



WARRINGAH
COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 FEBRUARY 2015

(2015/2)



Minutes of an Ordinary Meeting of Council
held on Tuesday 24 February 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 6:40pm*), R Harrison, S Heins, D Kerr and V Moskal

Officers

Malcolm Ryan	A/General Manager
John Warburton	Deputy General Manager Community
Peter Robinson	A/Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Anna Moore	Governance Manager
Trish Chaney	Coordinator Governance
Ximena Von Oven	Governance Administration Officer
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
David Kerr	Group Manager Development Assessment & Compliance
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Boris Bolgoff	Group Manager Roads Traffic and Waste
Belinda Noble	Media and Content Manager
Charles Munro	Stormwater and Floodplain Manager

NOTES

The meeting commenced at 6:01pm and concluded at 7:58pm

1.0 APOLOGIES

NOTE The Mayor advised that Councillor Gobert would be late to the meeting.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 10 FEBRUARY 2015

023/15 **RESOLVED**

Cr Heins / Cr Harrison

That the Minutes of the Ordinary Council Meeting held 10 February 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 De Luca declared a less than significant, non-pecuniary interest in relation to Item 8.5, as some members of the Warringah Urban Fringe Association may have attended his election launch in 2011, he stated that no further action was needed as his impartiality was not impaired in this matter.

Councillor Menano-Pires declared a less than significant, non-pecuniary interest in relation to Item 8.5, as Mr John Holman, President of the Warringah Urban Fringe Association attended his election launch campaign in 2011.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 8.5 as some members of the Warringah Urban Fringe Association may have attended his election launch campaign in 2011.

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.

PROCEDURAL MOTION - EXTENSION OF PUBLIC FORUM PERIOD

024/15 **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

4.1 Robert Ford addressed Item 8.2, Amendments to Section 149 (5) Notations for 17, 19 and 19A Frazer Street and 21 Jenkins Street, Collaroy.

4.2 Wendy Hill addressed Item 8.2, Amendments to Section 149 (5) Notations for 17, 19 and 19A Frazer Street and 21 Jenkins Street, Collaroy.

Councillor Giltinan left the chamber at 6:12pm

4.3 Karen Bardwell addressed Item 8.2, Amendments to Section 149 (5) Notations for 17, 19 and 19A Frazer Street and 21 Jenkins Street, Collaroy.

Councillor Giltinan returned to the chamber at 6:14pm

4.4 John Holman representing the Warringah Urban Fringe Association and a number of residents from the affected area, addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.5 Joerg Schmidt-Liermann representing Cath Edwards of Numeve Pty Ltd addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.6 Tony Moylan addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.7 Mauri Nowytarger addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.8 Barry Condon addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.9 James Linklater addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.10 John Spiegel addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

4.11 Geoff Dunlop representing Cromer Golf Club addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .

Councillor Gobert arrived at the meeting at 6:40pm

- 4.12 George Hare addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .**

Councillor De Luca left the chamber at 6:43pm

- 4.13 Greg Morris representing Oxford Falls Grammar School addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .**

Councillor De Luca returned to the chamber at 6:47pm

- 4.14 Geoff MacGregor addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .**

- 4.15 Jack Tilburn asked a question on: Problems with 385 Car Parking Spaces at the PCYC: Fisher Road, Dee Why**

Question:

- A. How are the 385 Car Parking spaces at the Police Citizens Youth Club at Fisher Road, Dee Why to be allocated: Shoppers/Council Staff/Commuters?
- B. Will there be relevant Car Parking fixed times for: Monday to Friday, then Saturday and Sunday?
- C. Will there be any upgraded Car Parking widths like say a standard of 2.7 metre wide and not say a lesser width of only 2.15 metre? Has the builder/architect decided on a width?
- D. Will there be any car parking fines imposed on motorists if they breach the possible fixed times imposed by laws?
- E. Will there be a review of car parking arrangements after say 3 months or 6 months as to monitor the situation?

