



WARRINGAH  
COUNCIL

# MINUTES

## WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 25 MARCH 2014**



**Minutes of an Ordinary Meeting of Council**  
**held on Tuesday 25 March 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, 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
Melissa Messina	Group Manager Children's Services
David Kerr	Group Manager Development Assessment & Compliance
Graham Middleton	Group Manager Marketing & Communications
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Belinda Noble	Media and Content Manager

**NOTES**

The meeting commenced at 6:00pm, adjourned at 8:01pm, resumed at 8:08pm, moved into closed session at 8.42pm, resumed in open session at 8:44pm and concluded at 8.45pm

## 1.0 APOLOGIES

385/14 **RESOLVED**

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

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

### VOTING

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

**Against the resolution:** Nil

**CARRIED**

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 25 FEBRUARY 2014

386/14 **RESOLVED**

***Cr Regan / Cr Giltinan***

That the Minutes of the Ordinary Meeting of Council held 25 February 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, 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 8.10, as he has a good friend who is a member of the water skiing club.

Councillor Heins declared a less than significant, non-pecuniary interest in relation to Item 7.1, as her businesses are involved in hiring rooms at Long Reef Golf Club.

Councillor Heins declared a less than significant, non-pecuniary interest in relation to Item 8.8, as she is involved in assisting business awards on the Northern Beaches.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 7.1, as he is a member of Long Reef Golf Club.

## 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****387/14 RESOLVED*****Cr Regan / Cr Harrison***

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 the additional speakers who requested to speak at Public Forum be granted permission to address Council.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

- 4.1 Mr Tony Hall addressed Item 7.1, Fishermans Beach.
- 4.2 Mr Joe Bonanno representing Fisherman's Beach Community Group addressed Item 7.1, Fishermans Beach.
- 4.3 Mr Jason Malcolm addressed Item 8.7, Voluntary Planning Agreement - DA2013/1168.
- 4.4 Mr Tracy Lake addressed Item 7.1, Fishermans Beach.
- 4.5 Mr David Murray representing Surf Life Saving Sydney Northern Beaches addressed Item 7.1, Fishermans Beach.
- 4.6 Mr Steve McInnes representing Surf Life Saving Sydney Northern Beaches addressed Item 7.1, Fishermans Beach.
- 4.7 Mr Malcolm Fisher addressed Item 8.10, Adoption of Plan of Management - Manly Warringah War Memorial Park.
- 4.8 Ms Liz MacQueen addressed Item 7.1, Fishermans Beach.
- 4.9 Mr Robert Player representing the applicant addressed Item 8.7, Voluntary Planning Agreement - DA2013/1168.

- 4.10 Mr Patrick Keenan representing Jubilee Properties as the applicant addressed Item 8.7, Voluntary Planning Agreement - DA2013/1168.
- 4.11 Mr Paul Fletcher representing Manly & Warringah Water Ski Club Ltd addressed Item 8.10, Adoption of Plan of Management - Manly Warringah War Memorial Park.
- 4.12 Ms Geraldine Hall addressed Item 8.10, Adoption of Plan of Management - Manly Warringah War Memorial Park.
- 4.13 Mr Bryce Netting addressed Item 8.10, Adoption of Plan of Management - Manly Warringah War Memorial Park.
- 4.14 Mr Philip Nicol addressed Item 8.10, Adoption of Plan of Management - Manly Warringah War Memorial Park.

## 5.0 MAYORAL MINUTES

Nil

### PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

388/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Order of Business be changed so Items 6.1, 6.2, 6.3, 8.6, 8.8, 8.9, 8.11, 8.12, 8.14 and 13.1 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 BOARD MEETING HELD 19 FEBRUARY 2014

389/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Minutes of the SHOROC Incorporated Board Meeting held 19 February 2014 be noted.

***RESOLVED BY EXCEPTION***

**6.2 MONTHLY FUNDS MANAGEMENT REPORT FEBRUARY 2014****390/14 RESOLVED*****Cr Regan / Cr Harrison***

That the:

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

***RESOLVED BY EXCEPTION*****6.3 ADOPTION OF PUBLIC INTEREST DISCLOSURES POLICY****391/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council adopts the Public Interest Disclosures Policy – March 2014.

