



WARRINGAH
COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 25 NOVEMBER 2014

(2014/11)



Minutes of an Ordinary Meeting of Council**held on Tuesday 25 November 2014****at the Civic Centre, Dee Why****Commencing at 6:02pm****ATTENDANCE:****Members**

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

Officers

| | |
|-------------------|---|
| Rik Hart | General Manager |
| John Warburton | Deputy General Manager Community |
| Malcolm Ryan | Deputy General Manager Environment |
| David Walsh | Chief Financial Officer |
| Vivienne Ingram | Legal Counsel |
| Nicki Adams | Acting Governance Manager |
| Trish Chaney | Coordinator Governance |
| Greg Karageuzian | IM&T Support Officer |
| Ruth Robins | Group Manager, Community Services |
| Todd Dickinson | Group Manager Natural Environment |
| Melanie Gurney | Group Manager, Library Services |
| Michael Keelan | Group Manager, Parks, Reserves & Foreshores |
| David Kerr | Group Manager, Compliance and Development |
| Campbell Pfeiffer | Group Manager, BPSI |
| Graham Middleton | Group Manager Marketing and Communications |
| Jeremy Smith | Asset Management Manager |
| Colin Windleborn | Property Manager - BPSI |
| David Ryan | Environmental Operations Manager - NEU |
| Adrian Turnbull | Environmental Strategy Manager - NEU |
| Andrew Ho | Waste Project Officer |
| Daniel Parsa | Library Branch Leader |

NOTES

The meeting commenced at 6.02pm and concluded at 7.46pm

1.0 APOLOGIES

614/14 **RESOLVED**

Cr Regan / Cr De Luca

That an apology for non-attendance be received from Councillor Wayne Gobert.

VOTING

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

Against the resolution: Cr Daley

CARRIED

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 OCTOBER 2014

615/14 **RESOLVED**

Cr Heins / Cr Giltinan

That the Minutes of the Ordinary Council Meeting held 28 October 2014, 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, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Cr Daley

CARRIED

3.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

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 Mr Robert Beaven representing Rainbow Club Australia addressed Item 10.2, Notice of Motion No 16/2014 - Rainbow Club Australia.

4.2 Mr Richard Michell addressed Item 8.6, 'Site B' Howard and Oaks Avenue Dee Why.

4.3 Mr Jack Tillburn asked the following questions regarding section 94 funds:

Question on Section 94 Old Plan and Section 94 A New Plan of Builders' Contributing Funds

- A. What does the Council use Section 94 Old Plan of Builders' Contributing Funds of \$21,277,411 for in today's flexible spending arrangements?
- B. What does the Council use Section 94 A New Plan of Builders' Contributing Funds of \$4,994,123 for in today's flexible spending arrangements?
- C. Are there any new legislation (Department of Local Government) requirements and restrictions operating in 2013 – 2014?
- D. What methods of spending these large monies does the new 2014 – 2015 Budget propose?
- E. Is there any Council plan to increase using these Builders' Contributing Funds for the 2014 – 2015 Budget?
- F. Is the Council at present time using both Section 94 Old Plan and Section 94 A New Plan Builders' Contributing Funds?

Response

The Deputy General Manager Environment provided the following response:

- A. Funds are used for work listed Warringah Section 94A Development Contributions Plan 2014 in Part 6: Section 94 Schedule of Works. Examples include:
 - i. Construction of the PCYC
 - ii. Construction of the new Walter Gors Reserve
 - iii. Improvement to the Dee Why Town Centre streetscape
- B. Funds are used for work listed Warringah Section 94A Development Contributions Plan 2014 in Part 5: Section 94A Schedule of Works. Examples include:
 - i. Construction of the Narrabeen Lagoon Trail
 - ii. New Lighting at Aquatic Reserve Sportsfields
 - iii. Design of streetscape Improvements in the Dee Why Town Centre.
- C. No amendments were made to the Section 94/Section 94A components of Environmental Planning and Assessment Act 1979 in 2013-14.

A minor amendment to the Regulation was made in 2013-14 regarding Complying Development Certificates:

- i. The Amendment requires 94/94A payments for CDCs prior to work commencing.

- ii. Council's Plan fully complies with the amendment

The Department of Planning and Environment has released Planning Circulars notifying councils of changes in relation to Section 94 and 94A for this time period.

- i. The Planning Circulars do not relate to Warringah Council.

- D. The method of spending the money is regulated by state legislation. The works that the money will fund is documented in the contributions plan.
- E. No. The budget, including contributions spending, was adopted by Council in June this year (2014).
- F. Yes. The spending for Section 94 is documented in Part 6 of the Plan. The spending of Section 94A is documented in Part 5 of the Plan.

