



WARRINGAH
COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 26 MAY 2015

(2015/5)



Minutes of an Ordinary Meeting of Council
held on Tuesday 26 May 2015
at the Civic Centre, Dee Why
Commencing at 6:01pm

ATTENDANCE:

Members

Councillors M Regan (Mayor), J Menano-Pires (Deputy Mayor), P Daley, V De Luca OAM, B Giltinan, W Gobert OAM (arrived 6:09pm), R Harrison, S Heins, D Kerr and V Moskal

Officers

Malcolm Ryan	Acting General Manager
John Warburton	Deputy General Manager Community
Vivienne Ingram	Executive Legal Counsel
Anna Moore	Governance Manager
Katie Kirwan	Administration Officer Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Adam Vine	Group Manager Business & Risk
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Boris Bolgoff	Group Manager Roads, Traffic and Waste
Michael McDermid	Acting Group Manager Strategic Planning
Belinda Noble	Media and Content Manager

NOTES

The meeting commenced at 6:01pm, adjourned at 8:07pm, resumed at 8:13pm and concluded at 9:48pm

NOTE: The Mayor acknowledged the sad passing of Mrs Mary Armstrong. Councillor Harrison expressed her gratitude for the influence that Mrs Armstrong has had on her career.

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 APRIL 2015

084/15 **RESOLVED**

Cr De Luca / Cr Harrison

That the Minutes of the Ordinary Council Meeting held 28 April 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 Daley, De Luca, Giltinan, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 8.1, as he owns a property in North Manly, is a member of the North Manly Bowling Club, and is retained by the Salvation Army stores who have also taken an interest in this matter.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 10.3, as he owns property in the Dee Why area.

PROCEDURAL MOTION - EXTENSION OF PUBLIC FORUM PERIOD

085/15 **RESOLVED**

Cr Regan / Cr Giltinan

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 Daley, De Luca, Giltinan, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

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 Stephanie Graham addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.

4.2 Kate Serisier, representing the Dee Why Beach Action Group, addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.

Councillor Gobert arrived at the meeting at 6:09pm

4.3 Gary Hatcher addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.

4.4 Michael Chipchase addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.

4.5 Frank Zipparo addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.

4.6 Peter Brown addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.

4.7 Jack Tilburn asked the following question regarding answering of addresses made by citizens to Council following Monthly Council Meetings:

- A. Why if Council is so obliged to answer all questions submitted to Public Forum (see guidelines – Request to Address Council, on pages 63. and 64 of Code of Meeting Practice, GOV-PL, 19 October 2010, 2010/3) there is NOT an obligation to answer and respond to all addresses presented to Council or later by written response?
- B. Would the Council and the 10 Councilor's, consider really opening up for answering and responding to ALL items addressed by citizens so as to extend socializing goals and objectives for greater democracy ideals of disclosure, transparency and accountability?
- C. Why not open up all ways of communicating to citizens for greater ideals of openness and information and knowledge for their zeal and courage with vital and important addresses?
- D. Why when at last Council Meeting held on 28 April 2015, citizen Gary Hatcher addressed Council on Item 11.2: 'Former Dee Why Beach Boatshed Being Used Contrary to Definition of Kiosk', there was NO official Council response presented, and it is such a paramount and vial matter of public interest to be just ignored and forgotten and just swept under the carpet?

- E. Will the Council and its officials ever investigate with a written response to Mr Gary Hatcher of his very committed and concerned comments and address on this Dee Why Beach Kiosk versus a new café of restaurant being installed and would this written response be on the Council records and be made available for all interested citizen to obtain a copy of?

Response:

The Mayor and the Acting General Manager provided the following response:

- A. Mr Tilburn's question has quoted the previous version of Council's Code of Meeting Practice. The current Council Code of Meeting Practice states that staff are not obliged to supply an answer at the meeting. This is to allow staff to research the correct facts before supplying the answer, to avoid giving any incorrect information at the Council Meeting.
- B-C. Councillors Harrison, Kerr and Menano-Pires regularly advertise within Council's advertisement in the Manly Daily when they are holding café/street meetings for residents. Council has a number of other ways of communicating with the community - telephone, emails, written correspondence, and every Council project is listed online. We also communicate via our Strategic Reference Groups. The business of Council at these ordinary meetings is to transact the business of council at a meeting which is open to the public. There are many ways to communicate with the public and we believe we are very good at it. We even go as far as making our Audit and Risk Committee reports available to the public which no other council does.
- D. As advised earlier staff are not obliged to supply an answer at the meeting.
- E. Since July last year Council has written to Mr Hatcher 36 times. This information can be requested via a GIPA application.