Response:

The Mayor provided the following response:

- A. There will be 348 spaces which will be allocated to shoppers and commuters.
- B. Yes there will be car parking fixed times.
- C. The car parking width will be 2.6m, the standard is 2.4m.
- D. There will be rangers enforcing car park time limits.
- E. There were will be ongoing reviews, whether is 3 months, 6 months or annually there will be ongoing reviews.

- 4.16 Mary Armstrong representing Belrose Rural Community Association addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal.**

- 4.17 Ann Sharp representing Friends of Narrabeen Lagoon addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .**

- 4.18 Conny Harris representing Garigal Landcare addressed Item 8.5, Oxford Falls Valley and Belrose North Planning Proposal .**

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

025/15 **RESOLVED**

Cr Regan / Giltinan

That the Order of Business be changed so Items 6.1, 7.1, 7.2, 8.2, 8.3, 8.4, 13.1, 13.2 and 13.3 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:

6.1 MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2015

026/15 **RESOLVED**

Cr Regan / Cr Giltinan

That the:

- A. Report indicating Council's Funds Management position as at 31 January 2015 be noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.
- C. Investment Strategy and Portfolio Review be noted.

RESOLVED BY EXCEPTION

7.1 TRAMSHED ARTS & COMMUNITY CENTRE BUILDING REFURBISHMENT - CR5818

027/15 **RESOLVED**

Cr Regan / Cr Giltinan

That Council approve the re-allocation of unspent renewal funds from CR6477 and CR5810 to CR5818 – Tramshed Arts and Community Centre Building Refurbishment.

RESOLVED BY EXCEPTION

7.2 CLASSIFICATION OF PUBLIC LAND - 30 OAKS AVENUE, DEE WHY028/15 **RESOLVED*****Cr Regan / Cr Giltinan***

That Council approve that 30 Oaks Avenue, Dee Why (Lot A DP 350145) be classified as an Operational Land.

RESOLVED BY EXCEPTION**8.2 PLANNING PROPOSAL FOR 158 PACIFIC PARADE, DEE WHY**029/15 **RESOLVED*****Cr Regan / Cr Giltinan***

That Council engage with the NSW Parliamentary Counsel's Office to draft and finalise a Local Environment Plan to rezone 158 Pacific Parade (Lot 1, DP 34753) from R3 Medium Density Residential to B2 Local Centre under Warringah Local Environment Plan 2011.

RESOLVED BY EXCEPTION**8.3 PROPOSED SECTION 94A DEVELOPER CONTRIBUTIONS INCREASE FOR DEE WHY TOWN CENTRE**030/15 **RESOLVED*****Cr Regan / Cr Giltinan***

That Council exhibit the proposed increase in development contributions within the Dee Why Town Centre from 1% to 5% of development cost.

RESOLVED BY EXCEPTION**8.4 AMENDMENT TO THE WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2014**031/15 **RESOLVED*****Cr Regan / Cr Giltinan***

That Council endorses the public exhibition of the draft *Warringah Section 94A Development Contributions Plan 2014 (Amendment No. 1)*

RESOLVED BY EXCEPTION**13.1 LOAN BORROWINGS - KIMBRIKI ACCESS ROADS INFRASTRUCTURE WORKS**032/15 **RESOLVED*****Cr Regan / Cr Giltinan***

That Council:

- A. In accordance with the 2014/15 Delivery Program, authorises borrowings totalling \$7.815m for the Local Infrastructure Renewal Scheme component of Kimbriki Access Roads Infrastructure Works Project;
- B. Delegates authority to the General Manager to negotiate and execute all relevant documentation in respect of the loan.

RESOLVED BY EXCEPTION

13.2 MAYORAL MINUTE NO 1/2015 - GENERAL MANAGER'S PERFORMANCE AGREEMENT 2014-2015

033/15 **RESOLVED**

Cr Regan / Cr Giltinan

That:

- A. Council adopts the General Manager's Performance Agreement 2014-2015.
- B. The General Manager's contract be extended until December 2017.

