



# MINUTES

## WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 27 MAY 2014**

(2014/6)



**Minutes of an Ordinary Meeting of Council****held on Tuesday 27 May 2014****at the Civic Centre, Dee Why****Commencing at 6:00pm****ATTENDANCE:****Members**

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

**Officers**

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Anna Moore	Governance Manager
Trish Chaney	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Adam Vine	Group Manager Business & Enterprise Risk Management
Jill Camara	A/Group Manager Development Assessment & Compliance
Melodie Whiting	Group Manager Human Resources
Kate Lewis	A/Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Peter Robinson	Group Manager Strategic Planning
Belinda Noble	Media and Content Manager
Russell Vance	WHS Manager

**NOTES**

The meeting commenced at 6:00pm, adjourned at 8:17pm, resumed at 8:26pm, moved into closed session at 9:13pm, resumed in open session at 9:16pm and concluded at 9:18pm

## 1.0 APOLOGIES

Nil

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2014

445/14 **RESOLVED**

***Cr Giltinan / Cr Moskal***

That the Minutes of the Ordinary Meeting of Council held 29 April 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 Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

***CARRIED***

### 2.2 MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD 6 MAY 2014

446/14 **RESOLVED**

***Cr Regan / Cr Gobert***

That the Minutes of the Extraordinary Meeting of Council held 6 May 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 Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

***CARRIED***

## 3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Councillor Regan declared a less than significant, non-pecuniary interest in relation to Item 8.2, as he and his children were beginner mountain bikers and looked forward to using the facility one day should it be built.

Councillor Kerr declared a less than significant, non-pecuniary interest in relation to Item 8.2, as he and his children were beginner mountain bikers and looked forward to using the facility one day should it be built.

Councillor De Luca declared a less than significant non pecuniary interest in item 7.4 regarding Mitch Patterson as in 2009 Cr De Luca made representation on Mr Patterson's behalf to the Minister for Sport and accompanied him to a meeting with the then Minister for Sport regarding swimming in Australia. He stated that no further action is required as his impartiality is not affected in any way.

Councillor Menano-Pires declared, at the Items Moved by Exception procedural motion, a less than significant, non-pecuniary interest in relation to Item 8.8, as he was a good friend of former Councillor Paul Couvret and his family.

## 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

447/14 **RESOLVED**

***Cr Regan / Cr De Luca***

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 those who requested to speak at Public Forum be granted permission to address Council.

#### VOTING

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

**Against the resolution:** Nil

**CARRIED**

### 4.1 Mr Richard Michell asked the following question regarding Dee Why Town Centre Masterplan:

**Question:** Does Council intend:

- a) to develop planning controls to deliver the Dee Why Town Centre Masterplan
- b) if yes, when does it anticipate working on those controls
- c) will it allow residents to participate in the development process, rather than just commenting on control developed by Council staff?

#### **Response:**

The Deputy General Manager Environment provided the following response:

Council resolved to translate the Masterplan into controls, staff have been preparing this since Council resolved to do so. To amend the LEP the new provisions must be publicly exhibited, Council does not prepare planning controls anymore, that is prepared by the Parliamentary Counsel, we only prepare the briefing on how that is prepared. The community will be involved after we have translated the Masterplan into planning controls that will be exhibited as required by the Act.

### 4.2 Mr Jack Tilburn asked the following question regarding Affordable Rental Housing

- a) What programs, policies, and plans is the Council proposing to implement and undertake to the NSW State Government for Affordable Rental Housing (ARH)?
- b) What locations and areas within the Council Local Government Area (LGA) is the Council targeting?
- c) As the NSW State Government has introduced the State Environmental Planning Policies (SEPP) in 2009, together with the State Regional Environmental Plans (SREPs) which regulate at present secondary dwellings or granny flats to a maximum of 60 square metres on a block of land at least 500 square metres, how is the Council going to get these state laws altered?
- d) Will the Council attempt to subscribe monies to Affordable Rental Housing when secondary dwellings cost between some \$135,000 to \$160,000?
- e) What timeframe is the Council working on for its Affordable Rental Housing proposals to be granted permission by the state government?

**Response:**

The Deputy General Manager Environment provided the following response:

- a) Council will action the Mayoral Minute of 29 April on affordable housing and consider recommendations in item 7.1 on tonight's agenda.
- b) In respect to locations, the Mayoral Minute of 29 April indicates the RU4 zone which is in Terrey Hills rural areas is to be investigated for permission of secondary dwellings
- c) In respect to SEPP, this will be subject to investigations rising from the Mayoral Minute.
- d) In respect to monies, this will be subject to investigations rising from the Mayoral Minute.
- e) The report must come back to Council to determine whether to proceed following investigations, this report will be sent to Council later this year.

The Mayor provided the following further response to Mr Tilburn:

Council is not attempting to alter State Government's controls for the 60sqm, as it was misreported in media, we are actually asking that we create a policy for internal, so for 75sqm we can have our own SEPP or Standard specifically for indoor conversions. Say you have a two storey house and you want to have up to 75sqm, about the size of 2 bedroom flat, converted in your house I'm trying to make that easier for Council to do rather than keep it at a 60sqm law which the State Government has. The 60sqm is for outside and inside, that is fine for outside but inside where it has the least impact on your neighbours we are saying let's consider 75sqm as an option.

Also the Duffy's Forest Resident Association have asked us to investigate allowing 60sqm dwellings outside. This means having the current SEPP apply to them which it currently doesn't so we are going through a process to see if that is what all of the community wants.

**4.3 Mr Brian Halstead asked the following question regarding carpark and PCYC Development Site.****Question:**

- a) has a Strategic Risk Management Plan been prepared for this major project and if not why not?
- b) if so what were the five major risks identified (of which I assume cost overrun was one) and what are the plans to mitigate against these risks?