- 4.8 Richard Michell representing Friends of Dee Why Lagoon addressed Item 10.1, Notice of Motion No 10/2015 - Call For Action Regarding Dangerous and Hazardous Trees on Northern Beaches Transport Corridors.**

- 4.9 The Mayor read out a statement on behalf of Rory Lynsky regarding a request for a paved footpath between Burchmore and Parkes Road.**

Response:

The Mayor advised that the Acting General Manager would provide a written response to Mr Lynsky.

- 4.10 Carl Oatley addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.**

- 4.11 Maria Psillakis addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.**

- 4.12 Melissa Svinos addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.**

- 4.13** Colin Caldwell addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.
- 4.14** Ann Sharp representing Manly Dam Catchment Committee, made a statement regarding the Manly Dam Catchment and the lease of land at the Aquatic Centre.
- 4.15** Ken Higgs representing Manly Dam Catchment Committee, made a statement regarding the Manly Dam Catchment and the lease of land at the Aquatic Centre.
- 4.16** Brian Halstead addressed Item 6.1, Adoption of the Delivery Program 2015-2019 and Operational Plan including Fees and Charges 2015/16.
- 4.17** David Ross addressed Item 12.3, Response to Question On Notice No 9/2015 - Conversion of Dee Why Boatshed from Community Use to Commercial.

Councillor Menano-Pires left the chamber at 7:04pm and returned at 7:06pm

- 4.18** Graham McDougal addressed Item 12.3, Response to Question On Notice No 9/2015 - Conversion of Dee Why Boatshed from Community Use to Commercial.
- 4.19** Michael Sheedy addressed Item 12.3, Response to Question On Notice No 9/2015 - Conversion of Dee Why Boatshed from Community Use to Commercial.
- 4.20** Gerard Barwell addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.
- 4.21** Suzanne Holcombe addressed Item 10.4, Notice of Motion No 13/2015 - Warringah Council Lease of Dee Why Boatshed for a Kiosk.
- 4.22** Renee Munoz addressed Item 10.5, Notice of Motion No 14/2015 - Assessment and Community Consultation of Low Impact Mobile Phone Base Stations.

5.0 MAYORAL MINUTES

Nil

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION086/15 **RESOLVED*****Cr Regan / Cr Gobert***

That the Order of Business be changed so Items 6.2, 7.1, 7.2, 7.3, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 13.1, 13.2, 13.3, 13.4 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

VOTING

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

Against the resolution: Nil

CARRIED**ITEMS RESOLVED BY EXCEPTION:****6.2 MONTHLY FUNDS MANAGEMENT REPORT APRIL 2015**087/15 **RESOLVED*****Cr Regan / Cr Gobert***

That the:

- A. Report indicating Council's Funds Management position as at 30 April 2015 be noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

RESOLVED BY EXCEPTION**7.1 PUBLIC EXHIBITION OF DRAFT MANAGEMENT OF TENNIS FACILITIES POLICY**088/15 **RESOLVED*****Cr Regan / Cr Gobert***

That the draft Management of Tennis Facilities Policy be placed on public exhibition for a minimum of 28 days with the results reported to Council.

RESOLVED BY EXCEPTION**7.2 PROPOSED EASEMENT FOR ABOVE GROUND ELECTRICITY PURPOSES AT WARRINGAH GOLF COURSE AT CORNER OF CONDAMINE STREET AND KENTWELL ROAD MANLY VALE**089/15 **RESOLVED*****Cr Regan / Cr Gobert***

That:

- A. Subject to Item C of this recommendation, Council authorise an easement for electricity purposes of variable width with an area of 205 metres squared limited to above the ground within Lot 2743 DP 752038 described as item F in DP 1206258 within Warringah Golf Course on the corner of Condamine Street and Kentwell Road Manly Vale in favour of Ausgrid for an amount in accordance with Council's adopted Fees & Charges.
- B. Council authorise the affixing of Council's seal to, and delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.
- C. That all costs associated with the granting of the proposed easement as referred to in item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable and document registration be funded by the applicant.
- D. Council confirm it has no objections to Roads & Maritime Services or Ausgrid compulsorily acquiring the easement described in item A of this recommendation by agreement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 subject to the applicant paying to Warringah Council compensation and associated costs in accordance with items A and C of this recommendation within 28 days of the publication of an Acquisition Notice in accordance with this Act.

