



MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 11 FEBRUARY 2014

(2014/1)



Minutes of an Ordinary Meeting of Council
held on Tuesday 11 February 2014
at the Civic Centre, Dee Why
Commencing at 6:00pm

Members

Councillors M Regan (Mayor), S Heins (Deputy Mayor), P Daley, B Giltinan, W Gobert OAM, D Kerr (*arrived 6:04*) , V Moskal, R Harrison, V De Luca OAM and J Menano-Pires

Officers

Malcolm Ryan	A/General Manager
John Warburton	Deputy General Manager Community
Vivienne Ingram	Executive Legal Counsel
Anna Moore	Governance Manager
Trish Chaney	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
Melodie Whiting	Group Manager Human Resources
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Peter Robinson	Group Manager Strategic Planning
Belinda Noble	Media and Content Manager

NOTES

The meeting commenced at 6:00pm and concluded at 6:30pm

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF EXTRAORDINARY MEETING OF COUNCIL HELD 10 DECEMBER 2013

349/14 **RESOLVED**

Cr Harrison / Cr Moskal

That the Minutes of the Extraordinary Council Meeting held on 10 December 2013, copies of which were previously circulated to all Councillors, be 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, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

2.2 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 17 DECEMBER 2013

350/14 **RESOLVED**

Cr Daley / Cr Gobert

That the Minutes of the Ordinary Council Meeting held on 17 December 2013, copies of which were previously circulated to all Councillors, be 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, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Councillor Heins declared a less than significant, non-pecuniary interest in relation to Item 13.4, as in her capacity as a councillor she had met with one of the businesses, Baker Caker Coffee Maker to resolve an issue and that they are both members of the Warringah Chamber of Commerce.

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 Leon Faulkner representing Golf Rocks made a statement regarding plans for Golf Rocks at District Park.

Councillor Kerr arrived at the meeting at 6:04pm

4.2 Mr Jack Tilburn asked the following question regarding Northern Beaches Bus Rapid Transit System:

- a. What was achieved, if anything, during the 2012 and 2013 calendar years on this Northern Beaches Bus Rapid Transit System?
- b. Are the two State Ministers for Transport and Roads doing anything to assist and progress the NBBRT SYSTEM?
- c. Is there any cooperation and progress within and by the three peninsula councils to achieve the outcome of the NBBRT SYSTEM?
- d. Is SHOROC involved in progressing the NBBRT SYSTEM, and if not, then why not?
- e. Has SHOROC and or Warringah Council been able to invest any seed-money during the calendar year 2012 and 2013 for determining the feasibility of a NBBRT SYSTEM?

Answer: The Mayor advised that a written response would be provided by Council staff to Mr Tilburn and that he would forward Mr Tilburn's questions to Ben Taylor, Executive Director SHOROC, Hon. Gladys Berejiklian, Minister for Transport and Hon. Duncan Gay Minister for Roads and Ports.

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

351/14 **RESOLVED**

Cr Regan / Cr Harrison

That:

- A. All reports including Mayoral Minutes be available to be resolved by exception.
- B. the Order of Business be changed so Items 8.1, 8.3, 8.4, 8.5, 8.6, 8.7, 8.9, 13.1, 13.2, 13.3 and 13.4 are dealt with by exception with the recommendations of the Deputy General Managers being adopted.

VOTING

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

Against the resolution: Nil

CARRIED

NOTE Councillor De Luca requested that it be recorded that he voted against Item 13.1.

ITEMS RESOLVED BY EXCEPTION:**8.1 DELEGATED AUTHORITY OVER THE CHRISTMAS / NEW YEAR RECESS 2013/2014****352/14 RESOLVED*****Cr Regan / Cr Harrison***

That Council notes the items dealt with by the Mayor during the 2013/2014 recess period and the subsequent decisions made under his delegated authority in relation to:

- A. Recruitment and Selection of Community Members to Strategic Reference Groups and Community Committees
- B. Prohibition of Alcohol on Warringah's Ocean Beaches for Australia Day 2014
- C. Temporary Suspension of Parking Enforcement at Warringah Aquatic Centre During Carnival Season
- D. Amendment to Schedule of Fees & Charges 2013/2014
- E. Monthly Funds Management Report December 2013
- F. Sun Run Request to Suspend Parking Restrictions on 1 February 2014
- G. Submission on Aboriginal land claims 36614, 36615 and 36616 at Oxford Falls
- H. Selection of Community Members for Vacant Positions on Strategic Reference Group No. 1 and Warringah Coastal Community Committee