***RESOLVED BY EXCEPTION*****8.6 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENTAL PLAN****392/14 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 Environmental Plan variations granted to development applications between 1<sup>st</sup> October 2013 and 31<sup>st</sup> December 2013 be noted.

***RESOLVED BY EXCEPTION*****8.8 SPONSORSHIP - 2014 NORTHERN BEACHES LOCAL BUSINESS AWARDS****393/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council, as a joint sponsor with Pittwater Council, provide sponsorship to the value of \$8,500 per year to the Northern Beaches Local Business Awards to 2017.

***RESOLVED BY EXCEPTION***

**8.9 DRAFT MEMORIALS, PLAQUES AND NAMING OF ASSETS POLICY**394/14 **RESOLVED****Cr Regan / Cr Harrison**

That the draft Memorials, Plaques and Naming of Assets Policy be placed on public exhibition for a period of 21 days.

**RESOLVED BY EXCEPTION****8.11 DAREEN STREET - TRAFFIC FACILITIES PROJECT 2013-14 RESULTS OF COMMUNITY CONSULTATION**395/14 **RESOLVED****Cr Regan / Cr Harrison**

That:

- A. Having considered the traffic conditions, accident data and community feedback the proposed Traffic Calming Scheme for Dareen Street and Patanga Road not be supported.
- B. Yellow No Stopping lines be installed on the north eastern and south eastern kerb returns of Dareen Street and Patanga Road to reinforce the 10m statutory No Stopping restriction.
- C. Dareen Street and Patanga Road be included in Council's road safety education program for the 2013-14 year.
- D. The Traffic Calming Scheme for Dareen Street and Patanga Road be removed from the future works ledger.

**RESOLVED BY EXCEPTION****8.12 REVIEW OF TREE ASSESSMENTS FOR DEVELOPMENT APPLICATIONS (DRAFT WDCP 2011 AMENDMENTS)**396/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council resolve to make the proposed changes to Warringah Development Control Plan 2011 as follows:

- A. Amend Part E1 "*Private Property Tree Management*" to introduce a setback to trees of 3 metres, whereby trees within that setback to a building or structure will be exempt from requiring approval and that the proposed exemption wording include an additional reference to "*garage, carport, studio, shed, workshop and the like, swimming pool, spa and retaining wall*".  
  
Also, the proposed exemption wording to include a reference that trees planted or retained as part of a condition of consent will still require a Development Application or Modification of Consent to permit their removal.
- B. Amend Part A.8 "*Interpretation*" to alter the definition of a "*Tree*" to increase the minimum height of a tree that requires approval from 5 metres to 6 metres, with the exception of palm trees (not listed in Appendix 5), which are to be measured from the base to the top of the

trunk.

- C. Amend Appendix 5 "*Species suitable for removal without consent*" to include the 9 additional species listed in this report (as amended).
- D. Amend Appendix 10 "*Details to be contained with an Arborist's Report*" to insert the requirement for an Arborist's report to be prepared in accordance with AS4970-2009 "Protection of Trees on Development Sites".

**RESOLVED BY EXCEPTION**

**8.14 2014 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA)**

397/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That no motions be put forward by Warringah Council to the 2014 National General Assembly of Local Government.

**RESOLVED BY EXCEPTION**

**13.1 TENDER RA091314WARRI - CONTESTABLE ENERGY TO WARRINGAH COUNCIL METERED SITES AND STREET LIGHTING**

NOTE: This revised report was circulated on 25 March 2014 in a confidential supplementary agenda

398/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That:

- A. Council exercise its authority under Section 178 (1) (a) of the Local Government (General) Regulation 2005 and accepts the offer from Energy Australia for contestable energy for Warringah's' metered sites for a period of three years from 1 January 2015 to 31 December 2017.
- B. Council exercise its authority under Section 178 (1) (a) of the Local Government (General) Regulation 2005 and accepts the offer from Energy Australia for contestable energy for Warringah's' street lighting for a period of three years from 1 January 2015 to 31 December 2017.
- C. The General Manager be delegated authority to execute contracts with Energy Australia.

