



WARRINGAH  
COUNCIL

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 23 SEPTEMBER 2014**

(2014/9)



## Minutes of an Ordinary Meeting of Council

held on Tuesday 23 September 2014

at the Civic Centre, Dee Why

Commencing at 6:02pm

### Members

Councillors M Regan (Mayor), J Menano-Pires (Deputy Mayor), V De Luca OAM, B Giltinan, W Gobert OAM (*arrived 6:06pm*), R Harrison, S Heins 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
Eskil Julliard	Legal Counsel
Nicki Adams	Acting Governance Manager
Trish Chaney	Coordinator Governance
Sam Smith	IM&T Support Officer
David Kerr	Group Manager Development Assessment & Compliance
Todd Dickinson	Group Manager Natural Environment
Scott Hedge	Acting Group Manager Parks, Reserves & Foreshores
Boris Bolgoff	Group Manager Roads, Traffic and Waste
Peter Robinson	Group Manager Strategic Planning
Graham Middleton	Group Manager Marketing and Communications
Adrian Turnbull	Environmental Strategy Manager
Neil Williamson	Health and Building Certification Manager
Duncan Howley	Environment Officer – Flood Plain Management
Belinda Noble	Media and Content Manager

### NOTES

The meeting commenced at 6.02pm, moved into closed session at 6:57pm, resumed in open session at 7:00pm and concluded at 7:02pm

## 1.0 APOLOGIES

556/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That apologies for non-attendance be received from Councillor Duncan Kerr and Councillor Pat Daley.

### VOTING

**For the resolution:** Crs De Luca, Giltinan, Harrison, Heins, 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 AUGUST 2014

557/14 **RESOLVED**

***Cr Harrison / Cr Moskal***

That the Minutes of the Ordinary Council Meeting held 26 August 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, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

**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 Player addressed Item 8.3, Dee Why Town Centre Planning Proposal.**

*Councillor Gobert arrived at the meeting at 6:06pm*

**PROCEDURAL MOTION - EXTENSION OF TIME**

558/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Mr Robert Player be granted an extension of 3 minutes to address the meeting.

**VOTING**

**For the resolution:** Crs Giltinan, Gobert, Heins, Menano-Pires and Regan

**Against the resolution:** Crs De Luca, Harrison and Moskal

**CARRIED**

**4.2 Mr Jack Tilburn asked the following question in relation to Item 8.6, Feasibility of Street Trees along Condamine Street, Manly Vale.****Question**

- A. How much money is allocated to the Street Tree Replacement Program for financial years 2013- 2014 and 2014 – 2015?
- B. What methods are employed if Street Tree Replacement Program is being carried out on streets and pavements so as to protect (a) all gas mains (b) all water mains and (c) all Telstra lines?
- C. With climate change occurring, is the Street Tree Replacement Program being scaled back? If not, then why not?
- D. What types of species of street trees are being selected for the program? Is the public being questioned and informed when and where the program is being undertaken?
- E. What program is carried out to ensure a plentiful supply of water to assist the young trees grow and live?

**Response**

- A. In the 2013-2014 financial year \$53,416 was allocated to the Street Trees Replacement Program. In 2014-2015, \$54,588 has been allocated.
- B. To ensure that the street tree plantings do not affect sub surface infrastructure and services, a service locator company is employed to identify that planting areas are clear of services. This information is then validated by inspection during excavation.
- C. No. This program has been designed to contribute to the maintenance of existing canopy cover across Warringah, a goal that serves many important purposes besides climate change.
- D. Council engaged the community in 2013 on both proposed locations and species. Residents were able to select preferred species of tree from a prescribed list, provided by Council for each location. Over 50 species were included on the complete list.

- E. Trees are planted in late winter or autumn to give them the best chance to establish themselves prior to summer. To aid in the establishment of the trees a four week maintenance period applies to each tree which includes watering. We also engaged with residents to assist where possible with the establishment of replacement trees.

**PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION**

559/14 **RESOLVED**

**Cr Regan / Cr Heins**

That the Order of Business be changed so Items 6.2, 6.3, 6.4, 7.1, 7.3, 7.4, 8.2, 8.4, 8.5, 8.7, 8.8, 13.1, 13.3 and 13.4 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

*Councillor De Luca left the chamber at 6:17pm*

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

Note: *Councillor De Luca was not present for voting on this item*

*Councillor De Luca returned to the chamber at 6:17pm*

**ITEMS RESOLVED BY EXCEPTION:****6.1 ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY**

560/14 **RESOLVED**

**Cr Regan / Cr Heins**

That the amended Investment Policy FIN-PL 215 be adopted.