RESOLVED BY EXCEPTION

7.3 AUDIT AND RISK COMMITTEE - ANNUAL REPORT 2014-2015

090/15 **RESOLVED**

Cr Regan / Cr Gobert

That the Audit and Risk Committee Annual Report 2014-2015 be endorsed and uploaded to the Internal Audit page of Council's website.

RESOLVED BY EXCEPTION

8.2 ANNUAL FEE FOR MAYOR AND COUNCILLORS

091/15 **RESOLVED**

Cr Regan / Cr Gobert

That, pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for:

- A. Councillors for the period 1 July 2015 to 30 June 2016 at \$23,370 payable monthly in arrears and;
- B. Mayor for the period 1 July 2015 to 30 June 2016 at \$62,090 payable monthly in arrears.

RESOLVED BY EXCEPTION

8.3 SELECTION OF COMMUNITY MEMBERS TO VACANT POSITIONS ON STRATEGIC REFERENCE GROUPS

092/15 **RESOLVED**

Cr Regan / Cr Gobert

That Council appoint the following members to the vacant positions on the Strategic Reference Groups:

- A. A Connected Environment Strategic Reference Group – Individual Community Representatives:
 - a. Rob Southam
 - b. Les Irwig
 - c. Sandra Wilson
- B. Vibrant Connected Communities Strategic Reference Group – Individual Community Representatives:
 - a. Su Young Lee
 - b. Christine Simpson

RESOLVED BY EXCEPTION

8.4 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES

093/15 **RESOLVED**

Cr Regan / Cr Gobert

That Council note the draft minutes from the following meetings:

- A. A Connected Environment Strategic Reference Group meeting held on 14 April 2015.
- B. Vibrant Connected Communities Strategic Reference Group meeting held 14 April 2015.
- C. ECOS Strategic Reference Group meeting held 15 April 2015.
- D. Open Space and Recreation Strategic Reference Group meeting held 15 April 2015.

RESOLVED BY EXCEPTION

8.5 MINUTES OF NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP HELD 26 FEBRUARY 2015

094/15 **RESOLVED**

Cr Regan / Cr Gobert

That the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held on 26 February 2015 be noted.

RESOLVED BY EXCEPTION

8.6 MINUTES OF SYDNEY COASTAL COUNCILS GROUP MEETING HELD 14 MARCH 2015

095/15 **RESOLVED**

Cr Regan / Cr Gobert

That the Minutes of the Sydney Coastal Councils Group meeting held 14 March 2015 and the

resolutions contained therein be noted.

RESOLVED BY EXCEPTION

8.7 REVISIONS TO COASTAL EROSION EMERGENCY ACTION SUBPLAN

096/15 **RESOLVED**

Cr Regan / Cr Gobert

That the revised Coastal Erosion Emergency Action Subplan for Beaches in Warringah (2015) be adopted.

RESOLVED BY EXCEPTION

NOTE: The General Manager reported the resolutions on confidential matters passed by exception:

13.1 ALTERNATIVE PROCUREMENT - EXTENSION OF WASTE COLLECTION SERVICES CONTRACT

097/15 **RESOLVED**

Cr Regan / Cr Gobert

- A. That Council resolves pursuant to section 55(3)(i) of the *Local Government Act* 1993 that a satisfactory result would not be achieved by inviting tenders for the provision of waste collection services because of extenuating circumstances by reason of the following:
- a. Council is obliged to supply waste to the proposed Alternative Waste Technology (AWT) facility at Kimbriki Resource Recovery Centre (Kimbriki), when it is operational;
 - b. integration of the waste collection service with the Kimbriki AWT facility is required for the Kimbriki AWT facility to operate effectively, however waste collection service specifications which integrate with the Kimbriki AWT facility cannot be prepared until the outcome of the Kimbriki AWT tender is known;
 - c. the commercial constraints, risks and/or unknown factors associated with Council's future waste collection service requirements in these circumstances would adversely impact the outcome of a collection services tender until the required collection specifications can be determined from the result of the Kimbriki AWT tender process;
 - d. United Resource Management Pty Ltd, as Council's incumbent waste collection contractor, has the experience, expertise and equipment to satisfy Council's waste collection service requirements pending determination of waste collection service specifications which will integrate with the Kimbriki AWT facility; and
 - e. Council has an immediate and critical need to take the necessary steps to obtain waste collection services for the period from 1 July 2016.
- B. That Council enter into a contract with United Resource Management Pty Ltd which extends the current Waste Collection Services Contract (T2008/100) to 31 August 2018, with three further options of up to one year each to allow for unforeseen delays in implementation of the Kimbriki AWT.
- C. That Council authorise the General Manager to negotiate and execute the contract.

RESOLVED BY EXCEPTION

13.2 DEE WHY TOWN CENTRE INFRASTRUCTURE DESIGN CONSULTANCY STAGE 2**098/15 RESOLVED*****Cr Regan / Cr Gobert***

That Council approve a contingency for variations under the contract with Tract Consulting for Dee Why Town Centre Upgrades Stage 2, Preliminary Design for the amount detailed in the Confidential report.

RESOLVED BY EXCEPTION**13.3 RFT 2015/005 - SPORTS FIELD RENOVATION AND LINE MARKING SERVICES PANEL****099/15 RESOLVED*****Cr Regan / Cr Gobert***

A. That Council accepts the preferred Tenderers as nominated by the Evaluation Panel to form a panel contract for Sports Field Renovation and Line Marking Services on Warringah Council Assets as required. The preferred contractors include:

- Green Options
- M Collins & Sons Pty Ltd
- Around The Grounds Pty Ltd
- Evergreen Turf NSW
- The Green Horticultural Group
- SITA Australia Pty Ltd
- Living Turf

B. That Council delegates the Deputy General Manager Environment to sign the Contract Deeds.

RESOLVED BY EXCEPTION**13.4 RFT 2015/013 - CONSIDER TENDER SUBMISSIONS - GLEN STREET THEATRE FOOD AND BEVERAGE****100/15 RESOLVED*****Cr Regan / Cr Gobert***

That:

- A. Council resolves to accept the submission from The Burlap Bag Pty Ltd for the lease of the café (Option 2)
 - B. Council declines to accept any of the tenders for the lease and operation of the food and beverage venue (Option 1) and the operation of the bar service (Option 3).
 - C. Council enter into negotiations with 4 Pines with a view to entering into a contract in relation
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to the lease and operation of the food and beverage venue (Option 1) and the operation of the bar service (Option 3); and

D. Council decline to:

- a. Invite fresh tenders based on the same or different details;
- b. Invite fresh applications from persons interested in tendering for the proposed contract; and
- c. Invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract

On the basis that:

- d. Subject to the negotiation of appropriate contractual terms, the 4 Pines tender would satisfactorily meet Council's requirements.
- E. Authority be delegated to the General Manager to enter into negotiations with 4 Pines with a view of Council entering into a contract for the lease of a food and beverage venue (Option 1) and the bar service (Option 3).
- F. Authority be delegated to the General Manager to execute all necessary documentation to give effect to this resolution.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

101/15 **RESOLVED**

Cr De Luca / Cr Giltinan

That the Order of Business be changed so Items 10.1 to 10.5 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Crs Harrison and Regan

CARRIED

10.1 NOTICE OF MOTION NO 10/2015 - CALL FOR ACTION REGARDING DANGEROUS AND HAZARDOUS TREES ON NORTHERN BEACHES TRANSPORT CORRIDORS

Cr Daley / Cr Giltinan

That:

- A. Council staff complete a report and bring the same back to council within three months, regarding the merits or otherwise of doing a complete review and assessment in relation to removing dangerous and hazardous trees and branches which are located along the Pittwater Road, Condamine Street and Warringah Road transport corridors through the local Government area of Warringah.

