²
8.	1/245508	200 m ²
9.	D/36616	1,550 m ²
10.	2/437859 (entire lot)	1,277 m ²
11.	11/605161	176 m ²
12.	2/245508	47 m ²
13.	3/245508	17 m ²
14.	3/220541	372 m ²
15.	2/549574	185 m ²
16.	31/715557	470 m ²

- B. The General Manager to execute all documentation necessary in order to give effect to this resolution.
- C. A reduction of the minimum statutory 90 day notice period for the compulsory acquisition to 7 days.
- D. Roads & Maritime Services to access Council's land prior to its compulsory acquisition for its preliminary works subject to any conditions required by Council.

RESOLVED BY EXCEPTION

7.2 COMMUNITY LIBRARY FUNDING FOR 2014/15

114/15 **RESOLVED**

Cr Gobert / Cr Kerr

That Council approve the 2014/15 funding allocation of \$20,000 for Terrey Hills Community Library and \$1,370 for Booklovers' Club Warringah Incorporated.

RESOLVED BY EXCEPTION

7.3 PUBLIC EXHIBITION OF DRAFT MULTICULTURAL STRATEGY - CULTURALLY DIVERSE WARRINGAH 2015-2020

115/15 **RESOLVED**

Cr Gobert / Cr Kerr

That the draft Multicultural Strategy – Culturally Diverse Warringah 2015 – 2020 be placed on public exhibition for 28 days.

RESOLVED BY EXCEPTION

8.1 ADOPTION OF THE DEE WHY SOUTH CATCHMENT FLOODPLAIN RISK MANAGEMENT PLAN

116/15 **RESOLVED**

Cr Gobert / Cr Kerr

That Council:

- A. Adopt the Dee Why South Catchment Floodplain Risk Management Plan (June 2015).
- B. Continues the detailed design of the stormwater pipe in Oaks Avenue given its high priority and the need to integrate with upcoming Dee Why Town Centre infrastructure works.
- C. Commences the process to amend the Warringah Development Control Plan 2011 to include separate classifications and development controls for mainstream flooding and overland flow for Dee Why.

RESOLVED BY EXCEPTION

8.2 GARAGE SALE TRAIL**117/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council not participate in the Garage Sale Trail and continue to run the Second Hand Saturday program.

RESOLVED BY EXCEPTION**8.4 ADOPTION OF WARRINGAH DEVELOPMENT CONTRIBUTIONS PLAN 2015****118/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council adopts the Warringah Development Contributions Plan 2015.

RESOLVED BY EXCEPTION**8.5 SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST****119/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council:

- A. Prepare a planning proposal to allow development of internal and attached Secondary Dwellings in the RU4 – Primary Production Small Lot zone.
- B. Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination.

RESOLVED BY EXCEPTION**8.6 PUBLIC EXHIBITION OF THE DRAFT WARRINGAH BUSH FIRE PRONE LAND MAP****120/15 RESOLVED*****Cr Gobert / Cr Kerr***

That Council place the draft Warringah Bush Fire Prone Land Map 2015 and supporting documentation on public exhibition for a period of at least 28 days.

RESOLVED BY EXCEPTION

8.7 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENTAL PLAN

121/15 RESOLVED

Cr Gobert / Cr Kerr

That Council:

- A. Note the State Environmental Planning Policy No.1 variations granted to development applications between 1 January 2015 to 31 March 2015
- B. Note the Clause 4.6 variations under the Warringah Local Environment Plan 2011 granted to development applications between 1 January 2015 to 31 March 2015.

RESOLVED BY EXCEPTION

8.8 AMENDMENTS TO THE 2015/16 COUNCIL MEETING CYCLE

122/15 RESOLVED

Cr Gobert / Cr Kerr

That Council:

- A. Amend the Council Meeting schedule as follows:
 - a. February - One Ordinary Meeting to be held on third Tuesday in February
 - b. August - Additional Ordinary Meeting to be held on first Tuesday in August
- B. Delegate authority to the General Manager to update the Code of Meeting Practice with the following minor amendment:

"Ordinary Council meetings will be generally held monthly on the fourth Tuesday commencing at 6:00pm or as resolved otherwise by Council.