**RESOLVED BY EXCEPTION**

**6.2 SUBMISSIONS ON THE 2013/14 ANNUAL FINANCIAL STATEMENTS**

561/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council note the two submissions received on the 2013/14 Annual Financial Statements.

**RESOLVED BY EXCEPTION**

**6.3 MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2014****562/14 RESOLVED*****Cr Regan / Cr Heins***

That the:

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

**RESOLVED BY EXCEPTION****6.4 COUNCIL NOMINATED REPRESENTATIVE FOR THE GENDER EQUITY ADVISORY TEAM****563/14 RESOLVED*****Cr Regan / Cr Heins***

That Council accept the nominations from Cr Sue Heins, Cr Wayne Gobert and Cr Vanessa Moskal to be appointed to the Gender Equity Advisory Team.

**RESOLVED BY EXCEPTION****7.1 PROPOSED LAND TRANSFER FROM LAND & PROPERTY MANAGEMENT AUTHORITY - DEPARTMENT OF PLANNING TO WARRINGAH COUNCIL****564/14 RESOLVED*****Cr Regan / Cr Heins***

That Council authorise the:

- A. transfer of the additional three lots of land as described in this report from the Minister Administering the Environmental Planning & Assessment Act 1979 and such land be classified as Community Land on transfer to Council.
- B. 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.

**RESOLVED BY EXCEPTION****7.3 NSW PUBLIC LIBRARIES ASSOCIATION - NSW LIBRARY FUNDING CAMPAIGN****565/14 RESOLVED*****Cr Regan / Cr Heins***

That Council continue its support to the NSW Library Funding Campaign mounted by the NSW Public Library Associations for increased State funding to Local Government for Public Libraries by:

- A. Making further representations to local State Members, the Hon. Michael Baird, MP, the Hon. Brad Hazzard, MP and the Hon. Rob Stokes, MP in relation to the need for additional funding from the NSW State Government for the provision of Public Library Services, noting that the

2014 State Budget did not address recurrent funding needs.

- B. Write to the New South Wales Minister for the Arts, the Hon. Troy Grant, MP, noting the allocation of \$15million over four years for a Public Library Infrastructure Grants Program, and calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW Public Libraries.
- C. Continue to encourage and support the distribution of the NSW Public Library Association's Campaign information to Council's libraries.
- D. Take a lead role in activating the Campaign locally and encouraging community participation.

**RESOLVED BY EXCEPTION**

#### **7.4 INTERNAL AUDIT ANNUAL REPORT 2013/2014**

566/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council endorse the Internal Audit Annual Report 2013/2014 included in the Attachments Booklet.

**RESOLVED BY EXCEPTION**

#### **8.2 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES**

567/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council notes the draft minutes from the following meetings:

- A. A Connected Environment Strategic Reference Group: minutes of meeting held 10 June 2014
- B. ECOS Strategic Reference Group: minutes of meeting held 19 June 2014
- C. Open Space and Recreation Strategic Reference Group: minutes of meeting held 19 June 2014
- D. Vibrant Connected Communities Strategic Reference Group: minutes of meeting held 10 June 2014.

**RESOLVED BY EXCEPTION**

#### **8.4 PUBLIC EXHIBITION OF THE DEE WHY SOUTH CATCHMENT FLOODPLAIN RISK MANAGEMENT STUDY**

568/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council:

- A. Place the Draft Dee Why South Catchment Floodplain Risk Management Study (August 2014) on public exhibition for a period of at least 28 days.

- B. Proceeds with investigating the feasibility of Option 2 and Option 8 of the Dee Why South Catchment Floodplain Risk Management Study (August 2014) in order to inform the planning of the Dee Why Town Centre infrastructure works.
- C. Consults with relevant State Government departments regarding potential funding for Option 8 of the Dee Why South Catchment Floodplain Risk Management Study (August 2014) which provides a significant benefit to State infrastructure.
- D. Write to local State Members, the Hon. Michael Baird, MP, the Hon. Brad Hazzard, MP and the Hon. Rob Stokes, MP to provide them with an update on the Dee Why South Catchment Floodplain Risk Management Study.

**RESOLVED BY EXCEPTION****8.5 AMENDMENT TO SCHEDULE OF FEES AND CHARGES 2014/15****569/14 RESOLVED*****Cr Regan / Cr Heins***

That Council:

- A. place the proposed amendments to the Fees and Charges Schedule for 2014/15 as listed in Notification of Amended Fees & Charges 2014/15, on public exhibition for a period of at least 28 days; and
- B. in the event that no submissions are received by the expiration of the notification period, adopts the Schedule of Fees as detailed in Notification of Amended Fees & Charges 2014/15.