**RESOLVED BY EXCEPTION**

**REPORTS TO COUNCIL MEETING**



## 6.0 GENERAL MANAGER'S REPORTS

### 6.4 ITEM 8.7 VOLUNTARY PLANNING AGREEMENT

NOTE: This report was circulated on 25 March 2014 in supplementary agenda 2

399/14 **RESOLVED**

***Cr De Luca / Cr Harrison***

That Item 8.7, Voluntary Planning Agreement – DA2013/1168, be deferred to the next Council Meeting on 29 April 2014.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***


## 7.0 COMMUNITY DIVISION REPORTS

### 7.1 FISHERMANS BEACH

NOTE: With the permission of the mover the addition to the motion from the seconder of Point 3 was accepted

***Cr Heins / Cr Daley***

That:

1. Given the outcome of the public consultation held in 2014 in relation to the future of the Fishermen's Beach Building, Council write to the Minister responsible for Crown Lands and request that the Minister not enter into a lease for the Fishermen's Beach Building directly with Surf Life Saving Sydney Northern Beaches under S34A of the Crown Lands Act.
2. If the Minister confirms he will not enter into a direct lease under S34A of the Crown Lands Act, then Council in its role as Reserve Trust Manager for Griffith Park will: 
  - offer an appropriate license agreement with Surf Life Saving Sydney Northern Beaches for a term of up to 20 years with peppercorn rent as allowable under the relevant Act for the portion of the first floor radio room they currently occupy with the same usage and occupation provisions that are currently applied
  - offer an appropriate license agreement with Reefcare environmental group for the use of the ground floor space with the same usage and occupation provisions that are currently applied
  - offer Surf Life Saving Sydney Northern Beaches priority use of storage space under the Long Reef Sports Amenities Building (western portion) for 2 (two) jet-ski rescue craft.
  - offer to allow Surf Life Saving Sydney Northern Beaches to use the two parking spots directly opposite the existing boat ramp and that these be authorised for (such) emergency vehicles. We believe this will give Surf Life Saving Sydney Northern

Beaches the best place possible to put their rescue ready craft.

- confirm that Council (or any other users) will not commercially develop or commercially use the Fishermen's Beach Building.
3. That should any proposal to alter the license's terms in the future, full community consultation occur in accordance with existing community engagement policy.

## DEFERMENT OF MATTER

### *Cr De Luca / Cr Giltinan*

That the matter be deferred to the next available Council Meeting pending information from Dr Warburton & Ms Ingram.

## VOTING

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

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

## LOST.

## ORIGINAL MOTION

### *Cr Heins / Cr Daley*

That:

1. Given the outcome of the public consultation held in 2014 in relation to the future of the Fishermen's Beach Building, Council write to the Minister responsible for Crown Lands and request that the Minister not enter into a lease for the Fishermen's Beach Building directly with Surf Life Saving Sydney Northern Beaches under S34A of the Crown Lands Act.
2. If the Minister confirms he will not enter into a direct lease under S34A of the Crown Lands Act, then Council in its role as Reserve Trust Manager for Griffith Park will:
  - offer an appropriate license agreement with Surf Life Saving Sydney Northern Beaches for a term of up to 20 years with peppercorn rent as allowable under the relevant Act for the portion of the first floor radio room they currently occupy with the same usage and occupation provisions that are currently applied
  - offer an appropriate license agreement with Reefcare environmental group for the use of the ground floor space with the same usage and occupation provisions that are currently applied
  - offer Surf Life Saving Sydney Northern Beaches priority use of storage space under the Long Reef Sports Amenities Building (western portion) for 2 (two) jet-ski rescue craft. In addition, offer to allow Surf Life Saving Sydney Northern Beaches to use the two parking spots directly opposite the existing boat ramp and that these be authorised for (such) emergency vehicles. We believe this will give Surf Life Saving Sydney Northern Beaches the best place possible to put their rescue ready craft.
  - confirm that Council (or any other users) will not commercially develop or commercially use the Fishermen's Beach Building.
3. That should any proposal to alter the license's terms in the future, full community consultation occur in accordance with existing community engagement policy.

**MOTION BE PUT*****Cr Menano-Pires***

That the motion be now put.