Dates and times of each meeting are published on Council's website"

RESOLVED BY EXCEPTION

8.9 ALTERNATIVE PROCUREMENT - JOHN FISHER PARK NETBALL LIGHTING

123/15 RESOLVED

Cr Gobert / Cr Kerr

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of the upgrade of lighting at John Fisher Park Netball Courts 11 – 16 and 21 - 25 as it believes a less satisfactory result would be achieved by inviting tenders.
- B. Authority be delegated to the General Manager to enter into negotiations with Musco Lighting Pty Ltd for the upgrading of the John Fisher Park Netball Courts 11 – 16 and 21 - 25 and if

successful to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

5.1 MAYORAL MINUTE NO 7/2015 - WYATT PARK TENNIS CENTRE - ACKNOWLEDGEMENT OF CONTRIBUTION BY COMMITTEE MEMBERS

124/15 **RESOLVED**

Cr Regan

That Council acknowledges and thanks Mrs Frances McKenzie and Mrs Janice Steward for their tireless and dedicated commitment to managing the Wyatt Park Tennis Centre over the last 45 years.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr,
Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

7.0 COMMUNITY DIVISION REPORTS

7.4 2015/16 COMMUNITY GRANTS PROGRAM

125/15 **RESOLVED**

Cr Moskal / Cr Regan

A. That the Community Development Grant funding for 2015/16 be allocated as recommended by the assessment panel as follows (listed alphabetically by organisation; project name; grant funding allocation):

1. 2realise Incorporated – 2realise your career. The Northern Beaches Project – \$4,500
2. Artability, under the auspices of the Northern Beaches Creative Leisure and Learning Inc. – Artability – \$3,000. Recurring funding for 3 years.
3. Australian Youth Climate Coalition – Switched on Schools Northern Beaches – \$5,000
4. Disabled Surfers Association of Australia Inc., Sydney Branch - Disabled Surfers "Hands on Day" Collaroy Beach, 2016 - \$3,800
5. Forest Computer Pals for Seniors Inc. - Forest Computer Pals for Seniors 2016. Equipment update - \$3,000
6. Grace City Care Incorporated - Community Food care Centre and Café - \$5,000
7. KYDS Youth Development Service Incorporated - Early intervention mental health outreach activities for Warringah teens and their parents - \$5,000
8. Literacy Network Manly Warringah Inc. - Providing one to one free tuition for adults living in the Warringah LGA, who struggle with reading, writing and numeracy skills - \$5,000

9. Manly Community Centre & Services Inc. - The Northern Beaches Volunteering Project - \$5,000. Recurring funding for 3 years.
10. Manly Drug Education and Counselling Centre - Stop the Supply Campaign (STS) - \$5,000
11. Northern Beaches Business Education Network Incorporated - Young Women's Work Inspiration (YWWI) - \$5,000. Recurring funding for 3 years.
12. Northern Beaches Interchange - Peer to Peer Support Networks - \$5,000
13. Northern Beaches Multiple Birth Club - Best Start program for multiples - \$3,000
14. Parkrun Inc. - Curl Curl Parkrun - \$1,000. Recurring funding for 3 years.
15. Peninsula Senior Citizens Toy Repair Group Inc. - Toys for disadvantaged kids at Christmas - \$1,500
16. Pioneer Clubhouse (SFNSW) - Transport to Support - \$2,000
17. Rainbow Swim Club - End waiting list - \$5,000
18. Raise Foundation - Bump, Dee Why - \$5,000. Recurring funding for 3 years.
19. Relationships Australia - The Boys Shed - \$4,800
20. Rotary Club of Dee Why Warringah - Mental health first aid courses - \$5,000
21. RSL Lifecare Limited - Homes for Heroes reconnect - \$5,000
22. Spanish Community Care Association Inc. - Warringah's Spanish Speakers Hub for Seniors - \$5,000
23. St Vincent de Paul Society - Warringah Food Van Volunteer Program - \$5,000
24. Streetwork Incorporated - Kick Start Mentoring Program - \$5,000
25. Water Skills for Life Inc. - Tibetan Community Swimming & Water Safety Program - \$3,400

B. That the Cultural Development Grant funding for 2015/16 be allocated as recommended by the assessment panel as follows (listed alphabetically by organisation; project name; grant funding allocation):