RESOLVED BY EXCEPTION**8.3 COMMUNITY PERCEPTION RESEARCH FOR COMMUNITY STRATEGIC PLAN 2023****353/14 RESOLVED*****Cr Regan / Cr Harrison***

That the online version of the Community Strategic Plan 2023 be updated with the following baseline figures from the Community Perception Research:

- | | |
|-----------------------------|-----|
| A. Connected Transport | 34% |
| B. Healthy Environment | 58% |
| C. Liveable Neighbourhoods | 48% |
| D. Lifestyle and Recreation | 68% |
| E. Vibrant Communities | 60% |
| F. Working Together | 41% |

RESOLVED BY EXCEPTION

8.4 MINUTES OF THE NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP HELD 10 OCTOBER 2013 AND CONFIRMATION OF CHAIRPERSON

354/14 RESOLVED

Cr Regan / Cr Harrison

That Council:

- A. Notes the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held at Pittwater Council on 10 October 2013 and the recommendations contained within.
- B. Confirms Mayor Regan as Chairperson for the Narrabeen Lagoon Floodplain Risk Management Working Group for 2014.

RESOLVED BY EXCEPTION

8.5 MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 3 SEPTEMBER 2013

355/14 RESOLVED

Cr Regan / Cr Harrison

That the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held 3 September 2013 be noted.

RESOLVED BY EXCEPTION

8.6 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 21 NOVEMBER 2013

356/14 RESOLVED

Cr Regan / Cr Harrison

That the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 21 November 2013 be noted.

RESOLVED BY EXCEPTION

8.7 MINUTES OF THE SYDNEY COASTAL COUNCIL MEETING HELD ON 7 DECEMBER 2013

357/14 RESOLVED

Cr Regan / Cr Harrison

That the Minutes of the Sydney Coastal Councils Group meeting held 7 December 2013 and the resolutions contained within be noted.

RESOLVED BY EXCEPTION

8.9 BELROSE WASTE MANAGEMENT CENTRE PLANNING PROPOSAL358/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council approve the Planning Proposal to amend Schedule 1 of the WLEP 2011 by adding *Recreation facility (outdoor)* as an additional permitted use for Lot 2, DP 1144741, Bundaleer Street, Belrose and, under delegation from the Minister of Planning and Infrastructure, the amendment to WLEP 2011 be made.

RESOLVED BY EXCEPTION

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

13.1 MAYORAL MINUTE NO 1/2014 - GENERAL MANAGERS PERFORMANCE AGREEMENT 2013-2014359/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council adopts the General Manager's Performance Agreement 2013-2014

RESOLVED BY EXCEPTION

NOTE Councillor De Luca requested that it be recorded that he voted against Item 13.1.

13.2 COASTAL ZONE MANAGEMENT PLAN - ALTERNATIVE PROCUREMENT STRATEGY360/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council:

- A. Approve additional expenditure of \$30,230 ex GST to cover variations to the contract for the Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach, and an overall project budget of \$166,093 ex GST.
- B. Delegate authority to the General Manager to authorise the variations for this contract.

RESOLVED BY EXCEPTION**13.3 RFT 2013/092 - MAJOR WORKS FOR ST MATTHEWS FARM NORTHERN SPORTS AMENITIES**361/14 **RESOLVED****Cr Regan / Cr Harrison**

That

- A. Pursuant to Clause 178(1)(b) of the *Local Government (General) Regulation 2005*, Council declines to accept any of the tenders received in RFT 2013/092 – Major Works for St Matthews Farm Northern Sports Amenities
- B. Pursuant to Clause 178(3)(e) of the *Local Government (General) Regulation 2005*, Council enters into negotiations with all four tenderers with a view to entering into a contract with one of the tenderers in relation to the subject matter of the tender, based upon negotiated savings
- 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 calling fresh tenders is an unknown risk to Council as there is no certainty of achieving a better financial outcome, and the long time consuming re-tendering process may further delay the project
- D. Pursuant to Clause 178(4)(b) of the *Local Government (General) Regulation 2005*, Council's reasons for determining to enter into negotiations with all four tenderers is that Council considers that direct negotiations, based on incorporation of cost saving design changes, will provide the best opportunity for Council to reduce costs to align with budget