**VOTING**

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

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

**CARRIED****400/14 RESOLVED*****Cr Heins / Cr Daley***

That:

1. Given the outcome of the public consultation held in 2014 in relation to the future of the Fishermen's Beach Building, Council write to the Minister responsible for Crown Lands and request that the Minister not enter into a lease for the Fishermen's Beach Building directly with Surf Life Saving Sydney Northern Beaches under S34A of the Crown Lands Act.
2. If the Minister confirms he will not enter into a direct lease under S34A of the Crown Lands Act, then Council in its role as Reserve Trust Manager for Griffith Park will:
  - offer an appropriate license agreement with Surf Life Saving Sydney Northern Beaches for a term of up to 20 years with peppercorn rent as allowable under the relevant Act for the portion of the first floor radio room they currently occupy with the same usage and occupation provisions that are currently applied
  - offer an appropriate license agreement with Reefcare environmental group for the use of the ground floor space with the same usage and occupation provisions that are currently applied
  - offer Surf Life Saving Sydney Northern Beaches priority use of storage space under the Long Reef Sports Amenities Building (western portion) for 2 (two) jet-ski rescue craft. In addition, offer to allow Surf Life Saving Sydney Northern Beaches to use the two parking spots directly opposite the existing boat ramp and that these be authorised for (such) emergency vehicles. We believe this will give Surf Life Saving Sydney Northern Beaches the best place possible to put their rescue ready craft.
  - confirm that Council (or any other users) will not commercially develop or commercially use the Fishermen's Beach Building.
3. Should there be any proposal to alter the license's terms in the future, full community consultation will occur in accordance with existing community engagement policy.

**VOTING**

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

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

**CARRIED**

**PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS****401/14 RESOLVED*****Cr Menano-Pires / Cr Heins***

That the Order of Business be changed so Items 8.10 be brought forward and dealt with after Item 7.2.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

*Councillor Menano-Pires left the chamber at 7:36pm*

*Councillor Menano-Pires returned to the chamber at 7:37pm*

**7.2 NORTHERN BEACHES MUSIC FESTIVAL - REQUEST TO WAIVE FEES****402/14 RESOLVED*****Cr Moskal / Cr Regan***

That Council approves the waiver of the ground hire fee of \$473 (ex GST) for Berry Reserve and the hire fee of \$1,645 (ex GST) for the Tramshed for the Northern Beaches Music Festival 2-4 May 2014 subject to Northern Beaches Music Alliance:

- A. Advising in writing, within 2 months following the event, details of expenditure and profit or loss of this year's event, noting that this is a necessary requirement for any future possible financial support
- B. Paying the bin service fee of \$540 (ex GST)
- C. Paying the refundable bonds of \$2,000 for Berry Reserve and \$1,500 for Tramshed.

**VOTING**

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

**Against the resolution:** Nil


**CARRIED****8.10 ADOPTION OF PLAN OF MANAGEMENT - MANLY WARRINGAH WAR MEMORIAL PARK**

NOTE: With the permission of the mover the addition to the motion from the seconder of Point G was accepted

**403/14 RESOLVED**

**Cr Menano-Pires / Cr Regan**

That Council adopts the Manly Warringah Memorial Park (Manly Dam) Plan of Management with the following Amendments:

A. The Timetable of permitted water-skiing times (Table 7, page 274) be replaced with 

	AM Session	PM Session
Monday	10:00am – 2:30pm	2:30pm – 7:00pm
Tuesday	7:30am – 12:30pm	12:30pm – 5:00pm
Wednesday	7:30am – 1:30pm	1:30pm – 7:00pm
Thursday	10:00am – 2:30pm	2:30pm – 7:00pm
Friday	7:30am – 12:30pm	12:30pm – 5:00pm
Saturday	9:00am – 1:30pm	1:30pm – 7:00pm
Sunday	7:30am – 12:00pm	12:00pm – 4:00pm

B. Action W4, page 270 and W14, page 272 be amended to reflect the table introduced in A

C. Action W6, page 270, be deleted.

D. Any other references to the water-skiing times in the Plan of Management, be changed accordingly, to reflect the timetable presented in A

E. Council works towards integrating the water-skiing booking system into the Council Booking system, but that the current status quo be maintained until the Council Booking system is developed and fully tested in order to cater for the unique requirements of water-skiing, e.g. insurance and compliance certificates, and others.

F. That the Action W9, page 271, be noted, and the License Agreement be approved by Council within the timeframe therein stipulated.

