



WARRINGAH  
COUNCIL

# MINUTES

## WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 22 OCTOBER 2013**

(2013/12)



**Minutes of an Ordinary Meeting of Council****held on Tuesday 22 October 2013****at the Civic Centre, Dee Why****Commencing at 6:03pm****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
Eskil Julliard	Acting Executive Legal Counsel
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Sylwia Stafford	IM&T Support Officer
Richard McManus	Chief Information Officer
Adam Vine	Group Manager Business & Risk
Peter Robinson	Group Manager Strategic Planning
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Michael Keelan	Group Manager Parks, Reserves & Foreshores
David Kerr	Group Manager Development Assessment & Compliance
Belinda Noble	Media and Content Manager

**NOTES**

The meeting commenced at 6.03pm and concluded at 8.01pm

## 1.0 APOLOGIES

Nil

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 24 SEPTEMBER 2013

291/13 **RESOLVED**

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

That the Minutes of the Ordinary Meeting of Council held 24 September 2013, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting subject to the following amendments:

- A. Item 8.9 - That the mover and seconder read Cr Daley and Cr Regan
- B. Item 8.14 - That the resolution, in part, read:

*"That Council*

- A. Approve the renaming of the Council section of Joalah Road between Namba Road and Bibbenluke Avenue, as Guwara Road."*

### 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

Nil

## 4.0 PUBLIC FORUM

### PROCEDURAL MOTION - EXTENSION OF PUBLIC FORUM PERIOD

292/13 **RESOLVED**

***Cr Regan / Cr Giltinan***

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 speakers 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**

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 **Dr Christina Kirsch addressed Item 10.1, Notice of Motion No 25/2013 - Fisherman's Beach Long Reef.**
- 4.2 **Mr Steve McInnes representing Surf Life Saving Sydney Northern Beaches Inc addressed Item 10.1, Notice of Motion No 25/2013 - Fisherman's Beach Long Reef.**
- 4.3 **Mr David Murray representing Surf Life Saving Sydney Northern Beaches Inc addressed Item 10.1, Notice of Motion No 25/2013 - Fisherman's Beach Long Reef.**
- 4.4 **Mr Peter Edgley, representing the lakeside residents living between Waterloo and Albermarle Street addressed Item 8.4, Establishment of New 24 Hour Alcohol Prohibited Areas in Warringah.**
- 4.5 **Mr John Cobley representing the lakeside residents living between Wellington and Albermarle Street addressed Item 8.4, Establishment of New 24 Hour Alcohol Prohibited Areas in Warringah.**
- 4.6 **Mr Christopher Kewley addressed Item 8.4, Establishment of New 24 Hour Alcohol Prohibited Areas in Warringah.**
- 4.7 **Mr Jack Tilburn asked the following question regarding special rate variation**

**Question:**

- A. Does the Special Rate Variation proposals really mean that we are living beyond our means and present rates-charges?
- B. Why cannot the present rates-income which are quite high enough provide for our present and future infrastructure and services improvements?
- C. How are we behind in looking after our present and future infrastructure and services needs?
- D. Why are we having to pay increased rates for services under:-
  - a) Current Delivery Program 2013 to 2017; and
  - b) Long Term Financial Plan 2013 to 2023?

**Response:**

The Mayor, Councillor Regan provided the following response:

To answer some of the questions I could say the simple answer would be to merge the three Councils into one and achieve a \$370m saving. We have a report independent of Council that demonstrate these as genuine and real savings that over a 10 year period that \$370m injection would prevent a rate rise.

Are we living beyond our means at present rate charges, no we are not.

As it says in the documentation that has been sent out to the community, that will come in 2017. So all things being equal we will have to reduce services. The costs are higher than what the rate capping is, we have spent the last 5 years getting rates and finances in shape and getting them to the point where we are able to deliver genuine surplus budgets. We have spent \$69m on new assets and many millions more on renewing those assets and people have been happy with that and want to see more change. That has been what has come out of the Community Strategic Plan and the community consultation that you have been part of, that the community wants Council to bring forward certain projects and this is detailed very clearly in the document. Instead of maintaining current services until 2017 we can bring forward the projects and can do more, increase levels of service that we have. We can actually get out there and start delivering more and bring forward some of those changes - like the new aquatic centre that people want, like Glen Street Theatre, like Surf Club - we can do a lot of key infrastructure programs, like dredging Narrabeen Lagoon finally and we can't do that in the future if we don't put the rates up... and for the sake of around \$3 per week I don't think that's a bad deal.

It's over to the community now, we will be discussing it at length with them and we are going to discuss very clearly, we are going to demonstrate how we have made all the savings we have made over past 5 years and how we can do all the other projects that we said we can do. Why we have been rated by TCorp as one of only 3 Council's that actually can be financially sustainable beyond 2016/2017. Why we are No 1 rated for asset maintenance and the way we do our assets and it has been critical to get this right and get our house in order. We have to make they savings, cut the fat out as you've said, we have done that and now, in response to our communities request we are looking to put forward how we can accelerate some of our projects. We are doing that now and putting it out for discussion. It's a bit like the beach parking permits - if you want one permit merge the Councils, simple, it's done.

**4.8 Mr Michael Gleeson addressed Item 10.1, Notice of Motion No 25/2013 - Fisherman's Beach Long Reef.**

**4.9 Mr John Mullins representing Long Reef Golf Club addressed Item 10.1, Notice of Motion No 25/2013 - Fisherman's Beach Long Reef.**

#### **PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION**

**293/13 RESOLVED**

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

That the Order of Business be changed so Items 6.1, 7.1, 7.2, 8.1, 8.2, 8.3, 8.5, 8.6, 8.7, 8.8, 13.1, and 13.2 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

**ITEMS RESOLVED BY EXCEPTION:****6.1 MONTHLY FUNDS MANAGEMENT REPORT SEPTEMBER 2013**294/13 **RESOLVED*****Cr Regan / Cr Menano-Pires***

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*****7.1 INTERNAL AUDIT ANNUAL REPORT - 2012/2013**295/13 **RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council note the Internal Audit Annual Report 2012/2013.