1. Brush Art 4 Kids – Brush Art 4 Kids – \$5,000
2. Eramboo World Studies Centre Pty. Ltd – In SITES – \$1,580
3. Eurofest Cultural and Sporting Association Inc. – Eurofest 2015 Multi-cultural Festival – \$5,000
4. Manly Panto Inc. - Jack and Jill and The Beanstalk - \$1,000
5. Northern Beaches Eisteddfod - Northern Beaches Eisteddfod - \$3,000
6. Polixenni Photography-50 FACES. A photographic portrait series of the northern beaches. - \$5,000
7. The Manly-Warringah Choir Inc. - Gala 40th Anniversary Concert - \$ 3,420
8. Tibetan Community of Australia NSW Inc. - Tibet Festival 2016 - \$5,000
9. Warringah Printmakers Studio Inc. - The Warringah Printmakers Studio Annual Exhibition 2015 - \$1,000

C. That the Sporting Groups Capital Assistance Grant funding for 2015/16 be allocated as recommended by the assessment panel as follows (listed alphabetically by organisation; project name; grant funding allocation):

1. Collaroy Tennis Club – new tennis court fencing at the Collaroy Tennis Centre, Griffith

Park – \$36,547

2. Harbord Devils Junior Cricket Club – four new cricket nets, Harbord Park – \$44,000
3. Manly Warringah Netball Association – upgrade lighting on up to 11 netball courts at John Fisher Park – \$105,000. Council to manage this project.

- D. That \$47,453 of unallocated funds from the 2015/16 Sporting Groups Capital Assistance Grant Program is rolled over to the 2016/17 Sporting Groups Capital Assistance Grant Program.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.3 JOESANDRA DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE

126/15 **RESOLVED**

Cr Heins / Cr Menano-Pires

That Council endorse the draft voluntary planning agreement and explanatory note between Joesandra Pty Ltd and Warringah Council, so that the draft voluntary planning agreement and explanatory note may be placed on public exhibition for a period of 28 days.

VOTING

For the resolution: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Crs De Luca and Giltinan

CARRIED

NOTE: With the permission of the Mover and Seconder the original motion was amended to add point A (g), and new points E and F.

8.10 FIT FOR THE FUTURE - WARRINGAH COUNCIL'S IMPROVEMENT PROPOSAL

127/15 **RESOLVED**

Cr Menano-Pires / Cr Regan

A. That Council notes:

- a. The extensive analysis, research and community engagement that has been undertaken on the NSW Government's Fit for the Future program in exploring options and preparing Council's response to the Fit for the Future program.

- b. The Independent Local Government Review Panel's preferred model for local government on the northern beaches is for Manly, Pittwater and Warringah Council's to merge and form a new Northern Beaches Council.
- c. Independent research by SGS Economics and KPMG supports the findings of the Independent Local Government Review Panel that a new Northern Beaches Council is the best option for the community and the region.
- d. The Warringah community's preferred option from the telephone research and community feedback is for a Northern Beaches Council. This was also the case for Pittwater and Manly community members who made a submission.
- e. Manly and Pittwater Council are not willing to consider merging to form a Northern Beaches Council.
- f. In the absence of agreement from all councils regarding a merger proposal Council is required to submit a 'Council Improvement Proposal' to IPART.
- g. Council's current scale and capacity allows for current levels of service and infrastructure investment to be maintained indefinitely, as identified by TCorp.
- B. That in response to the Fit for the Future program that Council submit to IPART:
 - a. a 'Council Improvement Proposal' demonstrating Warringah Council is fit for the future on its own
 - b. an alternate proposal for a new Northern Beaches Council
- C. That the General Manager be authorised to finalise the 'Council Improvement Proposal' and 'alternate proposal' and lodge with IPART by 30 June 2015.
- D. That Council and Warringah community oppose any proposal to split the northern beaches to create two smaller councils than Warringah:
 - a. The Warringah community is strongly opposed to the 'Split the northern beaches' option
 - b. It could cost the community up to \$179 million over 10 years under the 'Split the northern beaches' option
 - c. The 'Split the northern beaches' option will negatively impact on the delivery of services for the community while the councils determine where boundaries would exist, how assets liabilities and communities would be divided, and how services would be delivered given systems would need to change and be duplicated.
 - d. The 'Split the northern beaches' option will create inequalities for Warringah ratepayers by gifting income generating assets such as Kimbriki to the revised Pittwater Council while the liability of heavily ratepayer subsidised assets such as Brookvale Oval and Warringah Aquatic Centre would go to the revised Manly Council.
 - e. The 'Split the northern beaches' option is inconsistent with the NSW Government's approach to reform and could derail and corrupt the process by allowing councils to plead a special case regardless of the objective facts.
 - f. The Chair of the NSW Government's own Independent Local Government Review Panel called the 'Split the northern beaches' option "fundamentally flawed".
 - g. The 'Split the northern beaches' option will negatively impact on the achievement of the NSW Government's Metro Strategy as planning of the new Northern Beaches Hospital and health precinct at Frenchs Forest will be split between two new councils making planning of the area around the new hospital critically flawed.