RESOLVED BY EXCEPTION

13.3 RFT2014/093 - MAJOR WORKS FOR RAFFO LANE FRESHWATER STORMWATER CONDUIT RELINING AND ASSOCIATED WORKS

034/15 **RESOLVED**

Cr Regan / Cr Giltinan

That:

- A. Pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender of Insituform Pacific Pty Ltd for Works in Raffo Lane for the amount of \$566,388.26 (ex GST) and;
- B. Pursuant to Section 377 (1) of the Local Government Act 1993, Council delegate authority to the General Manager to execute the contract with Insituform Pacific Pty Ltd for the Works in Raffo Lane, as specified in Tender RFT 2014/093, including lump sum, provisional items and contingency costs as outlined in the attached Council report.

RESOLVED BY EXCEPTION

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

035/15 **RESOLVED**

Cr Regan / Cr Giltinan

That the Order of Business be changed so Items 8.1 and 8.5 be brought forward and dealt with immediately

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 AMENDMENTS TO SECTION 149 (5) NOTATIONS FOR 17, 19 AND 19A FRAZER STREET AND 21 JENKINS STREET, COLLAROY**

036/15 **RESOLVED**

Cr Regan / Cr De Luca

That Council take no action in respect of adding Section 149(5) Certificate notations on 17 Frazer Street, 19 Frazer Street, 19A Frazer Street and 21 Jenkins Street, Collaroy.

VOTING

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

Against the resolution: Nil

CARRIED

8.5 OXFORD FALLS VALLEY AND BELROSE NORTH PLANNING PROPOSAL

Cr Menano-Pires / Cr Regan

That Council:

- A. Endorse the preparation and progression of a Planning Proposal for deferred land under Warringah Local Environmental Plan 2011 in accordance with the attached Department's Proposed Zoning Map.
- B. Staff work with the Department prior to submitting the Planning Proposal for Gateway Determination, to develop the additional permitted uses and objectives for the E4 zone .

AMENDMENT

Cr De Luca / Cr Giltinan

1. That this Council notes:
 - a. correspondence from the then Minister for Planning dated 17 March 2014 advising that "all land identified in the Strategic Review as having no-to-moderate environmental development constraints and proposed to be an Environmental zone, be further reviewed to validate the environmental significance of the land and that the subject land will continue to remain deferred until such time that further evidence based

planning is undertaken."

- b. No further evidence as required by the Minister for Planning's letter dated 17 March 2014 has been shown to residents affected.
- c. An email from the NSW Department of Planning & Environment dated 15 May 2014 concerning the Oxford Falls Valley and Belrose North Strategic Review which states "The land - which makes up a large amount of the area proposed to be zoned E3 - will continue to be deferred from Warringah's Local Environment Plan (LEP) until further studies are undertaken to identify the most appropriate zone."
- d. No studies of the respective area to be zoned E3 has been shown to residents affected.
- e. In a Media Release from the new Minister for Planning, The Hon Pru Goward MP, dated 14 May 2014, the Minister states "strong planning needs to be backed by strong evidence - that's the principle behind these draft recommendations That's why we are working with Councils to ensure that every decision they make in this regard is backed by strong evidence. Decisions on land being considered for environmental zoning have been deferred as local environment plans are finalised."
- f. No strong evidence has been presented to residents to justify an E3 zoning.
- g. The recommendation of the Independent Warringah Development Assessment Panel on 18 June 2014 "WDAP unanimously recommend to the Councillors of Warringah that they do not proceed with approval of a Gateway approach for this Planning Proposal at the present time and that, instead, they commence immediately to implement stage 2, undertaking the detailed work required to finally decide on the values of the deferred lands and their relevance for an environmental (or other) zoning in the LGA of Warringah".

2. That this Council resolves to:

- a. Write to the Department of Planning requesting it urgently carry out stage 2 of the Strategic Review so that any new zonings of land in the deferred area can be based on strong evidence.
- b. The deferred area will remain deferred until the stage 2 report is completed and presented to all affected residences and Warringah Councillors.