Councillor De Luca left the chamber at 6:16pm

4.4 Mary Armstrong representing Belrose Rural Community Association addressed Item 8.5, Ralston Avenue Planning Proposal - Relevant Planning Authority.

4.5 Mr Walter Gordon representing Meriton addressed Item 8.6, 'Site B' Howard and Oaks Avenue Dee Why.

Councillor De Luca returned to the chamber at 6:23pm

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

616/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Order of Business be changed so Items 6.1, 6.2, 6.3, 7.1, 8.2, 8.3, 8.4, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 13.1 and 13.2 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, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

ITEMS RESOLVED BY EXCEPTION:

6.1 MINUTES OF THE SHOROC INC EXTRAORDINARY BOARD MEETING HELD 16 OCTOBER 2014

617/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the SHOROC Incorporated Extraordinary Board Meeting held 16 October 2014 be noted.

RESOLVED BY EXCEPTION

6.2 MONTHLY FUNDS MANAGEMENT REPORT OCTOBER 2014**618/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That the:

- A. Report indicating Council's Funds Management position as at 31 October 2014 be noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

RESOLVED BY EXCEPTION**6.3 TRUST FOR THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND****619/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council authorise the Mayor and the General Manager to sign the attached Deed Poll to amend the Deed establishing the Trust for the Acquisition of Environmentally Sensitive Land which includes minor amendments as advised by the Commonwealth Government; and affix the Council Seal.

RESOLVED BY EXCEPTION**7.1 PROPOSED NEW FEES FOR THE NORTH CURL CURL BOWLING CLUB SITE FOR COMMUNITY USAGE****620/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Place the proposed fees for the North Curl Curl Bowling Club on public exhibition for a period of at least 28 days from 29 November 2014.
- B. Following the public exhibition report the results back to Council.

RESOLVED BY EXCEPTION**8.2 WASTE COLLECTION SERVICES CONTRACT****621/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Agree to implement a regional waste collection system in consultation with the other SHOROC Councils and Kimbriki Environmental Enterprises Pty Ltd, contingent on the outcome of the tender for new waste processing facilities at Kimbriki.
- B. Develop service specifications and conduct a tender process for waste collection services for Warringah Council to integrate with the new facilities at Kimbriki, once operational.

- C. Agree to investigate appropriate regional business models that could be established for the efficient and cost effective delivery of waste services once the new facilities at Kimbriki are operational.
- D. Agree that Council staff work with the other SHOROC Councils and Kimbriki Environmental Enterprises Pty Ltd to deliver an appropriate community engagement program on the new waste management system.

RESOLVED BY EXCEPTION**8.3 ADOPTION OF ASBESTOS MANAGEMENT POLICY****622/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council adopt the draft Asbestos Management Policy – PL 190.

RESOLVED BY EXCEPTION**8.4 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENT PLAN****623/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That the report identifying all State Environmental Planning Policy No.1 variations and Clause 4.6 of the Warringah Local Environment Plan variations granted to development applications between 1 July 2014 and 30 September 2014 be noted by Council.

RESOLVED BY EXCEPTION**8.7 ANNUAL REVIEW OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS****624/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That the amendments to Policy GOV-PL 120 Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to The Mayor, Deputy Mayor and Councillors be placed on public exhibition for 28 days and be reported back to Council.

RESOLVED BY EXCEPTION**8.8 COUNCILLOR REQUESTS AND RELATED INFORMATION - SEPTEMBER 2013 TO SEPTEMBER 2014****625/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That the Councillor Requests and information on Councillor Briefings from September 2013 to

September 2014 be noted.

RESOLVED BY EXCEPTION

**8.9 DELEGATED AUTHORITY TO THE MAYOR – CHRISTMAS NEW YEAR RECESS
2014/2015**

626/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That, pursuant and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 - Decisions/ Delegations During Christmas/ New Year Recess during the 2014/2015 Christmas New Year recess being 17 December 2014 to 9 February 2015 inclusive.

RESOLVED BY EXCEPTION

8.10 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES

627/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

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

- A. A Connected Environment Strategic Reference Group: notes of a meeting held 14 October 2014.
- B. Vibrant Connected Communities Strategic Reference Group: draft minutes of meeting held 14 October 2014.
- C. ECOS Strategic Reference Group: draft minutes of meeting held 15 October 2014.
- D. Open Space and Recreation Strategic Reference Group: draft minutes of meeting held 15 October 2014.