- B. As a priority, staff need to look at the area of Pittwater Road between Long Reef Golf Club and Dee Why town centre with a view to trimming back trees which are hanging out across the eastern side of Pittwater Road and include in their report the viability of clearing a 2 to 3 metre vegetation buffer zone from the curb along this section of roadway.
- C. Council write to other councils on the Northern Beaches asking that they do the same, and advise local members of parliament and relevant State Government agencies that this action is being taken.
- D. Council consult with the State Government, Sydney Buses, Manly Cabs and other stakeholders regarding a way forward on this issue.

VOTING

For the motion: Crs Daley, De Luca and Giltinan

Against the motion: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

LOST**10.2 NOTICE OF MOTION NO 11/2015 - SHOROC BOARD MEETING****102/15 RESOLVED*****Cr Menano-Pires / Cr Regan***

That:

- A. Council requests that the Mayor, on behalf of Warringah Council, proposes the following at the next SHOROC Board Meeting:

That:

- a. The Administration component of SHOROC be immediately abolished - a minimum saving of \$597,016 Financial Year 2015/16.
 - b. The council that holds the Board Chairmanship, which is rotated on an yearly basis between Mosman, Manly, Warringah and Pittwater, takes over the responsibility of organising, hosting and administering:
 - Board Meetings - Mayors and General Managers, 5 per year
 - Board and Local MP Meetings, 2 per year
 - Councillors Forum, 1 per year.
 - c. Projects that may be of common interest to 2 or more councils (procurement, waste management, planning, etc) be coordinated, managed or outsourced by one of the interested councils, with contributions, financial or otherwise, by the other interested councils, as determined by the those councils.
 - d. A Memorandum of Understanding between the 4 councils be drafted by the Mayors and General Managers, to refine and define the new Operating Model of Cooperation.
- B. The Mayor reports back to Council following debate at the SHOROC Board Meeting.

Councillor Gobert left the chamber at 8:00pm and returned at 8:02pm

VOTING

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

Against the resolution: Crs Daley, De Luca and Giltinan

CARRIED

In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:08pm. The meeting resumed at 8:13pm with all Councillors except Councillors Daley, Menano-Pires and Moskal present.

Councillors Menano-Pires and Moskal returned to the chamber at 8:14pm

10.3 NOTICE OF MOTION NO 12/2015 - DEVELOPMENT APPLICATION/S FOR MARKETS ON THE STRAND DEE WHY AND SURROUNDING AREAS

103/15 **RESOLVED**

Cr De Luca / Cr Harrison

That, in view of Council's pecuniary interest in any proposed Markets at The Strand Dee Why and surrounding areas, Council requests the General Manager to ensure that all development applications for the purpose of the markets on the Strand Dee Why and surrounding areas are referred to the Warringah Development Assessment Panel for consideration.

Councillor Daley returned to the chamber at 8:15pm

VOTING

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

Against the resolution: Nil

CARRIED

10.4 NOTICE OF MOTION NO 13/2015 - WARRINGAH COUNCIL LEASE OF DEE WHY BOATSHED FOR A KIOSK

Cr De Luca / Cr Daley

That Council:

1. Notes with concern allegations by surrounding residents that the approved Kiosk has been turned into a cafe/restaurant with table service, cooking facilities and more tables and chairs contrary to the elected Council's original Resolution.
2. Notes with concern that since Warringah Council turned the Boat shed from community use (storage of surf lifesaving equipment by Dee Why Surf Life Saving Club) to commercial use - Kiosk, there has been a significant adverse impact on local residences' amenity by way of traffic hazards caused by delivery trucks and rubbish collection trucks.
3. Calls on the General Manager of Council to report to the next meeting of Council on the

following issues:

- a. Compliance issues raised in correspondence received by Council and at Council's Public Forum on 28 April 2015 and what, if any, compliance action has been undertaken by Warringah Council.
- b. Traffic Management issues raised, particularly Truck movements and whether there are any safety issues and how any such issues can be resolved.
- c. Whether the lessor has breached any provisions of the lease issued by the Council.
- d. Under what circumstances the lease can be cancelled and whether the current lease should be cancelled.