- c) has this risk management plan been presented to Audit and Risk Committee and the Council?
- d) can the risk management plan be displayed on the website or supplied on request?

**Response:**

The Deputy General Manager Community advised that a detailed written response would be provided to Mr Halstead and provided the following general response:

Council has prepared a Strategic Risk Management Plan in accordance with Council's Enterprise Risk Management Framework and Matrix and a number of risks were identified through this. The two top risks were cost overruns and inadequate funding of capital expenditure. The mitigations were around ensuring very careful quantity surveying and in investing heavily into quantity surveying in relation to our preparation and management. Council has been briefed extensively on the costs and risks around this project and yes we can provide the Strategic Risk Management Plan on request.

- 4.4 Mr Jim Boyce representing Manly Warringah and Pittwater Historical Society addressed Item 8.7, Adoption of Memorials, Plaques and Naming of Assets Policy.
- 4.5 Mr David Fox representing Trail Care and Manly Warringah Mountain Bike Club addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.6 Mr Matt Ward representing Trail Care and Friends of Oxy addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.7 Mr Jim Buda representing Manly Warringah Cycling Club addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.8 Ms Kath Bicknell representing Trail Care addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.9 Ms Mandy Davis addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.10 Ms Liz Bennett addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.
- 4.11 Dr Conny Harris representing Garigal Land Care addressed Item 8.2, Belrose Tip Regional Mountain Bike Facilities.

**PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION**

448/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Order of Business be changed so Items 5.2, 6.1, 6.2, 6.3, 7.4, 7.5, 8.1, 8.3, 8.4, 8.5, 8.6, 8.8, 8.9, 8.11, 13.2, 13.3, 13.4, 13.5 and 13.6 are dealt with by exception with the recommendations of the Mayor / General Manager / Deputy General Managers being adopted.

**NOTE:** Councillor Menano-Pires declared a less than significant, non-pecuniary interest in relation to Item 8.8, as he was a good friend of former Councillor Paul Couvret and his family.

**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:**

**5.2 MAYORAL MINUTE NO 7/2014 - FACILITIES FOR ELECTRIC VEHICLES**

449/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council:

- A. Provide a report detailing possible options for the provision of plug-in facilities in both current and future public car and bicycle parking spaces.
- B. Review the Warringah Local Environment Plan 2011 and/or Development Control Plan and identify if it is possible to ensure future private development includes provisions for these facilities, particularly in high residential precincts.
- C. Purchase an appropriate Petrol Hybrid Electric Vehicle as part of the 2014-15 Light Fleet replacement program as a trial

***RESOLVED BY EXCEPTION***

**6.1 MONTHLY FUNDS MANAGEMENT REPORT APRIL 2014**

450/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the:

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

***RESOLVED BY EXCEPTION***

**6.2 MARCH 2014 QUARTERLY BUDGET REVIEW STATEMENT**

451/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That:

- A. The March 2014 Quarterly Budget Review Statement be noted
- B. The following changes to the Current Forecast in the March 2014 Quarterly Budget Review Statement be approved:
  - a. The Surplus from Continuing Operations before Capital Grants and Contributions for the full financial year is forecast to increase by \$280,000 to \$5,597,110

- b. Decrease in capital expenditure by \$2,230,723 to \$32,019,306 for the year ending 30 June 2014

**RESOLVED BY EXCEPTION**

### 6.3 MINUTES OF THE SHOROC INC BOARD MEETING HELD 7 MAY 2014

452/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Minutes of the SHOROC Incorporated Board meeting held 7 May 2014 be noted.

**RESOLVED BY EXCEPTION**

### 7.4 WARRINGAH AQUATIC CENTRE LIFE PASS FOR MITCHELL PATTERSON

453/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council approve the awarding of a Warringah Aquatic Centre Life Pass to Mitchell Patterson.

**RESOLVED BY EXCEPTION**

### 7.5 SURF LIFE ACTIVE INITIATIVE

454/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Approve sponsoring the Surf Life Active program for \$15,000 (ex GST) for a 40 week trial
- B. Approve the waiving of \$3,600 in fees for parks/reserves for the program
- C. Direct that the program targets the over 55 years age demographic in line with the 'Living Well Warringah' Strategy

**RESOLVED BY EXCEPTION**

### 8.1 EXTRAORDINARY COUNCIL MEETING 5 AUGUST 2014

455/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That an Extraordinary Council Meeting be held at 6pm on Tuesday 5 August 2014 to consider the 2013/14 Financial Statements and any such reports that the General Manager deems of such urgency to be included in the agenda.

**RESOLVED BY EXCEPTION**



**8.3 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 13 MARCH 2014****456/14 RESOLVED*****Cr Regan / Cr Harrison***

That the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held 13 March 2014 be noted.

***RESOLVED BY EXCEPTION*****8.4 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP MEETINGS HELD 31 JULY 2013 AND 20 FEBRUARY 2014****457/14 RESOLVED*****Cr Regan / Cr Harrison***

That the Minutes of the Dee Why South Catchment Flood Study Working Group meetings held 31 July 2013 and 20 February 2014 be noted.

***RESOLVED BY EXCEPTION*****8.5 MINUTES OF THE SYDNEY COASTAL COUNCIL GROUP MEETING HELD 15 MARCH 2014****458/14 RESOLVED*****Cr Regan / Cr Harrison***

That the Minutes of the Sydney Coastal Councils Group meeting held 15 March 2014 and the resolutions contained therein be noted.

***RESOLVED BY EXCEPTION*****8.6 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENT PLAN****459/14 RESOLVED*****Cr Regan / Cr Harrison***

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 January 2014 and 31 March 2014 be noted.