**RESOLVED BY EXCEPTION****8.7 MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 4 MARCH 2014****570/14 RESOLVED*****Cr Regan / Cr Heins***

That the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 4 March 2014 be noted.

**RESOLVED BY EXCEPTION****8.8 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENT PLAN****571/14 RESOLVED*****Cr Regan / Cr Heins***

That Council:

- A. note the report identifying all State Environmental Planning Policy No.1 variations and
- B. Clause 4.6 of the Warringah Local Environment Plan variations granted to development



applications between 1 April 2014 and 30 June 2014.

**RESOLVED BY EXCEPTION**

**13.1 RFT 2014/056 – GRAFFITI REMOVAL**

572/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council:

- A. Accept the Tender of Urban Maintenance Systems Pty Ltd for RFT 2014/056 Graffiti Removal at the price of \$135,030.00 per year as tendered in the Prices and Payment Schedule; and
- B. Authorises the General Manager to enter into and execute the agreed contract for Graffiti Removal for an initial term of one year with possible extensions up to maximum of seven years in accordance with the Request for Tender.

**RESOLVED BY EXCEPTION**

**13.3 CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER**

573/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council determines that Mayor Regan breached the Code of Conduct and decides that he be counselled.

**RESOLVED BY EXCEPTION**

**13.4 PROPOSED PURCHASE OF 30 OAKS AVENUE, DEE WHY**

574/14 **RESOLVED**

**Cr Regan / Cr Heins**

That:

- A. Council delegate authority to the General Manager to proceed with the acquisition of 30 Oaks Avenue, Dee Why (Lot A DP 350145) for the amount discussed in this report, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- B. Upon acquisition, 30 Oaks Avenue, Dee Why (Lot A DP 350145) be classified as Operational Land;
- C. 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;
- D. Funds within Council's reserve for compulsory acquisitions and from working capital be allocated for the acquisition of 30 Oaks Avenue, Dee Why (Lot A DP 350145).

**RESOLVED BY EXCEPTION**

## 5.0 MAYORAL MINUTES

Nil

## 7.0 COMMUNITY DIVISION REPORTS

### 7.2 WARRINGAH AQUATIC CENTRE SITE DEVELOPMENT STRATEGY

575/14 **RESOLVED**

***Cr Menano-Pires / Cr Regan***

That Council resolves to:

- A. Note the IPART decision and that the redevelopment of the Warringah Aquatic Centre will not proceed;
- B. Note that Option 4B, which retains the 50m pool in line with community consultation is the preferred option if funds were to become available;
- C. Discontinue the Strategic Advisory Group and formally thank all members for their valuable input;
- D. Further investigate options to provide a more sustainable development for the Warringah Aquatic Centre site such as; investigation of potential partnerships, additional funding sources and opportunities presented by the Frenchs Forest Hospital development.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

## 8.0 ENVIRONMENT DIVISION REPORTS

### 8.1 ELECTION OF DEPUTY MAYOR

576/14 **RESOLVED**

***Cr Harrison / Cr Regan***

That Councillor Menano-Pires be elected as Deputy Mayor for a period of 12 months.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

**NOTE:** The Mayor, Councillor Regan thanked the outgoing Deputy Mayor, Councillor Heins for her contributions over the last 12 months and welcomed the new Deputy Mayor, Councillor Menano-Pires.

### **8.3 DEE WHY TOWN CENTRE PLANNING PROPOSAL**

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

#### ***Cr Regan / Cr Menano-Pires***

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking gateway Determination
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.
- D. Note the submission made by Mr Robert Player.

### **AMENDMENT**

#### ***Cr De Luca / Cr Giltinan***

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking a gateway Determination with the exception of any increase in height particularly in view of the rejection of the Cobalt Development at 701 Pittwater Road Dee Why by Warringah Council's WDAP and the JRPP for: "The principal reason is the variation of permissible height from 24m to 51m is excessive".
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.

*Councillor Harrison left the chamber at 6:27pm*

*Councillor Harrison returned to the chamber at 6:30pm*

### **VOTING**

**For the amendment:** Crs De Luca and Giltinan

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

**LOST**

**577/14 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking gateway Determination
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.
- D. Note the submission made by Mr Robert Player.