VOTING

For the amendment: Crs Daley, De Luca, Giltinan and Kerr

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

LOST

037/15 RESOLVED

Cr Menano-Pires / Cr Regan

That Council:

- A. Endorse the preparation and progression of a Planning Proposal for deferred land under Warringah Local Environmental Plan 2011 in accordance with the attached Department's Proposed Zoning Map.
- B. Staff work with the Department prior to submitting the Planning Proposal for Gateway Determination, to develop the additional permitted uses and objectives for the E4 zone .

Councillor Heins left the chamber at 7:30pm and returned at 7:31pm

VOTING

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

Against the resolution: Crs Daley, De Luca, Giltinan and Kerr

CARRIED

5.0 MAYORAL MINUTES

PROCEDURAL MOTION - DEFERMENT OF MATTER

Cr De Luca / Cr Giltinan

That in view of NSW local Government's practice note which states, "Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the councillor" and noting that both Mayoral Minutes 5.1 and 5.2 sent to Councillors at 3:20pm will have a significant impact on sporting and community groups as well as residents and businesses of Brookvale these items be deferred to the next meeting of Council at which members of the community may address Council.

VOTING

For the motion: Crs De Luca and Giltinan

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

LOST

5.1 MAYORAL MINUTE NO 2/2015 - SOLDIERS AVENUE OF HONOUR, FRESHWATER - PROPOSED FOOTPATH

BACKGROUND

The Soldiers Avenue of Honour Stakeholders Group have requested funding assistance for the provision of a footpath on the northern side of Soldiers Avenue in Freshwater.

The treescape in Soldiers Avenue is already listed for its local heritage significance, but the Avenue of Honour including the footpaths are not. Soldiers Avenue is the last remaining intact Avenue of Honour in the Sydney Metropolitan Area.

The State Government have provided funding towards the Soldiers Avenue of Honour Information Plinth and the nearby RSL "Service Tree" and the footpath will provide safe access to this facility and add to the amenity and connectivity of the area.

It is important to remember that this year, the Centenary of the Establishment of Avenues of Honour across the country will also be celebrated as part of the Nation's celebrations of the

Centenary of ANZAC.

The footpath being proposed is a 120 metre long footpath construction on the north side of Soldiers Avenue from Albert Street to Eric Street. While this area is not currently listed on Council's Pedestrian Access and Mobility Plan, I believe that this proposal provides Council with a unique opportunity to partner with the community in honouring our lost soldiers and provide improved facilities for the local community at a very poignant moment in our history.

Staff have reviewed the proposal and met with representatives of the Soldiers Avenue of Honour Stakeholders Group and have raised no issues with undertaking the work other than the issue that there is no allocated funding for this project. Close consideration has also been given to the impact of upgrading the footpath on the heritage trees and staff have provided an option which will provide for the future stability of the trees.

I seek Council's support in re-allocating funding of up to \$24,000 from Council's operational budget for the Waiving of Fees and Charges for Not for Profit Organisations. This fund was established three years ago to cover fees waived to community organisations by Council where there is either a direct cost to Council for the provision of services, for example cleaning and waste, development applications, health inspections, lifeguard services or value in kind, for example hiring of parks, reserves or community centres.

While I would not normally seek to reallocate existing commitments, I believe this is an important project and worthy of our assistance. Given that we are approaching the last quarter of the current financial year, it is funding that will highly likely be unspent as has occurred in previous years.

038/15 **RESOLVED**

Cr Regan

That Council provide funding from Council's operational budget for the Waiving of Fees and Charges for Not for Profit Organisations towards the construction of a 120 metre long footpath on the north side of Soldiers Avenue from Albert Street to Eric Street in Freshwater up to an amount of \$24,000.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

5.2 MAYORAL MINUTE NO 3/2015 - BROOKVALE MASTERPLAN

BACKGROUND

I recently expressed concerns in the media about the continual residential pressures on the Brookvale area and the impacts (positive/negative) on any residential development in relation to the suburbs current standing as the Northern Beaches jobs hub. I further highlighted the negative impacts of spot rezonings in the absence of a guiding strategic document for the area and the importance of maintaining Brookvale's status as a Metro Centre for the Northern Beaches, just as they have for Dee Why and Frenchs Forest within the State Government's strategic planning *Metro Strategy* document.