RESOLVED BY EXCEPTION
13.4 RFT 2013/072 - CATERING SERVICES PANEL
362/14 RESOLVED
Cr Regan / Cr Harrison

That

- A. Council exercise its authority under 178 (1)(a) of the Local Government (General) Regulation 2005 and accepts the tenders received in RFT 2013/072 - Catering Services Panel

Recommended Service Provider	Category
Anolisa Pty Ltd – Baker Caker Coffee Maker	1,2,3
Celebrations on the beaches	1,2,3
Corella Catering	1,2,3
Flavours Catering + Events	1,2,3
Forte Catering & Events	1,2,3
Made at Lukes	1,2
Roaming Gourmet	1,2,3
Skyline Bakery	1,2
Summer Salt	1,2,3
The Italian Pasta Company	1,2,3
Swiss Deli	1,2,3
Dee Why Seafood (subject to provision of food safety certificate)	2,3
Chicken Run (subject to provision of insurance)	2,3
More Gourmet (subject to provision of insurance)	1,2
Oaks Avenue Patisserie (subject to provision of insurance)	1

- B. The General Manager be delegated authority to execute the necessary documents to give effect to A.
- C. Subject to the tendering provisions of the Local Government Act 1993, Council authorise the General Manager to engage service providers who are not on the panel to provide catering services where this would achieve cost efficiencies or would provide additional required services.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

Nil

REPORTS TO COUNCIL MEETING

6.0 GENERAL MANAGER'S REPORTS

Nil

7.0 COMMUNITY DIVISION REPORTS

7.1 LEASE WITH THE MANLY WARRINGAH SEA EAGLES FOR BROOKVALE OVAL

363/14 **RESOLVED**

Cr Menano-Pires / Cr Regan

That Council endorses subject to compliance with the requirements of the Local Government Act 1993:

- A. Finalising negotiations with the Manly Warringah Sea Eagles in order to enter into a lease for a period of 1 year.
- B. A separate document to be prepared detailing measures and /or initiatives the Manly Warringah Sea Eagles are willing to offer and implement during the next 12 months, in order to leverage and increase positive exposure for the Warringah community.
- C. The aforementioned document to be presented to Council in confidential session on or before Friday 28 February 2014.
- D. Continued support for Brookvale Oval to be transferred into a NSW State Sports Trust.

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

8.2 INVESTIGATION INTO LOCAL BIODIVERSITY COMMUNITY ENGAGEMENT INITIATIVES

364/14 **RESOLVED**

Cr Heins / Cr Moskal

That Council approve the development and delivery of a citizen science project relating to Warringah's biodiversity over the 2014/15 and 2015/16 financial years.

VOTING

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

Against the resolution: Nil

CARRIED

8.8 NOMINATION OF COUNCILLOR REPRESENTATIVE ON THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP

365/14 **RESOLVED**

Cr Regan / Cr Harrison

That Council nominate Councillor Heins as the elected Warringah Council representative to the Dee Why South Catchment Flood Study Working Group.

VOTING

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

Against the resolution: Nil

CARRIED

9.0 NOTICES OF RESCISSION

Nil

10.0 NOTICES OF MOTION

Councillor De Luca left the chamber at 6:26pm

10.1 NOTICE OF MOTION NO 1/2014 - AUSTRALIA DAY EVENTS

366/14 **RESOLVED**

Cr Daley / Cr Moskal

That Council express its thanks to the many community organisations and individuals who volunteered their time on Australia Day to help celebrate our nation. That thanks are also given to Council's Events Team for their excellent work in organising the wide range of Australia Day events across Warringah.

VOTING

For the resolution: Crs Daley, 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 01/2014 - COUNCIL EXPENDITURE ON CHRISTMAS EVENTS**

In accordance with Council's Code of Meeting Practice Clause 22(5) the question was deemed in order

11.2 QUESTION ON NOTICE NO 02/2014 - APPLICATION TO IPART FOR RATE VARIATION

In accordance with Council's Code of Meeting Practice Clause 22(5) the question was deemed in order

11.3 QUESTION ON NOTICE NO 03/2014 - ICE SKATING RINK DEE WHY TRIANGLE

In accordance with Council's Code of Meeting Practice Clause 22(5) the question was deemed in order

12.0 RESPONSES TO QUESTIONS ON NOTICE

Nil

The meeting concluded at 6:30pm

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

Mayor

General Manager