***RESOLVED BY EXCEPTION***

**8.8 REQUEST FOR MEMORIAL FOR FORMER COUNCILLOR PAUL COUVRET****460/14 RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council supply a memorial and plaque for former Councillor Couvret
- B. Staff liaise with Mr Paul Couvret to determine preferred location and text for the memorial
- C. Staff organise a small ceremony to mark the occasion and open the memorial

**RESOLVED BY EXCEPTION****8.9 BUILDING FIRE SAFETY REPORT BY FIRE AND RESCUE NSW - 7 WESTERN AVENUE, NORTH MANLY****461/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council:

- A. Continue to monitor progress and ensure compliance with Order 6 dated 13 June 2012 requiring fire safety upgrade of 7 Western Avenue, North Manly, and do not issue a further Order number 6 or an Order number 8 at this time.
- B. Write to Fire and Rescue NSW and provide a copy of this determination.

**RESOLVED BY EXCEPTION****8.11 SELECTION OF COMMUNITY MEMBER TO VACANT POSITION ON VIBRANT CONNECTED COMMUNITY STRATEGIC REFERENCE GROUP****462/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council appoint Ms Penny Philpott to the Vibrant Connected Communities Strategic Reference Group

**RESOLVED BY EXCEPTION****13.2 RFT 2013/107 - CIVIL INFRASTRUCTURE WORKS PANEL CONTRACT****463/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council accept the tenders and delegate to the General Manager the authority to enter into a Schedule of Rates Panel Contract with the recommended tenderers to provide Civil Infrastructure Works consistent with the terms and period of the contract. It is noted that the initial contract period is 3 years with the possibility of 2 further 12 months extensions subject to satisfactory

performance.

Recommended tenderers:

1. Kelbon Project Services Pty Ltd
2. Mack Civil Pty Ltd
3. MSA Civil and Communications Pty Ltd
4. NSW Civil Constructions Pty Ltd as trustee for NSW Landscapes Trust
5. Performance Concrete Pty Ltd
6. Stateline Asphalt Pty Ltd
7. Statewide Civil Pty Ltd

**RESOLVED BY EXCEPTION**

### **13.3 RFT 2014/043 - INVESTIGATIONS & DESIGN OF PUBLIC INFRASTRUCTURE UPGRADES FOR THE DEE WHY TOWN CENTRE**

464/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That:

- A. Pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tract Consultants Pty Ltd for RFT 2014/043 for Stage 1 of the Investigations and Design of Public Infrastructure Upgrades for the Dee Why Town Centre, for the amount of \$241,660 excluding GST
- B. Council delegate authority to the General Manager to execute the contract with Tract Consultants Pty Ltd for Stage 1 for the amount of \$241,660 excluding GST including a contingency amount of \$35,000 excluding GST for approved variations under the contract for Stage 1 of the services
- C. That the contract with Tract Consultants include an option for Council to extend the contract to include Stage 2 and/or Stage 3 of the service, for a lump sum price to be determined in accordance with the fee structure submitted for Stage 2 and Stage 3 respectively, with RFT 2014/ 043
- D. At the completion of Stage 1 and Stage 2 of the service by Tract Consultants, the General Manager make a recommendation to Council with respect to Tract's lump sum price for Stage 2 and Stage 3 respectively
- E. Where Council decides not to extend Tract Consultants contract to include Stage 2, or Stage 3, the contract with Tract be terminated at that point and fresh tenders be invited from the five previously short-listed consultant companies or other suitably qualified companies.

**RESOLVED BY EXCEPTION**

### **13.4 RFT 2014/018 - DESIGN, CONSTRUCTION AND MAINTENANCE FOR A COGENERATION PLANT AT THE WARRINGAH AQUATIC CENTRE**

**465/14 RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council decline to accept any of the tenders received for RFT2014/018– Warringah Aquatic Centre Cogeneration Plant Design, Construction and Maintenance.
- B. Council decline to invite fresh tenders as due to the change in the risk profile in the gas market the cogeneration system at the Warringah Aquatic Centre is no longer viable.
- C. A request for tender is prepared seeking tenders for the replacement of the existing heat pumps.

**RESOLVED BY EXCEPTION****13.5 RFT 2014/005 - MAJOR WORKS FOR QUEENSCLIFF ROCKPOOL****466/14 RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council accepts the tender Silver Raven Pty Ltd for an amount of \$572,116.11 (excluding GST) for undertaking the major works to Queenscliff Rockpool.
- B. The General Manager be authorised to enter into the contract and to approve contract variations up to a total contingency amount of \$100,000 (excluding GST).
- C. Council approves reallocation of funding from CR6438 North Curl Curl Access (\$80,000), CR5886 Foreshore Renewal (\$30,000), CR5846 General Infrastructure Renewal (\$40,000) and bringing \$50,000 forward from the 2015/16 Ocean Pool Renewal Program to cover the shortfall in funding for this project.

**RESOLVED BY EXCEPTION****13.6 ALTERNATIVE PROCUREMENT - WORKERS COMPENSATION CLAIMS MANAGEMENT SERVICES****467/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council:

- A. Pursuant to Section 55 (3) (i) of the Local Government Act, resolve that a satisfactory result would not be achieved by inviting tenders for the provision of Workers compensation case management services because of the following extenuating circumstances:
  - a. The continuation of workers compensation case management services over a two year period is over the \$150,000 threshold and JLT successfully won a recent separate tender process. It would not add value to go through another formal tender process.
  - b. There is an immediate and critical need for continuity of workers compensation case management services due to the timing of the WorkCover audit. A change in providers

at this late stage would result in loss of detailed knowledge and experience.

- B. Delegate authority to the General Manager to formally extend the contract 2012/063 with JLT with the same conditions up to \$150,000 for the FYs 2014 to 2015 for Workers Compensation case management services.