**VOTING**

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

**Against the resolution:** Crs De Luca and Giltinan

***CARRIED*****8.6 FEASIBILITY OF STREET TREES ALONG CONDAMINE STREET, MANLY VALE**

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

**578/14 RESOLVED*****Cr Heins / Cr Regan***

That Council:

- A. Write to NSW Roads and Maritime Services noting their response and requesting that further consideration be given to suitable landscaping alternatives that are considered viable for this area.
- B. Write to the Hon. Brad Hazzard, Member for Wakehurst and the Hon. Mike Baird, Member for Manly seeking their support for improved landscaping along Condamine Street, Manly Vale.
- C. Retain the allocation of \$30,000 for this project.

**VOTING**

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

**Against the resolution:** Nil

***CARRIED***

## 8.9 FACILITIES FOR ELECTRIC VEHICLES

579/14 **RESOLVED**

**Cr Gobert / Cr Harrison**

That Council:

- A. ensure that in the design and construction of new Council owned car parks in Warringah, that where appropriate, infrastructure be incorporated into the construction to allow for retro-fitting of plug-in facilities for recharging electric vehicles
- B. in the next review of the Development Control Plans (DCP), investigate clauses that require the implementation of infrastructure that allows for later provision of plug-in facilities for electric vehicles in multi-unit residential and non-residential carparks
- C. raise the issue of exploring other green options at a regional level with SHOROC

### VOTING

**For the resolution:** Crs De Luca, Giltinan, Gobert, Harrison, Heins, 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 13/2014 - DRUG ICE EPIDEMIC

*The Mayor, Councillor Regan left the chamber at 6:46pm and the Deputy Mayor, Councillor Menano-Pires took the chair.*

580/14 **RESOLVED**

**Cr De Luca / Cr Gobert**

That this Council:

- 1. Supports the recent concerns by NSW Police Commissioner, Andrew Skipione concerning the Drug Ice epidemic and his calls for a National Summit on the issue.
- 2. Notes with concern that:
  - i. That the Minister for Roads, The Hon Duncan Gay MLC, released in August statistics that indicate that 11 per cent of road fatalities involved a driver or motorcyclist who had illicit drugs in their system and in the last four years, at least 166 people died on our roads in crashes involving motorists with at least one of three illicit drugs, cannabis, speed or ecstasy in their system.
  - ii. Ice and base are methamphetamine, part of the amphetamine family of drugs which

also includes speed. The difference between ice, base and speed is that ice is the most pure form, followed by base then speed. The 'high' experienced from ice and base is much more intense, and with intense reactions come powerful responses including comedown, the potential for dependence (addiction) and chronic physical and mental problems

iii. Effects include:

- Increased heart rate
- Hypertension (high blood pressure)
- Irregular body temperature
- Increased breathing rate
- Constricted blood vessels
- Heart problems.
- Aged appearance
- Damaged teeth
- Lesions on skin
- Risk of stroke
- Decreased lung function
- Poor cognitive function – memory and decision making issues
- Exposure to blood-borne viruses

iii. Studies have shown the use of ice and base is associated with brain and mental health conditions, including ruptured blood vessels in the brain, memory- loss indecision, depression and psychosis. These drugs can cause paranoia and hallucinations and the user may also become aggressive and violent – possibly requiring sedation and physical restraint or police intervention.

v. The Northern Beaches are not immune from Drug Ice and Base and sadly numerous people of differing ages have had their lives and those of their families and loved ones devastatingly effected by the drug.

vi. Several people on the Northern Beaches have been charged for making and/or trafficking in Drug Ice.

3. Writes to the Prime Minister, Premier and Police Commissioner expressing its support for calls for a National approach to eliminate Drug Ice and that a National Summit is needed for a co-ordinated response across Australia to combat this illegal drug.

4. Extends its congratulations to the Federal and NSW Police and other law enforcement agencies for their continued efforts to arrest those involved in drug ice and seize the drug.