- h. The 'Split the northern beaches' option appears to be politically motivated and does not support good public policy as it would generate the least favourable outcome for the region.
 - i. The 'Split the northern beaches' option is formally no longer supported by Pittwater Council who resolved not to proceed with their concept at their council meeting on 15 June 2015.
- E. That Warringah Council reiterates its willingness to engage in constructive dialogue with Manly and/or Pittwater Councils in order to achieve, for the Northern Beaches residents, the stated objectives:
- Lower rates
 - Increased service levels
 - Increased infrastructure investment
 - Improved management of common environmental assets
- As an example, a merger between Manly and Warringah LGAs would save \$123.5M and would attract a NSW Government incentive payment of \$10.5M. This would go a long way in fulfilling the objectives stated above.
- F. That Council inform the community and write to the (Hon) Paul Toole MP, Minister for Local Government and The (Hon) Mike Baird MP, NSW Premier, the Hon Rob Stokes, Member for Pittwater, Mr Jonathan O'Dea, Member for Davidson advising of the community's strong preference for the creation of a new Northern Beaches Council and strong opposition of the 'Split the northern beaches' option.

VOTING

For the resolution: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Crs De Luca and Giltinan

CARRIED

In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 7:25 pm. The meeting resumed at 7:32 pm with the same Councillors present.

SUPPLEMENTARY MOTION**128/15 RESOLVED****Cr Regan / Cr Menano-Pires**

That Council notes:

- A.
 - a. In March this year, Manly Council voted to hold round table discussions to look at reforms and discuss the best way forward for the future and at their meeting last night voted to put in a proposal to split the northern beaches into two Councils.
 - b. Manly residents when asked "Do you support having one single Council on the Northern Beaches incorporating Pittwater, Warringah and Manly Councils?" Results were Yes 43% to No 57 % (Tavern Research, November 2014) . Almost 74% of Warringah residents voted for a Northern Beaches Council.
 - c. Splitting Warringah will greatly disadvantage Warringah property owners who will

likely have higher rates in line with those currently paid by Manly and Pittwater ratepayers. The cost of splitting a Council in addition to creating two new Councils, will likely be \$179 million over 10 years.

- d. Under a model where the northern beaches are split, the revenue generating assets such as Kimbriki would go to Pittwater with liabilities going to Manly significantly disadvantaging at least half Warringah ratepayers.

B. That Council in addition to submitting a proposal to IPART also offer to merge with Manly Council to deliver improved services and infrastructure and reduced rates. The proposed offer to form a new Council could include:

- a. No rate rise for a minimum of three years
- b. Savings of up to \$123.5 million to be reinvested into more services and local infrastructure
- c. Access to the NSW Government incentive payment of \$10.5 million to increase services and infrastructure
- d. One parking sticker for all beaches between Shelly Beach and North Narrabeen as well as Fisherman's Beach, Narrabeen Lagoon and Manly Dam.
- e. Improved management of our joint environmental assets Manly Lagoon Catchment
- f. New Council to form within existing local Government boundaries of Manly and Warringah.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

9.0 NOTICES OF RESCISSION

Nil

10.0 NOTICES OF MOTION

10.1 NOTICE OF MOTION NO 15/2015 - BOAT SHED KIOSK DEE WHY

129/15 **RESOLVED**

Cr De Luca / Cr Giltinan

MOTION

1. That Council notes:
 - a. Delivery trucks are still attending the Dee Why Boat Shed at times causing nuisance to residents eg 12.15am, 3.45am, and 6am.
 - b. Garbage collection trucks are also causing nuisance to residents and the pickup point has resulted in vandalism with kids taking card board boxes out of the bins placed on

the street to use them to surf down the grass hill and resulting in rubbish left on the street and reserve.

- c. The lessee of the Boat Shed and residents agree that the garbage collection point should be relocated and Council build a Bin Hide on the on the vacant concrete slab at street level of Oaks Avenue, Dee Why.
- d. Mr Malcolm Ryan's advice that the current DA consent does not restrict delivery times and Dr John Warburton's advice that the private commercial operations of the Beach Shed use a private garbage service so Council has no contractual control over pickup times.