**RESOLVED BY EXCEPTION**

**PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**

468/14 **RESOLVED**

**Cr Regan / Cr Kerr**

That the Order of Business be changed so that Items 5.3 and 8.2 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**

## **5.0 MAYORAL MINUTES**

### **5.3 MAYORAL MINUTE NO 8/2014 - VALE - MR JIM SOMERVILLE AND MR DENNIS PECOVER**

#### **BACKGROUND**

The Warringah community lost two of our outstanding citizens last week – Mr Dennis Pecover, OAM and Mr Jim Somerville, AM.

I believe it is fitting that as a Council we recognise these gentlemen here tonight in this Chamber.

Around the Forestville community, the name of Dennis Pecover is well loved and well respected. In the early 1950s, Dennis was integral to the cause of fighting to protect a large area of vacant Crown Land that had previously been known as “The Common”. This area was now facing being lost to development as the suburbs of Forestville and Killarney Heights were being developed.

As a member of the local RSL Sub-branch, Dennis and other members fought hard to save that land. Although half of it was indeed lost to development, they successfully saved all of that green space we now enjoy. Dennis and his cohort didn’t just stop at saving that land. They subsequently approached Warringah Shire Council with a proposal that the Sub-branch administer a portion of the saved green space and develop some much needed sports fields for the community. Council agreed, and a strong and productive partnership between these two groups was established.

For the next fifty years, Dennis held the position as Secretary of the community group that helped manage those fields and oversaw the addition of the clubhouse, the playground and a skate park and enhanced its status as a living War Memorial.

In 2012, the Sub-committee celebrated its 50th Anniversary and it was fitting that Dennis, as a foundation member, was presented with a certificate acknowledging this terrific accomplishment.

For five decades, Dennis dedicated his time attending meetings, liaising with Council and State Government agencies, fighting against developers, and maintaining those fields – not for his own enjoyment but for the benefit of the community he lived in.

Now when I'm at the fields and I see the footballers, the netballers or the locals walking home from the Skate Park, I doubt they would be aware of the tireless efforts of Dennis and his colleagues over the years.

Dennis often reminded me that the reason he was so passionate about the sports fields was because of their status as a living War Memorial. For all those men and women that fought, for all those injured or killed – these sports fields were for them – a space for today's young people to experience the simple joy of running outdoors, of appreciating the natural beauty of the bushland, for enjoying the Australian lifestyle that those men and women were fighting for. In the history that Dennis compiled for the 50th Anniversary, he concluded with an extract from Jim Percy's 1970 President's Annual Report which sought to summarise the work that the sub-committee did:-

"..In short, it is to provide the Forest Community with a War Memorial that is worthy of the sacrifice of many Australian Servicemen & Women who have died in all theatres of War and yet a Memorial that can be used by the present generation and generations to come".

I honestly believe that through five decades of hard work and determination, Dennis honoured this vision with humility and grace and his family can be rightly proud of his accomplishments.

The other gentleman I seek to honour here tonight is Mr Jim Somerville AM.

Jim Somerville was passionate about the environment. He was passionate about the environment long before it was fashionable to be so. He was a regular volunteer at our magnificent Stony Range Regional Botanic Garden in Dee Why and in the 1970s lent his hand to the campaign to save our State rainforests – many of which are now classified as World Heritage Areas\*.

But here in Warringah, Jim will always be remembered fondly for his unwavering dedication to Narrabeen Lagoon and his steadfast determination to see the completion of the multi-use trail that encircles it.

I first met Jim when I was elected Mayor in 2008. I think it was only a matter of days after the election when he came knocking on my door. His passion and enthusiasm was infectious and he wouldn't let any obstacles get in his way. One of my proudest days as Mayor was when Jim and I turned the first sod on construction of the trail after securing significant Federal Government funding.

The Multi-use trail is one of Council's most significant accomplishments – one that our community is rightly proud of. It really has become a favourite destination for locals and visitors alike.

This Council has already resolved to investigate naming a bridge on the circuit in honour of Mr Somerville and it's right that we press ahead with that resolution. Over the course of his campaign Jim worked hard to bring many parties together for the good of the project, so a bridge is a most fitting tribute to this great man.

I think it's important to note the motivation for Jim's efforts over all those years. His dedication to improving access to Narrabeen Lagoon was not for personal gain or commercial venture – he simply wanted as many people as possible to be able to enjoy the stunning area which was his and our local environment. We are so blessed that Narrabeen Lagoon is located within our region and he wanted as many families, locals and many visitors to see it, to enjoy it, to appreciate it.

In 2012, Jim authored a publication entitled "Narrabeen Lagoon Circuit" – a summary not only of the project but of Jim's personal vision and dedication to the cause. As Pittwater MP Rob Stokes noted in Parliament last year, the book is a "...terrific example of grassroots community activism and the rewards of perseverance".\*\*

In the foreword to Jim's book, we find the following lines:

*"For the Cause that needs assistance,  
For the wrong that needs resistance,  
For the future in the distance,  
May I help to make a difference."*

These are powerful words that I dare say influenced his life. They are words that all of us would do well to live up to and they are words that appropriately summarise the lifelong efforts of both Mr Dennis Pecover and Mr Jim Somerville.

\* <http://www.kythera-family.net/index.php?nav=117-118&did=22207>

\*\* <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20130221058>

#### 469/14 **RESOLVED**

##### **Cr Regan**

That:

- A. Council note the sad passing of Mr Dennis Pecover OAM and that the Mayor write to Mr Pecover's family expressing the Council's condolences and gratitude for his years of service and dedication to the community.
- B. Council note the sad passing of Mr Jim Somerville AM and that the Mayor write to Mr Somerville's family expressing the Council's condolences and gratitude for his years of service and dedication to the community.
- C. The Mayor and Council staff work with relevant community groups and, in consultation with the families of both men, find fitting tributes recognising their long standing contributions to the Warringah community.