VOTING

For the motion: Crs Daley and De Luca

Against the motion: Crs Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

LOST

10.5 NOTICE OF MOTION NO 14/2015 - ASSESSMENT AND COMMUNITY CONSULTATION OF LOW IMPACT MOBILE PHONE BASE STATIONS

NOTE: A number of additions were made to the motion by the mover and seconder

104/15 RESOLVED

Cr De Luca / Cr Regan

1. That Council notes:
 - a. Under the Federal Telecommunications Act 1997, an applicant for a low visual impact facility does not have to lodge a development application (DA) with the relevant local Council and thus the applicant can avoid all State and local Planning laws.
 - b. In recent months proposed upgrades of mobile phone towers in Cumberland Avenue, Collaroy, Pacific Parade, Dee Why and Freshwater Headland have caused great concern in the Warringah community.
 - c. A Petition of over 171 residents has recently been signed by Warringah residents vehemently opposing the proposal by Vodafone for a low impact mobile phone base be placed on the telephone exchange in the vicinity of 1-3 Cumberland Avenue, Collaroy and calling of the Federal Minister for Communications, The Hon Malcolm Turnbull, to amend the Telecommunications Act so that low impact mobile telephone bases/towers applications be assessed and determined by Local Government and not the applicant.
 - d. A meeting was held on 9th March with the Premiers Office and representatives from Vodafone at Council resulting in the Premier agreeing to write to the Prime Minister to request that the Telecommunications Act 1997 be amended to have genuine community consultation and that a Community Advisory Group be formed. The Mayor agreed that Council would assist.
 - e. The Mayor's Office will liaise with the office of the Hon. Mike Baird to draft a letter to the Federal Government regarding the requirements for community consultation under the Telecommunications Act 1997. The Mayor wishes to highlight that Telecommunication companies should write directly to those affected by the installation

of telecommunication structures as opposed to just putting an advertisement in the local newspaper.

- f. Vodafone will work with Council and the Community Advisory Group to:
 - Investigate alternative locations.
 - The possible removal of the recently installed antennas/panels from 186 Pacific Parade.
 - Provide a higher level of consultation in the future.
 - Consult with the community in the future if Vodafone decides on alternate sites.
- g. In relation to EMF Readings, Vodafone will work with Council to carry out an independent assessment of the EMF levels around the site and that:
 - Vodafone will pay for the assessment, provide a list of assessors that can do the readings and let Council know the extent of the area they are prepared to test and how much they will fund within the week.
 - Community Advisory Group to nominate locations (based on the number provided by Vodafone) that they would like the readings recorded. Community liaison to provide names, addresses and email addresses to Council and Vodafone.
- h. Vodafone is happy to review any health studies that are provided to them. Vodafone will compare the provided studies against the World Health Organisation recommendations.
- i. The Council agrees with the communities' opposition to this deployment, it is clearly an addition and with high visual impact, it is not an upgrade or replacement.

2. That Council:

- a. Writes to the Federal Minister for Communications, The Hon Malcolm Turnbull MP, the Prime Minister and Member for Warringah, The Hon Tony Abbott MP and the Speaker of the House and Member for Mackellar, The Hon Bronwyn Bishop MP, calling on the Federal Government to amend the Telecommunications Act to ensure that all proposals for low impact mobile telephone bases/towers are assessed and determined by the respective Local Government in which the facility is proposed instead of the applicant so as to ensure independent assessment, proper community consultation, transparency and fairness.
- b. Requests that the Federal Government consider amending legislation to encourage applicants to locate antennas on existing towers and share antennas to minimise adverse impacts on the community.
- c. Writes to the Chief Executive Officers of Vodafone and Telstra, supporting petitioners against the proposed facilities at Cumberland Avenue, Collaroy and residents concerned with the proposed facilities at Pacific Parade, Dee Why and Freshwater Headland, and ask that they to consider alternative areas away from residences.

VOTING

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

Against the resolution: Nil

CARRIED

6.0 GENERAL MANAGER'S REPORTS

Councillors Gobert and Heins left the chamber at 8:57pm

6.1 ADOPTION OF THE DELIVERY PROGRAM 2015-2019 AND OPERATIONAL PLAN INCLUDING FEES AND CHARGES 2015/16

105/15 **RESOLVED**

Cr Menano-Pires / Cr Regan

A. DELIVERY PROGRAM 2015-2019 AND OPERATIONAL PLAN 2015/16

That Council's Delivery Program 2015-2019 and Operational Plan 2015/16, which includes the recommendations and amendments detailed below to the exhibited draft Delivery Program 2015-2019 and Operational Plan 2015/16, be adopted.