G. Council review the issues raised by Mr Fisher in public forum.

**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 CHILD CARE PROVIDED BY LOCAL GOVERNMENT

404/14 **RESOLVED**

**Cr Harrison / Cr Moskal**

That Council note the contents of the NSW research report *Childcare, roads, rates and rubbish*:

NSW Local Government and Early Education and Care.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

*In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:01pm. The meeting resumed at 8:08pm with the same Councillors present.*

**8.2 SENIORS VOLUNTEERING TO READ TO CHILDREN IN COUNCIL'S DAY CARE CENTRES*****Cr Daley / Cr Heins***

That the use of senior volunteers reading to children is trialled with volunteer members of Brookvale Probus at Brookvale Children's Centre for a six month period and the program evaluated at the end of this time.

*Councillor Heins left the chamber at 8:10pm*

*Councillor Heins returned to the chamber at 8:12pm*

**EXTENSION OF TIME*****Cr Menano-Pires / Cr Moskal***

That Cr Daley be granted an extension of 3 minutes to address the meeting.

**VOTING**

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

**Against the resolution:** Crs Harrison, Kerr and Regan

**CARRIED**

**NOTE:** With the permission of the seconder the addition to the motion of Points B and C from the mover were accepted

**405/14 RESOLVED*****Cr Daley / Cr Heins***

That

- A. The use of senior volunteers reading to children is trialled with volunteer members of Brookvale Probus at Brookvale Children's Centre for a six month period and the program evaluated at the end of this time.
- B. Council acknowledge receipt of the letter from The Hon Sussan Ley MP, Assistant Minister for Education and keep her informed of the progress of the trial.
- C. Council investigate the use of sponsorship for the provision of books

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**8.3 COUNCIL CARPARKS REVIEW**

406/14 **RESOLVED**

**Cr Regan / Cr Kerr**

That Council:

- A. Prepare and seek Gateway Determination for planning proposals to rezone the following carparks from RE1 Public Recreation:
  - a. to B2 Local Centre - Collaroy Street Carpark, Collaroy
  - b. to B2 Local Centre - Lagoon Street Carpark, Narrabeen
  - c. to B2 Local Centre - Darley Street and Starkey Street Carpark, Forestville
  - d. to B1 Neighbourhood Centre - McIntosh Road Carpark, Narrabeena (being Crown Land and subject to Owners consent)
- B. Prepare a planning report to consult with the community in regards to the potential reclassification of the following carparks from community land to operational land; and rezoning the land so that the carparks reflect the surrounding land use:
  - a. Mooramba Road Carpark, Dee Why
  - b. Brookvale Carpark, Lot 10 / 9999 Winbourne Road, Brookvale
  - c. Oliver Street and Lawrence Street Carpark, Freshwater
- C. Prepare a planning report to consult with the community in regards to the potential reclassification or creation of a public road within the carpark adjacent to Dee Why Rockpool
- D. Seek delegation from the NSW Department of Planning and Infrastructure to liaise directly with Parliamentary Counsel's Office in the making of amending local environmental plans.

**VOTING**

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

**Against the resolution:** Cr De Luca

**CARRIED**

#### 8.4 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT "REVITALISING LOCAL GOVERNMENT" - COUNCIL'S SUBMISSION

407/14 **RESOLVED**

***Cr Menano-Pires / Cr Daley***

That Council endorse the submission in response to 'Revitalising Local Government', the final report of the Independent Local Government Review Panel.

#### **VOTING**

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

**Against the resolution:** Cr De Luca

**CARRIED**

#### 8.5 REGIONAL STRATEGIC PARTNERSHIPS

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

408/14 **RESOLVED**

***Cr Regan / Cr Harrison***

- A. That Council's participation in regional collaboration of councils is on the basis of proportional representation of each council's population size, to ensure democratic decisions across the related region.
- B. That Council supports in principle a Council of Mayors model for regional collaboration.
- C. That Council:
  - a. Provides input to the SHOROC/NSROC Working Party on the proposed Northern Metropolitan Council of Mayors; to advocate a proportional representation model of voting arrangements.
  - b. Seeks proportional representation for voting arrangements on SHOROC for joint planning and advocacy.
  - c. Opposes membership of any future Joint Organisation, whether mandatory or voluntary, unless it is based on proportional representation.
- D. That Council notes the proposed \$95,000 membership fee for SHOROC advocacy and writes to the SHOROC Board asking that potential cost reductions in SHOROC administration be investigated in order to reduce the four councils' membership fees.