2. That Council requests the General Manager to formally write to the lessees of the Kiosk requesting:

- a. They contact their private garbage collection company requesting an undertaking that collections are between the hours 9am and 8pm.
- b. They undertake in writing to ensure deliveries to the Boat Shed are between the hours 6am and 8pm.

3. That Council requests:

- a. The General Manager to investigate proposals by residents and the lessees of the Boat Shed regarding alternate place for garbage storage and collection.
- b. Requests the General Manager to furnish a short Report to the next meeting of Council regarding these matters and including any responses to correspondence sent by the General Manager.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert and Kerr

Against the resolution: Crs Harrison, Heins, Menano-Pires, Moskal and Regan

LOST

11.0 QUESTIONS ON NOTICE

11.1 QUESTION ON NOTICE NO 13/2015 - EXPENDITURE ON STAFF LEADERSHIP/DEVELOPMENT PROGRAMS

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

11.2 QUESTION ON NOTICE NO 14/2015 - EXPENDITURE ON REMOVING RANGER'S BENEFITS

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

11.3 QUESTION ON NOTICE NO 15/2015 - STAFF BONUSES

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 10/2015 - EXPENDITURE ON COUNCIL AMALGAMATION CAMPAIGN**

A response to the question on notice was provided in the business papers

12.2 RESPONSE TO QUESTION ON NOTICE NO 11/2015 - COMMUNITY CONSULTATION ON PUBLIC PRIVATE PARTNERSHIP REGARDING LAND FORMERLY KNOWN AS THE NORTH MANLY TENNIS CENTRE AND NOW WARRINGAH RECREATION CENTRE

A response to the question on notice was provided in the business papers

12.3 RESPONSE TO QUESTION ON NOTICE NO 12/2015 - ENVIRONMENTAL IMPACT REPORT REGARDING LAND NEAR WARRINGAH AQUATIC CENTRE PROPOSED TO BE LEASED FOR PUBLIC/PRIVATE PARTNERSHIP

A response to the question on notice was provided in the business papers

PROCEDURAL MOTION - SUSPENSION OF CODE OF MEETING PRACTICE

130/15 **RESOLVED**

Cr Menano-Pires / Cr Harrison

That Council suspend clause 13.2(ii) of Council's Code of Meeting Practice, to allow the meeting to continue.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION131/15 **RESOLVED****Cr Regan / Cr Gobert**

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 at 8:09pm to consider and discuss the Confidential Items.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED**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 RFT 2015/031 - Consider Tender Submissions - Engagement of an Agent for the Sale of "Site A" on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and 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 commercially sensitive information 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 disclose commercially sensitive information
 - b Item 13.2 RFT 2015/036 - Tender for Management of the Wyatt Park Tennis Centre on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993].

This report discusses sensitive tender information 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 disclose sensitive information.
- 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.

14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

13.1 RFT 2015/031 - CONSIDER TENDER SUBMISSIONS - ENGAGEMENT OF AN AGENT FOR THE SALE OF "SITE A"

132/15 **RESOLVED**

Cr Heins / Cr Menano-Pires

That:

- A. Council accepts the submission from CBRE for RFT 2015/031 - Engagement of an Agent for the Sale of the Council Car Park "Site A", Dee Why for the sum of \$234,500 excluding GST.
- B. Authority be delegated to the General Manager to execute all necessary documentation to give effect to this resolution.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

13.2 RFT 2015/036 - TENDER FOR MANAGEMENT OF THE WYATT PARK TENNIS CENTRE

133/15 **RESOLVED**

Cr Kerr / Cr Heins

That:

- A. Council accepts the tender submission from Evolve Tennis Academy for RFT 2015/036 Management of Wyatt Park Tennis Centre for an initial annual amount of \$32,000 (ex GST) subject to cost adjustment by 3% for each year thereafter, commencing on 1 August 2015 for a period of five (5) years with a five (5) year option at Council's discretion.
- B. Authority be delegated to the General Manager to execute all necessary documentation to give effect to this resolution.

VOTING

For the resolution: Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION**134/15 RESOLVED*****Cr Kerr / Cr De Luca***

That Council resume in open session at 8:21pm.

VOTING**For the resolution:** Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr,
Menano-Pires, Moskal and Regan**Against the resolution:** Nil**CARRIED***The meeting concluded at 8:23pm*

This is the final page of the minutes comprising 20 pages
numbered 1 to 20 of the Ordinary Council Meeting
held on Tuesday 23 June 2015 and confirmed on Tuesday 25 August 2015

Mayor

General Manager