B. RATES

1. That an Ordinary Residential Rate, to be named 'Residential Ordinary Rate' of 0.213201 cents in the dollar on the land value of all rateable land, being land that falls within the Residential Category in the Warringah Council area, be made for the year 1 July 2015 to 30 June 2016 subject to a minimum Ordinary Residential Rate of \$842.29 in respect of each separate parcel of rateable land in this category.
2. That the following business rates be made for the year 1 July 2015 to 30 June 2016:
 - a. An Ordinary Business Rate, to be named 'Business Ordinary Rate' of 0.590874 cents in the dollar on the land value of all rateable land, being land that falls within the Business Category in the Warringah Council area, be made for the year 1 July 2015 to 30 June 2016, subject to a minimum Ordinary Business Rate of \$1,081.39 in respect of each separate parcel of rateable land in this category.
 - b. An Ordinary Business Rate Sub-Category, to be named 'Warringah Mall Regional Shopping Centre Sub-Category' of 1.043502 cents in the dollar on the land value of all rateable land, being land that falls within this Business Sub-Category in the Warringah Council area, be made for the year 1 July 2015 to 30 June 2016.
 - c. An Ordinary Business Rate Sub-Category, to be named 'Strata Storage Units Sub-Category' of 0.590874 cents in the dollar on the land value of all rateable land, being land that falls within the Business Sub-Category in the Warringah Council area, be made for the year 1 July 2015 to 30 June 2016, subject to a minimum Ordinary Business Rate of \$496.00 in respect of each separate parcel of rateable land in this Sub-Category.

C. DOMESTIC WASTE MANAGEMENT CHARGE (DWMC)

That the charges for Domestic Waste Management be made for the year commencing 1 July 2015 as follows:

Availability Charges - Vacant Land	\$89.00
Per 80 litre bin (1 st or additional garbage bins) includes availability	\$364.00
Per 120 litre bin (1 st or additional garbage bins) includes availability	\$543.00
Service increase fee applies for delivery of larger capacity or additional bin compared to base 80 litre service or existing service level	\$25.00
Supply of additional vegetation bin	\$98.00
Repair of vegetation bin lid	\$16.00*
Repair of vegetation bin wheels	\$9.50*

(*Includes GST in rate)

D. SECTION 611 CHARGES

That an annual charge under Section 611 of the *Local Government Act 1993* be made and levied for the year commencing 1 July 2015 on the person for the time being in possession, occupation or enjoyment of a rail, pipe, wire, pole, cable, tunnel or structure laid, erected, suspended, constructed or placed on, under or over a public place.

E. CHARGE FOR WORKS ON PRIVATE LAND

That the amount or rate to be charged for works on private land for the year 2015/16 be the appropriate commercial rate – the actual cost of the works and standard oncosts to provide full cost recovery plus a return to Council.

F. INTEREST ON RATES & CHARGES

That interest charges on rates and charges which remain unpaid after they become due and payable for the year 2015/16, shall accrue on a daily basis at the rate of 8.5% per annum simple interest. This will be subject to the final determination of the Minister of Local Government.

G. VOLUNTARY PENSIONER REBATES – RATES & CHARGES

1. That for the year 2015/16 Council grant to eligible pensioners who have not reached the accepted male retirement age, to owners in receipt of the blind pension and to owners who have reached the accepted male retirement age and continue to receive either the Carer Payment or Disability Support Pension from Centrelink or either the Totally and Permanently Incapacitated (TPI) Pension or the Extreme Disablement Adjustment (EDA) Pension from the Department of Veteran Affairs, a further voluntary 50% reduction of rates subject to a maximum voluntary reduction of \$150 in addition to the statutory reduction under Section 575 of the *Local Government Act*.
2. That for the year 2015/16, Council grant all eligible pensioners, in addition to the statutory reduction under Section 575 of the *Local Government Act 1993*, a further voluntary reduction of \$44 on the Domestic Waste Management Charge where the service is used, irrespective of the bin size or number of bins used.