#### **VOTING**

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

**Against the resolution:** Nil

#### **CARRIED**

## **8.2 BELROSE TIP REGIONAL MOUNTAIN BIKE FACILITIES**

**NOTE:** With the permission of the mover and seconder the addition of Points G, H and I to the motion were accepted

##### **Cr Regan / Cr Kerr**

That Council:

- A. Confirm to the State Government's Waste Assets Management Corporation that Council has no financial capacity to be responsible for maintaining and managing a recreational use such as a Mountain Biking facility on the Belrose Waste Site following its land filling functions ending in November 2014.
- B. Reconfirm to the Waste Assets Management Corporation that Council will continue to provide assistance (as appropriate) in progressing the necessary planning approvals for the proposed recreational use of the site.



- C. Call on the State Government to call for an Expression of Interest from suitably incorporated bodies to operate the proposed mountain bike facility on the Belrose Waste Site or have it operated by the Office of Communities, Sport and Recreation or the Office of Environment and Heritage as the land is owned by the Government.
- D. Confirm its support for the State Government operating the facility in accordance with resolution number 112/10 from the Council Meeting of 27 April 2010 in relation to Item 8.3 Belrose Waste and Recycling Centre – Draft Future Use Concept Plan.
- E. Request State Government to lodge the Development Application immediately.
- F. Note Councillors support the Development Application in principle.
- G. Recommend that a skateboard facility also be considered in any proposal.
- H. Establish a working party consisting of three Councillors and invite representatives of Trail Care, Manly Warringah Mountain Bike Club, Manly Warringah Cycle Club, Friends of Oxy and Garigal Land Care to assist with overseeing leasing and licensing options for the Belrose Waste site, the use of the site and to assist with identifying funding sources for the operation and maintenance of the site supporting Point C.
- I. Invite the Member for Davidson, Mr Jonathan O'Dea to participate in the working party or appoint a representative on his behalf to the working party.

## AMENDMENT

### **Cr Menano-Pires / Cr Gobert**

*Councillor Harrison left the chamber at 7:29pm*

- A. That Council works closely with the State Government ( Waste Asset Management Corp) and other stakeholders such as Manly Warringah Cycle Club, Trail Care and Local Schools to provide a report determining how this project will be viable at reasonable, if any, cost to Council. As a minimum this report should address the following:
  - a. Business case
    - i. How to minimise maintenance costs (use of volunteers, as an example)
    - ii. Identify potential sources of revenue, such as Grants (Community Building Partnership, Sports & Recreation and others), naming rights, advertising, regional competitions, commercial facilities, brand open days, among others
  - b. Cost/benefit analysis taking into account the community strategic plan and non-financial benefits for the community.
  - c. A preliminary draft Plan of Management recommending a proposal for a management structure to operate the facility. A full plan of management to be developed during the first half of 2015 if Council decides to proceed with this project.
- B. The draft report to be presented to Councillors by early October 2014 in order to allow for an informed Council decision at the October 28 Council Meeting.

*Councillor Harrison returned to the chamber at 7:30pm*

## VOTING

**For the amendment:** Crs De Luca, Gobert and Menano-Pires

**Against the amendment:** Crs Daley, Giltinan, Harrison, Heins, Kerr, Moskal and Regan

## LOST



**470/14 RESOLVED****Cr Regan / Cr Kerr**

That Council:

- A. Confirm to the State Government's Waste Assets Management Corporation that Council has no financial capacity to be responsible for maintaining and managing a recreational use such as a Mountain Biking facility on the Belrose Waste Site following its land filling functions ending in November 2014.
- B. Reconfirm to the Waste Assets Management Corporation that Council will continue to provide assistance (as appropriate) in progressing the necessary planning approvals for the proposed recreational use of the site.
- C. Call on the State Government to call for an Expression of Interest from suitably incorporated bodies to operate the proposed mountain bike facility on the Belrose Waste Site or have it operated by the Office of Communities, Sport and Recreation or the Office of Environment and Heritage as the land is owned by the Government.
- D. Confirm its support for the State Government operating the facility in accordance with resolution number 112/10 from the Council Meeting of 27 April 2010 in relation to Item 8.3 Belrose Waste and Recycling Centre – Draft Future Use Concept Plan.
- E. Request State Government to lodge the Development Application immediately.
- F. Note Councillors support the Development Application in principle.
- G. Recommend that a skateboard facility also be considered in any proposal.
- H. Establish a working party consisting of three Councillors and invite representatives of Trail Care, Manly Warringah Mountain Bike Club, Manly Warringah Cycle Club, Friends of Oxy and Garigal Land Care to assist with overseeing leasing and licensing options for the Belrose Waste site, the use of the site and to assist with identifying funding sources for the operation and maintenance of the site supporting Point C.
- I. Invite the Member for Davidson, Mr Jonathan O'Dea to participate in the working party or appoint a representative on his behalf to the working party.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**NOTE:** That Councillors Menano-Pires, Harrison and Kerr be invited to participate in the working party.

*In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:17pm. The meeting resumed at 8:25 pm with all Councillors except Councillor Gobert present.*

**5.1 MAYORAL MINUTE NO 6/2014 - PROPOSED SCULPTURE WALK WITHIN DEE WHY****471/14 RESOLVED*****Cr Regan***

That Council:

- A. Write to Artscape and The Design Partnership who are currently engaged by Council to undertake the Place Making and Public Art Consultancy requesting that consideration be given to establishing a permanent Sculpture Walk that allows for temporary installations within the Dee Why precinct.
- B. Provide a report identifying the outcomes of the presentation of the first draft to the Vibrant Connected Communities Strategic Reference Group following their consideration of the report in June 2014.
- C. Following the meeting of the Vibrant Connected Communities Strategic Reference Group, provide a report to Council with a summary of the recommendations from the Place Making and Public Art Consultancy.