RESOLVED BY EXCEPTION

**8.11 CREATION OF COMMUNITY COMMITTEES FOR AFFORDABLE HOUSING AND
ECONOMIC DEVELOPMENT**

628/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council adopt the charters for the Affordable Housing Community Committee and the Economic Development Community Committee.

RESOLVED BY EXCEPTION

**8.12 RESPONSE TO MAYORAL MINUTE 5/2014 - SECONDARY DWELLINGS IN TERREY
HILLS AND DUFFYS FOREST**

629/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

- A. Prepare a Planning Proposal to allow development of Secondary Dwellings of up to 75 square metres in R2 and R3 zones, if it is located within an existing dwelling house.
- B. Forward the Proposal to the Department of Planning and Environment seeking Gateway Determination and upon Gateway Determination, publicly exhibit the Proposal.
- C. Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.

RESOLVED BY EXCEPTION**8.13 RESPONSE TO MAYORAL MINUTE 11/2014 - PUBLIC SAFETY - STREET LIGHTING UPGRADES**

630/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the information provided in this report.

RESOLVED BY EXCEPTION**8.14 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP MEETING HELD 4 AUGUST 2014**

631/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the Dee Why South Catchment Flood Study Working Group meeting held on 4 August 2014 be noted.

RESOLVED BY EXCEPTION**8.15 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE HELD 31 JULY 2014**

632/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 31 July 2014 be noted.

RESOLVED BY EXCEPTION**8.16 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP MEETING HELD 13 SEPTEMBER 2014**

633/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the Sydney Coastal Councils Group Annual General meeting held on 13 September 2014 and the resolutions contained within be noted.

RESOLVED BY EXCEPTION**8.17 REVIEW OF PESTICIDE USE NOTIFICATION PLAN****634/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council

- A. Approve the amended Pesticide Use Notification Plan to apply until February 2016
- B. Require staff to undertake a comprehensive review and prepare an updated Plan by February 2016.

RESOLVED BY EXCEPTION**13.1 RFT 2014/067 - CONSTRUCTION SERVICES FOR DEE WHY TOWN CENTRE CAR PARK AND MULTIPURPOSE COMMUNITY FACILITY****635/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Accept the tender RFT2014/067 – Construction Services for Dee Why Town Centre Multipurpose Community Facility and Car Park for the sum of \$20,471,654.00 from Prime Constructions Pty Ltd.
- B. The General Manager is delegated authority to enter into a contract with Prime Constructions Pty Ltd for \$20,471,654.00 excluding GST and to approve contract variations up to the amount specified in this report.

RESOLVED BY EXCEPTION**13.2 CONSIDER TENDER FOR COMMERCIAL LEASE OF LAND GLEN STREET THEATRE SITE****636/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That:

- A. Council resolves not to accept any of the tenders due to the provision of insufficient information in both tenders.
- B. Council delegate to the General Manager the authority to enter into direct negotiations with both Belrose Chemist (Craig Bird and Judith Maree Trevillien) and Belrose West Post Office and Belrose Newsagency (Shushila Odhavjee and Mahendra Odhavjee) and to enter into leases with both parties should the negotiations be successful.
- C. Council delegate authority to the General Manager to execute the necessary documentation

in order to give effect to this resolution.

- D. All costs associated with the proposed lease/s, including but not limited to, Development Application costs, planning costs, survey costs, construction costs, site remediation costs, Council's legal costs, GST if applicable, and any associated tasks, be funded by the tenderer/lessee.
- E. Council grant owner's consent to lodge a Development Application for the successful tenders' proposal on the subject land.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

5.1 MAYORAL MINUTE NO 22/2014 - CALL FOR EXPRESSIONS FROM UNIVERSITIES TO EXPLORE OPPORTUNITIES FOR A PRESENCE ON THE CIVIC CENTRE SITE (FUTURE COMMUNITY HUB) AND SITE A - ST KEVIN'S CAR PARK

637/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That staff actively pursue interested universities to create a presence here in Dee Why.

VOTING

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

Against the resolution: Nil

CARRIED

5.2 MAYORAL MINUTE NO 23/2014 - CREATE A POLICY FOR POP-UP BARS IN PUBLIC SPACES

Cr Regan / Cr Menano-Pires

That Council staff:

- A. draft a Policy for the establishment of pop-up bars in Warringah to be brought back to Council for consideration prior to the Policy being placed on public exhibition.
- B. Consult with Police NSW Local Area Command and relevant State Government agencies to identify any issues impacting on such a Policy.