H. AMENDMENTS TO DRAFT DELIVERY PROGRAM 2015-2019 AND OPERATIONAL PLAN 2015/16

1. That the Operational Plan 2015/16 be amended resulting in a net decrease to the budgeted Operating Surplus from Continuing Operations of \$95,186 as detailed in the Report.
2. That the Capital Works Program for the four year Delivery Program 2015-2019 be amended for increases of \$1,056,585 as detailed in the Report.
3. That the Roads, Traffic and Waste Service be split into Waste Service and Roads and Traffic Service.
4. That a new key initiative titled "Report on outcomes from the Environment and Transport Sustainability Strategies" be added to the program for the period 2015-2019.

I. FEES AND CHARGES

1. That the draft Fees and Charges 2015/16 be adopted subject to the following change to Glen Street Theatre fees:

Fee Description	Rate	Fee 2015/16
Usher (per person)	Per Hour	\$43.00
Box Office (per person)	Per Hour	\$41.00

2. That the following proposed new fees for the Creative Arts Space be placed on public exhibition for a period of 28 days:
 - a. Creative Arts Space, Curl Curl - Market fee per day - \$30.00
 - b. Creative Arts Space, Curl Curl - Outdoor Studio per week - \$50.00
 - c. Creative Arts Space, Curl Curl – Half Gallery - per week - \$150.
 - d. Creative Arts Space, Curl Curl – Commercial Exhibition - per week - \$700.00

J. BORROWINGS

Loan funding for the road infrastructure works at the Kimbriki Waste Landfill Site of \$12.5m be included in Council's borrowing return to the Office of Local Government for 2015/16 but this amount be decreased to \$4.685m if the borrowings for the Local Infrastructure Renewal Scheme component of the works of \$7.815m approved by Council on 24 February 2015 are executed before 30 June 2015.

K. INDEPENDENT ASSURANCE REPORT

That Council note the auditor's draft Independent Assurance Report and that the final Independent Assurance Report be attached to the Delivery Program 2015-2019 once it is adopted.

Councillors Heins and Gobert returned to the chamber at 8:58pm

VOTING

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

Against the resolution: Nil

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.1 DRAFT DISTRICT PARK PLAN OF MANAGEMENT PUBLIC EXHIBITION

106/15 **RESOLVED**

Cr Heins / Cr Menano-Pires

That the Draft District Park Plan of Management, with clarification that the dirt jump bike track and indoor recreation facilities are separate facilities, be placed on public exhibition for a minimum of 42 days.

Councillor Kerr left the chamber at 9:40pm and returned at 9:43pm

VOTING

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

Against the resolution: Nil

CARRIED

SUPPLEMENTARY MOTION

107/15 **RESOLVED**

Cr De Luca / Cr Gobert

That Warringah Council as landlord of the premises currently occupied by North Manly Bowling Club Limited write to both North Manly Bowling Club and Manly Warringah Rugby Leagues Club noting recent articles in the Manly Daily and requesting advice as to proposals or agreements to be entered into.

Councillor Harrison left the chamber at 9:47pm and returned to the chamber at 9:48pm

VOTING

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

Against the resolution: Nil

CARRIED

9.0 NOTICES OF RESCISSION

Nil

11.0 QUESTIONS ON NOTICE**11.1 QUESTION ON NOTICE NO 10/2015 - EXPENDITURE ON COUNCIL AMALGAMATION CAMPAIGN**

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

11.2 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

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

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

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 7/2015 - NOTICE OF INTENTION TO GIVE AN ORDER - 19A FRAZER STREET, COLLAROY

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

12.2 RESPONSE TO QUESTION ON NOTICE NO 8/2015 - FORMER DEE WHY BOATSHED NOW BEING USED CONTRARY TO DEFINITION OF A KIOSK

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

12.3 RESPONSE TO QUESTION ON NOTICE NO 9/2015 - CONVERSION OF DEE WHY BOATSHED FROM COMMUNITY USE TO COMMERCIAL

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

The meeting concluded at 9:48pm

This is the final page of the minutes comprising 21 pages
numbered 1 to 21 of meeting 2015/5 of Warringah Council
held on Tuesday 26 May 2015 and confirmed on Tuesday 23 June 2015

Mayor

General Manager