**VOTING**

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

**Against the resolution:** Nil

***CARRIED***

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

*Councillor Gobert returned to the chamber at 8:28pm*

**MOTION OF URGENCY – SAFETY CONCERNS WARRINGAH ROAD AND ALFRED STREET, NARRAWEENA:****472/14 RESOLVED*****Cr De Luca / Cr Regan***

That as a matter of urgency, Council considers the following motion in relation to Safety Concerns Warringah Road and Alfred Street, Narraweena:

1. That this Council notes:
  - a. With concern that on Saturday 24 May 2014, Mathilda Vazille was sadly struck by a car at the intersection of Warringah Road and Alfred Street, Narraweena.
  - b. Local residents who live near the intersection have expressed serious safety concerns regarding cars speeding on Warringah Road, problematic road signage, drivers trying to “beat” red lights and poor pedestrian behaviour.
  - c. One resident has applied to build a large wall in front of their home to prevent cars from crashing into their home.
2. That this Council:
  - a. Expresses its sincere sympathy to Mathilda Vazille and her family on the accident and conveys Council’s best wishes for Mathilda’s speedy recovery.
  - b. Requests the General Manager to ensure that Council investigates the concerns raised

by local residents about safety concerns at the intersection of Warringah Road and Alfred Street, Narraweena and makes appropriate representations to the NSW Government as to measures that could be implemented at the intersection and surrounding area so as to prevent hazardous behaviour and any accidents from occurring.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**MOTION OF URGENCY – BRINGA WOMENS' REFUGE DEE WHY****473/14 RESOLVED*****Cr De Luca / Cr Regan***

That as a matter of urgency, Council considers the following motion in relation to Bringa Womens' Refuge Dee Why:

1. That this Council notes:
  - a. The Bringa Womens' Refuge at Dee Why has served the needs and interests of women and children with distinction since 1976 offering safe haven for up to three months for women and children, providing counselling, housing and support services.
  - b. Warringah Council over many years has acknowledged the importance of this Refuge and contributed funding in support of the Refuge's excellent work.
  - c. The NSW Government has funded Bringa to run as a refuge but under new arrangements proposes that it become a facility providing general services for the homeless, resulting in women with children having to go to Lane Cove for refuge.
2. That this Council:
  - a. Commends and congratulates the Bringa Womens' Refuge for its outstanding service to the northern beaches community over the last 37 years.
  - b. Calls upon all local State Members of Parliament and The Hon Gabrielle Upton MP, Minister for Family and Community Services and The Hon Pru Goward MP, Minister for Women to ensure that the Bringa Womens' Refuge is able to continue to provide a safe haven for up to three months for women and children, provide counselling, housing and support services.
  - c. Requests the General Manager to forward a copy of this Resolution to those noted in clause 2(b) of this Resolution.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**REPORTS TO COUNCIL MEETING**

## 7.0 COMMUNITY DIVISION REPORTS

### 7.1 HOUSING AFFORDABILITY ENGAGEMENT SUMMARY REPORT

474/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That:

- A. The Housing Affordability Forum Notes and the Engagement Summary Report are used to inform the development of Warringah Planning Strategy.
- B. All forum attendees, and those who registered their interest, are given opportunities to be involved in the consultation process for Warringah Planning Strategy.
- C. The Community Engagement Report and Forum notes be forwarded to the Parliamentary Inquiry on Social, Public and Affordable Housing.
- D. Housing Affordability is scheduled for discussion by the 'A Connected Environment' Strategic Reference Group to provide input on the priorities.
- E. The Strategic Reference Group be informed of related actions being undertaken by Council for example; the Mayoral Minute (Item 5.2) from 29 April 2014 regarding secondary dwellings.
- F. That an Affordable Housing Community Committee be established to develop a number of options and actions for this Council to undertake in addressing the need for Affordable Housing in Warringah.
  - a) The Affordable Housing Community Committee to consist where possible representatives from small to large business sectors, the senior community and local youth and any other interested parties
  - b) The community committee to report to 'A Connected Environment' Strategic Reference Group who will consider any recommendations by the Community Committee and refer recommendations to Council to inform the development of the Warringah Planning Strategy issues papers.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

### 7.2 YOUTH WEEK 2014

475/14 **RESOLVED**

***Cr Moskal / Cr Kerr***

That Council acknowledges the successful outcomes of the Youth Week 2014 program.

#### **VOTING**

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

**Against the resolution:** Nil

**CARRIED**

### 7.3 SENIOR'S WEEK 2014

476/14 **RESOLVED**

**Cr Heins / Cr Harrison**

That Council acknowledges the successful outcomes of the Senior's Week 2014 Program.

#### **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

### 8.7 ADOPTION OF MEMORIALS, PLAQUES AND NAMING OF ASSETS POLICY

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

477/14 **RESOLVED**

**Cr Gobert / Cr De Luca**

That:

- A. The Memorials, Plaques and Naming of Assets Policy be adopted.
- B. The following policies be rescinded:
  - a) Public Buildings – Openings & Plaques Policy GOV-PL 215
  - b) Memorials and Plaques Policy STR-PL 325
  - c) Naming of Parks and Reserves Policy STR-PL 320 and
  - d) Street Name and Community Facility Name Signs CCS-PL 420
- C. The background material behind the plaque be provided on the website.

*Councillor Kerr left the chamber at 8:48pm*

#### **VOTING**

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

**Against the resolution:** Nil

**CARRIED**

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

#### **8.10 AMENDMENT OF WARRINGAH DEVELOPMENT CONTROL PLAN: BICYCLE PARKING REQUIREMENTS**

478/14 **RESOLVED**

**Cr Harrison / Cr Moskal**

That the amendments to Warringah Development Control Plan (Amendment 6) not proceed.