VOTING

For the resolution: Crs Daley, Heins, Menano-Pires and Regan

Against the resolution: Crs De Luca, Giltinan, Harrison, Kerr and Moskal

LOST

6.0 GENERAL MANAGER'S REPORTS

7.0 COMMUNITY DIVISION REPORTS

7.2 GLEN STREET THEATRE REVITALISATION STAGE 2

NOTE: With the permission of the mover and seconder the addition of Point D to the motion was accepted

638/14 RESOLVED

Cr Menano-Pires / Cr Regan

That:

- A. Council resolves to proceed with Concept 3 (Hybrid design) for the Glen Street Theatre Revitalisation Stage 2 project.
- B. Council staff prepare a fully costed proposal for Concept 3 for further consideration by Council for the March 2015 Council meeting.
- C. Tenders be called as soon as practicable for:
 - a. The lease of the food and beverage facilities within Concept 3, including the requirement for the lessee to fund the capital fit out
 - b. The provision of bar services for Glen Street Theatre
- D. Public consultation is included

VOTING

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

Against the resolution: Nil

CARRIED

7.3 CONSIDERATION OF PUBLIC PRIVATE PARTNERSHIP CONCEPTS

NOTE: With the permission of the mover and seconder the addition of Point D to the motion was accepted

639/14 RESOLVED

Cr Regan / Cr Menano-Pires

That Council:

- A. Prepare assessments of the following Public Private Partnership (PPP) proposals for submission to Office for Local Government (OLG) for review:
 - a. The construction, operation, maintenance and later transfer to Council of an indoor gymnastics centre
 - b. The construction, operation and maintenance of a specialist medical oncology treatment centre
 - c. The construction, operation, maintenance and later transfer to Council of an indoor

sports court and education centre

- d. The construction, operation, maintenance and later transfer to Council of a commercial and residential development including affordable housing
 - e. The construction, operation, maintenance and later transfer to Council of an indoor / outdoor action sports facility for youth
- B. Upon receipt of positive advice from the OLG, call for Expressions of Interest in the proposals.
- C. Further develop the following submissions with the proposers and report back to Council if they become feasible:
- a. An investigation into the construction and provision of tertiary / higher education facilities
 - b. The construction, operation, maintenance and later transfer to Council of a multi-sports and health club
 - c. The construction, operation, maintenance and later transfer to Council of a synthetic sports field / complex
- D. Defer all other proposals for a further briefing to Councillors

VOTING

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

Against the resolution: Nil

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.1 DRAFT URBAN FOREST POLICY FOR PUBLIC EXHIBITION

NOTE: With the permission of the mover and seconder an amendment to the motion was accepted

640/14 **RESOLVED**

Cr Heins / Cr Regan

That the draft Urban Forest Policy be placed on public exhibition for a period of at least 28 days with at least two public meetings during February 2015 with the results reported back to Council.

VOTING

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

Against the resolution: Nil

CARRIED

8.5 RALSTON AVENUE PLANNING PROPOSAL - RELEVANT PLANNING AUTHORITY**641/14 RESOLVED*****Cr Harrison / Cr Heins***

That Council:

- A. Undertakes to be the Relevant Planning Authority for the Ralston Avenue Belrose Planning Proposal (PEX2013/0003), and
- B. Submits the Ralston Avenue Belrose Planning Proposal (PEX2013/0003) to NSW Planning & Environment for Gateway Determination including the three conditions as articulated in this report, and
- C. Requests NSW Planning & Environment to include within its Gateway Determination the requirement that State Agency consultation be required after the Gateway Determination and prior to public exhibition. Particular reference is made to the assessment of threatened ecology by the Office of Environment and Heritage and the assessment of bushfire risk by the Rural Fire Service. Further, that outcomes of this consultation be appropriately reflected in the Planning Proposal for community consultation.

VOTING

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

Against the resolution: Nil

CARRIED**8.6 'SITE B' HOWARD AND OAKS AVENUE DEE WHY**

NOTE: With the permission of the mover and seconder the addition of Point C to the motion was accepted

642/14 RESOLVED***Cr Regan / Cr Menano-Pires***

That Council:

- A. Forward the Planning Proposal to amend Warringah Local Environment Plan 2011 for the land identified as 'Site B' Howard and Oaks Avenue Dee Why, to the Department of Planning and Environment seeking a Gateway Determination.
- B. Following the Gateway Determination, require the applicant to provide an economic assessment of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives for further assessment in the post-gateway stage.
- C. Notes there is a serious deficiency in the provision of car spaces which must be addressed.