## VOTING

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

**Against the resolution:** Nil

**CARRIED**

NOTE: Councillor Regan was not present for voting on this item

**10.2 NOTICE OF MOTION NO 14/2014 - TRIBUTE TO FORMER CHAIR OF WDAP, MARY LYNNE TAYLOR AND COMMUNITY REPRESENTATIVE ALAN LINNELL****581/14 RESOLVED****Cr De Luca / Cr Giltinan**

- A. That this Council acknowledges the outstanding work of Ms Mary Lynne Taylor as Chair of Council's Independent Hearing and Assessment Panel and Warringah Development and Assessment Panel for nearly a decade and that of Community Representative, Alan Linnell for his contribution on the panel.
- B. That this Council commends and extends its thanks to Ms Taylor and Mr Linnell for their outstanding service over many years to ensure transparency and that residents were heard on development applications.
- C. That Council send a copy of the resolution to Ms Mary Lynne Taylor and Mr Alan Linnell

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

NOTE: Councillor Regan was not present for voting on this item

*Councillor Regan returned to the chamber at 6:56pm and resumed the chair*

**11.0 QUESTIONS ON NOTICE****11.1 QUESTION ON NOTICE NO 22/2014 - COUNCIL STAFF INTERNAL BULLYING ALLEGATIONS**

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

**11.2 QUESTION ON NOTICE - 23/2014 - LEGAL COSTS INTO STAFF ALLEGATIONS OF BULLYING**

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

**11.3 QUESTION ON NOTICE NO 24/2014 - COSTS FOR INVESTIGATION INTO ALLEGATIONS OF STAFF BULLYING**

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 19/2014 - PERFORMANCE REVIEWS OF DEVELOPMENT ASSESSMENT OFFICERS**

A response to the Question on Notice was provided in the business papers

**12.2 RESPONSE TO QUESTION ON NOTICE NO 20/2014 - RENTS CHARGED ON COMMUNITY BUILDINGS**

A response to the Question on Notice was provided in the business papers

**12.3 RESPONSE TO QUESTION ON NOTICE NO 21/2014 - WARRINGAH CREATIVE SPACE OVERRUN OF BUDGET FOR BUILDING WORKS**

A response to the Question on Notice was provided in the business papers

**13.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

NOTE: The meeting moved into closed session at 6:57pm and resumed in open session at 7:00pm

**582/14 RESOLVED*****Cr Harrison / Cr Gobert***

- 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:

Item 13.2 RFT 2013/083 - Collaroy Accessibility Precinct Playground Construction - Variation to contract to remove asbestos contaminated material on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses RFT 2013/083 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 the value of a contract that is commercial-in-confidence.

- 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.



**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

NOTE: The General Manager reported the resolutions on confidential matters passed by exception and in closed session.

## **14.0 REPORT OF RESOLUTIONS PASSED BY EXCEPTION AND IN CLOSED SESSION**

### **13.1 RFT 2014/056 – GRAFFITI REMOVAL**

572/14 **RESOLVED**

**Cr Regan / Cr Heins**

That Council:

- A. Accept the Tender of Urban Maintenance Systems Pty Ltd for RFT 2014/056 Graffiti Removal at the price of \$135,030.00 per year as tendered in the Prices and Payment Schedule; and
- B. Authorises the General Manager to enter into and execute the agreed contract for Graffiti Removal for an initial term of one year with possible extensions up to maximum of seven years in accordance with the Request for Tender.

**RESOLVED BY EXCEPTION**

### **13.2 RFT 2013/083 - COLLAROY ACCESSIBILITY PRECINCT PLAYGROUND CONSTRUCTION - VARIATION TO CONTRACT TO REMOVE ASBESTOS CONTAMINATED MATERIAL**

583/14 **RESOLVED**

**Cr Gobert / Cr Harrison**

Delegate to the General Manager authority to approve an additional contract variation of \$58,635.44 excluding GST for contract RFT 2013/083 increasing the value of the contract to \$1,057,490.65.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**13.3 CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER**584/14 **RESOLVED****Cr Regan / Cr Heins**

That Council determines that Mayor Regan breached the Code of Conduct and decides that he be counselled.

**RESOLVED BY EXCEPTION****13.4 PROPOSED PURCHASE OF 30 OAKS AVENUE, DEE WHY**574/14 **RESOLVED****Cr Regan / Cr Heins**

That:

- A. Council delegate authority to the General Manager to proceed with the acquisition of 30 Oaks Avenue, Dee Why (Lot A DP 350145) for the amount discussed in this report, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- B. Upon acquisition, 30 Oaks Avenue, Dee Why (Lot A DP 350145) be classified as Operational Land;
- C. 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;
- D. Funds within Council's reserve for compulsory acquisitions and from working capital be allocated for the acquisition of 30 Oaks Avenue, Dee Why (Lot A DP 350145).

**RESOLVED BY EXCEPTION***The meeting concluded at 7:02pm*

This is the final page of the minutes comprising 18 pages  
numbered 1 to 18 of meeting 2014/9 of Warringah Council  
held on Tuesday 23 September 2014 and confirmed on Tuesday 28 October 2014

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Mayor

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General Manager