I have also stated publicly that Brookvale's rich heritage is well recognised as our major industrial area on the entire Northern Beaches and as such is a major centre for our current and future jobs in the region. That has also been recognised by the State Government and by this Council. I believe this will not change even with the Frenchs Forest Hospital precinct under consideration.

There are development pressures on Brookvale and that will continue which is why we need to plan appropriately and local jobs must be at the heart of any future plan for Brookvale.

A shared vision with local businesses, land owners and residents both in Brookvale now, and broadly across the region, need to explore the various challenges, test new ideas, and seek action from the State Government to deliver the necessary infrastructure that has been lacking for so long. Public transport for locals has to be at the centre of any change in Brookvale. 79% of jobs in the Northern Beaches are filled by locals, yet the public transport system only serves the 11% going to the city and 10% going west to Chatswood etc, hence local traffic is a nightmare due to our reliance on the car.

The community has expressed that Brookvale has potential and everyone has an opinion on Brookvale from what it is now to what it could be. The Facebook comments alone on the recent story in the Manly Daily (14 February 2015) demonstrated this point. Dee Why has a Masterplan that is currently being rolled out following extensive consultation with the community and this is finally happening. The Frenchs Forest Structure Plan is underway. Council has once again consulted extensively with information nights, workshops, letterbox drops, social media and our Your Say page on our website. All this feedback is being closely considered as we plan for the future around the hospital currently under construction and the roads being upgraded around it.

I believe Brookvale has waited long enough and I request that Council provide a report back to the next Council meeting outlining a timeframe for developing a Brookvale Masterplan in the upcoming 2015/16 financial year.

I understand that funding for the preparation of this report is available within the current operational Budget.

039/15 RESOLVED

Cr Regan

That Council staff:

- A. Present a short report at the next Council meeting to be held on 24 March 2015 outlining a timeframe for the development of a Brookvale Masterplan to be undertaken in the upcoming 2015/16 financial year.
- B. Conduct online engagement immediately to allow the community to provide their comments on the future of Brookvale that would include the existing comments made from the previous Manly Daily story and any emails/correspondence received already to Council.

VOTING

For the resolution: Crs Daley, 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 4/2015 - NARRABEEN LAKES SAILING CLUB 110 YEARS OF OPERATIONS

040/15 **RESOLVED**

Cr Gobert / Cr Menano-Pires

That Council acknowledges and congratulates The Narrabeen Lakes Sailing Club on 110 years of operations.

VOTING

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

Against the resolution: Nil

CARRIED

11.0 QUESTIONS ON NOTICE

Nil

12.0 RESPONSES TO QUESTIONS ON NOTICE

12.1 RESPONSE TO QUESTION ON NOTICE NO 1/2015 - WARRINGAH COUNCIL EXPENDITURE - MANAGERS' CHRISTMAS LUNCH - CAFE SYDNEY

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

12.2 RESPONSE QUESTION ON NOTICE NO 2/2015 - WARRINGAH COUNCIL EXPENDITURE ON CHRISTMAS PARTIES

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

12.3 RESPONSE TO QUESTION ON NOTICE NO 3/2015 - WARRINGAH COUNCIL OUTSTANDING SERVICE AWARDS

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

NOTE: The Acting General Manager reported the resolutions on confidential matters passed by exception earlier in the meeting.

The meeting concluded at 7:58pm

This is the final page of the minutes comprising 15 pages
numbered 1 to 15 of meeting 2015/2 of Warringah Council
held on Tuesday 24 February 2015 and confirmed on Tuesday 24 March 2015

Mayor

General Manager