#### **VOTING**

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

**Against the resolution:** Cr De Luca

**CARRIED**



**8.7 VOLUNTARY PLANNING AGREEMENT - DA2013/1168**

NOTE: This item was deferred by resolution 399/14 relating to Item 6.4 earlier in the meeting

**8.13 FEASIBILITY OF RUNNING DOG TRAINING**

409/14 **RESOLVED**

***Cr Daley / Cr Harrison***

That:

- A. Council approve in principle support of a community based dog training and education program.
- B. Council request the Companion Animals Community Committee to develop and recommend a suitable program considering the skills and experience of its members.
- C. Staff be available to assist the Companion Animals Community Committee in making recommendations to be reported back to Council in June 2015.

**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 3/2014 - PROTECTING MARINE SANCTUARIES INSTEAD OF RELAXING NSW LAWS TO ALLOW RECREATIONAL FISHING**

410/14 **RESOLVED**

***Cr Heins / Cr Moskal***

That Warringah Council write to Premier Barry O'Farrell MP, Local State Member Brad Hazzard MP, Minister for Primary Industries Katrina Hodgkinson MP and the Minister for the Environment Robyn Parker MP:

- A. Conveying the concerns of Warringah residents regarding the review of the NSW Marine Estate to allow fishing from ocean beaches and headlands in sanctuary zones, which is likely to reduce the protection of marine life.
- B. Noting that Council recognises the vital role marine parks and sanctuaries play in providing substantial social, economic and environmental returns for the people of Warringah and NSW.

**VOTING**

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

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

**CARRIED**

**11.0 QUESTIONS ON NOTICE****11.1 QUESTION ON NOTICE NO 7/2014 - MAYOR'S PRIVATE USE OF MAYORAL JAGUAR**

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

**11.2 QUESTION ON NOTICE NO 8/2014 - PURCHASE PRICE OF MAYORAL JAGUAR**

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

**11.3 QUESTION ON NOTICE NO 9/2014 - LUXURY CAR TAX THRESHOLD**

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 4/2014 - COSTS OF R CLASS TRAM**

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

**12.2 RESPONSE TO QUESTION ON NOTICE NO 5/2014 - COSTS OF OFFSITE COUNCILLOR WEEKENDS**

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

**12.3 RESPONSE TO QUESTION ON NOTICE NO 6/2014 - GENERAL MANAGER, RIK HART'S EXTRA HOLIDAY PERIOD**

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

**13.0 CONFIDENTIAL MATTERS – CLOSED SESSION**

**411/14 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 13.2 Brookvale Oval - Proposed Sea Eagles Licence

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

Item 13.2 Brookvale Oval - Proposed Sea Eagles Licence

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

Item 13.2 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, 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 TENDER RA091314WARRI - CONTESTABLE ENERGY TO WARRINGAH COUNCIL  
METERED SITES AND STREET LIGHTING**

**NOTE:** This revised report was circulated on 25 March 2014 in a confidential supplementary agenda

398/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That:

- A. Council exercise its authority under Section 178 (1) (a) of the Local Government (General) Regulation 2005 and accepts the offer from Energy Australia for contestable energy for Warringah's' metered sites for a period of three years from 1 January 2015 to 31 December 2017.
- B. Council exercise its authority under Section 178 (1) (a) of the Local Government (General) Regulation 2005 and accepts the offer from Energy Australia for contestable energy for Warringah's' street lighting for a period of three years from 1 January 2015 to 31 December 2017.
- C. The General Manager be delegated authority to execute contracts with Energy Australia.

**RESOLVED BY EXCEPTION**

**13.2 BROOKVALE OVAL - PROPOSED SEA EAGLES LICENCE**

412/14 **RESOLVED**

**Cr Menano-Pires / Cr Regan**

That Council endorses an amendment to the 11 February 2014 Council resolution (Resolution 363/14) for a licence agreement to be entered into with the Manly Warringah Sea Eagles on the same terms and conditions.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

*The meeting concluded at 8:45pm*

This is the final page of the minutes comprising 20 pages  
numbered 1 to 20 of meeting 2014/3 of Warringah Council  
held on Tuesday 25 March 2014 and confirmed on Tuesday 29 April 2014

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Mayor

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General Manager