VOTING

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

Against the resolution: Nil

CARRIED

9.0 NOTICES OF RESCISSION

Nil

10.0 NOTICES OF MOTION

10.1 NOTICE OF MOTION NO 15/2014 - CALL FOR A NATIONAL DRUG SUMMIT

643/14 **RESOLVED**

Cr Daley / Cr Regan

That Council:

- A. Write to the State and Federal Governments calling for an urgent summit to address the dangers of using all illegal drugs.
- B. Write to the NSW Local Government Association requesting them to encourage all councils to put pressure on the State Government to hold an urgent summit to address the dangers of using all illegal drugs.
- C. Distribute urgent warnings through existing council communication resources highlighting the dangers of using illegal drugs and the excessive use of alcohol.

VOTING

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

Against the resolution: Nil

CARRIED

10.2 NOTICE OF MOTION NO 16/2014 - RAINBOW CLUB AUSTRALIA

Cr Heins / Cr Harrison

That:

- A. Special needs members of Rainbow Club Australia have free access of the Warringah Aquatic Centre and free pool lane hire.
- B. The able bodied family members still have to pay entry to the pool.

AMENDMENT

Cr Menano-Pires / Cr Regan

That:

- A. Special needs members of Rainbow Club Australia have free access of the Warringah

Aquatic Centre and free pool lane hire for a period of 12 months.

- B. The able bodied family members still have to pay entry to the pool.
- C. That the Rainbow Club be encouraged and assisted if necessary to apply for a Council Community Grant in the 2015/2016 financial year.

NOTE: Following discussion the Mover and Seconder withdrew this motion.

NOTE: With the permission of the mover and seconder the addition of Point C to the original motion was accepted

644/14 **RESOLVED**

Cr Heins / Cr Harrison

That:

- A. Special needs members of Rainbow Club Australia have free access of the Warringah Aquatic Centre and free pool lane hire.
- B. The able bodied family members still have to pay entry the pool.
- C. That the Rainbow Club be encouraged and assisted if necessary to apply for a Council Community Grant in the 2015/2016 financial year.

VOTING

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

Against the resolution: Nil

CARRIED

11.0 QUESTIONS ON NOTICE

11.1 QUESTION ON NOTICE NO 25/2014 - NEW SOUTH WALES GOVERNMENT RESPONSE TO COUNCIL'S RESOLUTION 523/14

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

11.2 QUESTION ON NOTICE NO 26/2014 - NEW SOUTH WALES GOVERNMENT RESPONSE TO COUNCIL'S RESOLUTION 577/14

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

11.3 QUESTION ON NOTICE NO 27/2014 - NEW SOUTH WALES GOVERNMENT RESPONSE TO COUNCIL'S RESOLUTION 470/14

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

Nil

14.0 REPORT OF CONFIDENTIAL ITEMS PASSED BY EXCEPTION

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

13.1 RFT 2014/067 - CONSTRUCTION SERVICES FOR DEE WHY TOWN CENTRE CAR PARK AND MULTIPURPOSE COMMUNITY FACILITY

635/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

- A. Accept the tender RFT2014/067 – Construction Services for Dee Why Town Centre Multipurpose Community Facility and Car Park for the sum of \$20,471,654.00 from Prime Constructions Pty Ltd.
- B. The General Manager is delegated authority to enter into a contract with Prime Constructions Pty Ltd for \$20,471,654.00 excluding GST and to approve contract variations up to the amount specified in this report.

RESOLVED BY EXCEPTION

13.2 CONSIDER TENDER FOR COMMERCIAL LEASE OF LAND GLEN STREET THEATRE SITE

636/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That:

- A. Council resolves not to accept any of the tenders due to the provision of insufficient information in both tenders.
- B. Council delegate to the General Manager the authority to enter into direct negotiations with both Belrose Chemist (Craig Bird and Judith Maree Trevillien) and Belrose West Post Office and Belrose Newsagency (Shushila Odhavjee and Mahendra Odhavjee) and to enter into leases with both parties should the negotiations be successful.
- C. Council delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.
- D. All costs associated with the proposed lease/s, including but not limited to, Development Application costs, planning costs, survey costs, construction costs, site remediation costs, Council's legal costs, GST if applicable, and any associated tasks, be funded by the

tenderer/lessee.

- E. Council grant owner's consent to lodge a Development Application for the successful tenders' proposal on the subject land.

RESOLVED BY EXCEPTION

The meeting concluded at 7:46pm

This is the final page of the minutes comprising 19 pages
numbered 1 to 19 of meeting 2014/11 of Warringah Council
held on Tuesday 25 November 2014 and confirmed on Tuesday 16 December 2014

Mayor

General Manager