*Councillor Kerr returned to the chamber at 8:50pm*

#### **VOTING**

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

**Against the resolution:** Cr Menano-Pires

**CARRIED**

### **9.0 NOTICES OF RESCISSION**

Nil

### **10.0 NOTICES OF MOTION**

#### **10.1 NOTICE OF MOTION NO 9/2014 - UNSOLICITED PROPOSALS**

479/14 **RESOLVED**

**Cr Menano-Pires / Cr Regan**

That:

A. Staff prepare a Draft Policy document detailing Council's guidelines to accept, evaluate and in general, deal with unsolicited proposals from private organisations or peak bodies, potentially leading to Public Private Partnerships (PPP's).

B. The Draft Policy to be presented to Council by 31 December 2014.

#### **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**

### **11.1 QUESTION ON NOTICE NO 13/2014 - EXPENDITURE ON LA LUNE EVENT AT LONG REEF**

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

### **11.2 QUESTION ON NOTICE NO 14/2014 - STAFF CONTRIBUTION TO MERCEDES CLK**

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

### **11.3 QUESTION ON NOTICE NO 15/2014 - FREQUENT FLYER POINTS GAINED ON PERSONAL CREDIT CARDS VIA COUNCIL EXPENDITURE**

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

## **12.0 RESPONSES TO QUESTIONS ON NOTICE**

### **12.1 RESPONSE TO QUESTION ON NOTICE NO 10/2014 - PURCHASE PRICE OF MERCEDES CLK FOR A COUNCIL STAFF MEMBER**

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

### **12.2 RESPONSE TO QUESTION ON NOTICE NO 11/2014 - WHERE WAS THE MERCEDES CLK PURCHASED BY COUNCIL FROM**

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

### **12.3 RESPONSE TO QUESTION ON NOTICE NO 12/2014 - RUNNING/MAINTENANCE COSTS OF THE MERCEDES CLK**

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

## **PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**

480/14 **RESOLVED**

***Cr Regan / Cr Heins***

That the Order of Business be changed so the two matters of urgency 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**

**10.2 MATTER OF URGENCY - SAFETY CONCERNS WARRINGAH ROAD AND ALFRED STREET, NARRAWEENA**

481/14 **RESOLVED**

**Cr De Luca / Cr Kerr**

1. That this Council notes:
  - a. With concern that on Saturday 24 May 2014, Mathilda Vazille was sadly struck by a car at the intersection of Warringah Road and Alfred Street, Narraweena.
  - b. Local residents who live near the intersection have expressed serious safety concerns regarding cars speeding on Warringah Road, problematic road signage, drivers trying to "beat" red lights and poor pedestrian behaviour.
  - c. One resident has applied to build a large wall in front of their home to prevent cars from crashing into their home.
2. That this Council:
  - a. Expresses its sincere sympathy to Mathilda Vazille and her family on the accident and conveys Council's best wishes for Mathilda's speedy recovery.
  - b. Requests the General Manager to ensure that Council investigates the concerns raised by local residents about safety concerns at the intersection of Warringah Road and Alfred Street, Narraweena and makes appropriate representations to the NSW Government as to measures that could be implemented at the intersection and surrounding area so as to prevent hazardous behaviour and any accidents from occurring.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**10.3 MATTER OF URGENCY - BRINGA WOMENS' REFUGE DEE WHY**

482/14 **RESOLVED**

**Cr De Luca / Cr Harrison**

1. That this Council notes:
  - a. The Bringa Womens' Refuge at Dee Why has served the needs and interests of women and children with distinction since 1976 offering safe haven for up to three



months for women and children, providing counselling, housing and support services.

- b. Warringah Council over many years has acknowledged the importance of this Refuge and contributed funding in support of the Refuge's excellent work.
- c. The NSW Government has funded Bringa to run as a refuge but under new arrangements proposes that it become a facility providing general services for the homeless, resulting in women with children having to go to Lane Cove for refuge.

2. That this Council:

- a. Commends and congratulates the Bringa Womens' Refuge for its outstanding service to the northern beaches community over the last 37 years.
- b. Calls upon all local State Members of Parliament and The Hon Gabrielle Upton MP, Minister for Family and Community Services and The Hon Pru Goward MP, Minister for Women to ensure that the Bringa Womens' Refuge is able to continue to provide a safe haven for up to three months for women and children, provide counselling, housing and support services.
- c. Requests the General Manager to forward a copy of this Resolution to those noted in clause 2(b) of this Resolution.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

## 13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

483/14 **RESOLVED**

**Cr Regan / Cr Heins**

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the items identified as Confidential and listed on this Agenda as:

Item 13.1 RFT 2014/027 - Internal Audit Services

**Matters to be Discussed During Closed Session - Section 10D**

Item 13.1 RFT 2014/027 - Internal Audit Services

**Grounds on which Matter Should be Considered in Closed Session – Section 10A(2)**

Item 13.1 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

**Reason Why Matters are being considered in Closed Session – Section 10B**

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality,

privilege or security of such information.

- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
- E. 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 Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

#### CARRIED

### 14.0 REPORT OF RESOLUTIONS ON CONFIDENTIAL ITEMS PASSED BY EXCEPTION AND IN CLOSED SESSION

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

#### 13.1 RFT 2014/027 - INTERNAL AUDIT SERVICES

##### 484/14 RESOLVED

##### **Cr Menano-Pires / Cr Heins**

- A. Pursuant to Clause 178(1)(b) of the *Local Government (General) Regulation 2005*, Council declines to accept any of the tenders received for RFT 2014/044 – Internal Audit Services.
- B. Pursuant to Clause 178(3)(e) of the *Local Government (General) Regulation 2005*, Council authorises the General Manager to enter into negotiations with the two highest ranked tenderers, Ernst & Young and KPMG, with a view to entering into a contract with one of the tenderers in relation to the subject matter of the tender.
- C. Pursuant to Clause 178(4)(a) of the *Local Government (General) Regulation 2005*, Council declines to invite fresh tenders as it is considered that the two highest ranked tenderers substantially address the requirements of the tender and there would be no value in repeating the process.
- D. Pursuant to Clause 178(4)(b) of the *Local Government (General) Regulation 2005*, Council's reason for entering into negotiations with the two highest ranked tenderers is that it considers these tenderers provide acceptable value for money and met Council's set minimum acceptable scores for all schedules listed.

#### VOTING

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

Against the resolution: Nil

**CARRIED**

### **13.2 RFT 2013/107 - CIVIL INFRASTRUCTURE WORKS PANEL CONTRACT**

485/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council accept the tenders and delegate to the General Manager the authority to enter into a Schedule of Rates Panel Contract with the recommended tenderers to provide Civil Infrastructure Works consistent with the terms and period of the contract. It is noted that the initial contract period is 3 years with the possibility of 2 further 12 months extensions subject to satisfactory performance.

Recommended tenderers:

1. Kelbon Project Services Pty Ltd
2. Mack Civil Pty Ltd
3. MSA Civil and Communications Pty Ltd
4. NSW Civil Constructions Pty Ltd as trustee for NSW Landscapes Trust
5. Performance Concrete Pty Ltd
6. Stateline Asphalt Pty Ltd
7. Statewide Civil Pty Ltd

**RESOLVED BY EXCEPTION**

### **13.3 RFT 2014/043 - INVESTIGATIONS & DESIGN OF PUBLIC INFRASTRUCTURE UPGRADES FOR THE DEE WHY TOWN CENTRE**

486/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That:

- A. Pursuant to clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Tract Consultants Pty Ltd for RFT 2014/043 for Stage 1 of the Investigations and Design of Public Infrastructure Upgrades for the Dee Why Town Centre, for the amount of \$241,660 excluding GST
- B. Council delegate authority to the General Manager to execute the contract with Tract Consultants Pty Ltd for Stage 1 for the amount of \$241,660 excluding GST including a contingency amount of \$35,000 excluding GST for approved variations under the contract for Stage 1 of the services
- C. That the contract with Tract Consultants include an option for Council to extend the contract to include Stage 2 and/or Stage 3 of the service, for a lump sum price to be determined in accordance with the fee structure submitted for Stage 2 and Stage 3 respectively, with RFT 2014/ 043

- D. At the completion of Stage 1 and Stage 2 of the service by Tract Consultants, the General Manager make a recommendation to Council with respect to Tract's lump sum price for Stage 2 and Stage 3 respectively
- E. Where Council decides not to extend Tract Consultants contract to include Stage 2, or Stage 3, the contract with Tract be terminated at that point and fresh tenders be invited from the five previously short-listed consultant companies or other suitably qualified companies.

**RESOLVED BY EXCEPTION****13.4 RFT 2014/018 - DESIGN, CONSTRUCTION AND MAINTENANCE FOR A COGENERATION PLANT AT THE WARRINGAH AQUATIC CENTRE****487/14 RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council decline to accept any of the tenders received for RFT2014/018– Warringah Aquatic Centre Cogeneration Plant Design, Construction and Maintenance.
- B. Council decline to invite fresh tenders as due to the change in the risk profile in the gas market the cogeneration system at the Warringah Aquatic Centre is no longer viable.
- C. A request for tender is prepared seeking tenders for the replacement of the existing heat pumps.

**RESOLVED BY EXCEPTION****13.5 RFT 2014/005 - MAJOR WORKS FOR QUEENSCLIFF ROCKPOOL****488/14 RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council accepts the tender Silver Raven Pty Ltd for an amount of \$572,116.11 (excluding GST) for undertaking the major works to Queenscliff Rockpool.
- B. The General Manager be authorised to enter into the contract and to approve contract variations up to a total contingency amount of \$100,000 (excluding GST).
- C. Council approves reallocation of funding from CR6438 North Curl Curl Access (\$80,000), CR5886 Foreshore Renewal (\$30,000), CR5846 General Infrastructure Renewal (\$40,000) and bringing \$50,000 forward from the 2015/16 Ocean Pool Renewal Program to cover the shortfall in funding for this project.

**RESOLVED BY EXCEPTION****13.6 ALTERNATIVE PROCUREMENT - WORKERS COMPENSATION CLAIMS MANAGEMENT SERVICES****489/14 RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Pursuant to Section 55 (3) (i) of the Local Government Act, resolve that a satisfactory result would not be achieved by inviting tenders for the provision of Workers compensation case management services because of the following extenuating circumstances:
- a. The continuation of workers compensation case management services over a two year period is over the \$150,000 threshold and JLT successfully won a recent separate tender process. It would not add value to go through another formal tender process.
  - b. There is an immediate and critical need for continuity of workers compensation case management services due to the timing of the WorkCover audit. A change in providers at this late stage would result in loss of detailed knowledge and experience.
- B. Delegate authority to the General Manager to formally extend the contract 2012/063 with JLT with the same conditions up to \$150,000 for the FYs 2014 to 2015 for Workers Compensation case management services.

**RESOLVED BY EXCEPTION**

*The meeting concluded at 9:18pm*

This is the final page of the minutes comprising 29 pages  
numbered 1 to 29 of meeting 2014/6 of Warringah Council  
held on Tuesday 27 May 2014 and confirmed on Tuesday 24 June 2014

---

Mayor

---

General Manager