***RESOLVED BY EXCEPTION*****7.2 AUDIT AND RISK COMMITTEE CHARTER - REVIEW**296/13 **RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council adopt the revised Audit and Risk Committee Charter.

***RESOLVED BY EXCEPTION*****8.1 PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS**297/13 **RESOLVED*****Cr Regan / Cr Menano-Pires***That Council pursuant to responsibilities delegated to Council by the Minister for Planning & Infrastructure under Section 59 of the *Environmental Planning & Assessment Act 1979*:

- A. Request Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan to correct errors and anomalies of the land zoning, lot size and height of buildings maps under Warringah Local Environmental Plan 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.
- B. Forward the request to the New South Wales Department of Planning & Infrastructure for administrative purposes, as requested by the Gateway Determination.

***RESOLVED BY EXCEPTION***

**8.2 RETURNS DISCLOSING PECUNIARY INTERESTS OF DESIGNATED PERSONS FOR THE PERIOD 1 JULY 2012 TO 30 JUNE 2013****298/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That the Disclosure of Pecuniary Interest Returns for designated person for the period 1 July 2012 through to 30 June 2013 be noted.

***RESOLVED BY EXCEPTION*****8.3 HERITAGE PLANNING PROPOSAL - RESULTS OF EXHIBITION****299/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Endorse the Heritage Planning Proposal Report and Maps dated April 2013.
- B. Using the authority delegated by the Minister for Planning and Infrastructure, and pursuant to section 59 of the *Environmental Planning and Assessment Act*, 1979, request Parliamentary Counsel's Office to draft and finalise a Local Environmental Plan amendment to effect this Heritage Planning Proposal.
- C. Notify the Department of Planning and Infrastructure of its decision.

***RESOLVED BY EXCEPTION*****8.5 ADOPTION OF THE NARRABEEN LAGOON FLOOD STUDY****300/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That Council:

- A. Adopt the Narrabeen Lagoon Flood Study Final Report (September 2013).
- B. Amend the relevant Section 149(2) planning certificates for properties within the Probable Maximum Flood (PMF) and Flood Planning Area (FPA) extents as defined in the Narrabeen Lagoon Flood Study Final Report (September 2013).

***RESOLVED BY EXCEPTION*****8.6 ALTERNATE PROCUREMENT PROCESS FOR PARKING METER UPGRADES****301/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That:

- A. Council exercise its authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the provision of mandated upgrades to existing meters as it believes a satisfactory result would not be achieved by inviting tenders.
- B. The proposed alternative procurement is based on the following “extenuating circumstances”:
  - a. The mandated upgrades are integrated within the existing meter (proprietary) software and hardware.
  - b. Due to the proprietary nature of the existing meters architecture, there are no known (certified) alternate solutions.
  - c. Failure to comply with mandated deadline may result in financial penalties to Council.
- C. Delegate authority to the General Manager to enter into negotiations with Duncan Solutions for upgrading of all of Council’s meter stock to be fully EMV and PayPass compliant and if successful execute a negotiated contract on behalf of Council.

**RESOLVED BY EXCEPTION**

#### **8.7 SWIMMING POOL BARRIER INSPECTION PROGRAM**

302/13 **RESOLVED**

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

That:

- A. The Draft Swimming Pool Barrier Inspection Program be placed on public exhibition for a minimum of 28 days.
- B. The results of the public exhibition be reported to Council.

**RESOLVED BY EXCEPTION**

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

303/13 **RESOLVED**

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

That the draft minutes of the Environmental Sustainability, Infrastructure and Development and Recreation and Open Space Strategic Reference Group meetings held on 13 August 2013 be noted.

**RESOLVED BY EXCEPTION**

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



**13.1 RFT2013/065 - RFS CATERING UNIT KITCHEN UPGRADE****304/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That:

- A. Council accept the tender, subject to a satisfactory financial check, from J&CG Constructions Pty Ltd for RFT 2013/065 – Major works for RFS Catering Unit Kitchen Upgrade for the sum of \$267,127.00 excluding GST and be approved.
- B. A 12 % contingency of \$32,873.00 excluding GST and be approved.

**RESOLVED BY EXCEPTION****13.2 GLEN STREET THEATRE UPGRADE - ASBESTOS CONTAMINATION & REMEDIATION****305/13 RESOLVED*****Cr Regan / Cr Menano-Pires***

That pursuant to Section 55(3)(i) of the Local Government Act 1993, Council delegate authority to the General Manager to approve the variation of the contract with Keystone Projects Group Pty Ltd by an additional \$250,000 representing a total contract price up to \$2,050,000 excluding GST.

**RESOLVED BY EXCEPTION****5.0 MAYORAL MINUTES****5.1 MAYORAL MINUTE NO 24/2013 - SKATE PARK FACILITIES****BACKGROUND**

As Council continues to develop plans for our parks and improve and increase recreational facilities throughout Warringah, I believe there may be opportunities to consider including temporary and or permanent Skate Park facilities at appropriate venues to cater for this increasingly popular sport.

We already offer a great range of recreational facilities and we are continuing to deliver even more facilities along with promoting a healthy lifestyle here in Warringah. Skate Parks provide a place for our youth to engage in an outdoor activity with their peers and develop new friendships. It provides our youth with an alternative to sitting in front of a television and takes them away from their play stations and Wii games. There are possibly public safety benefits to this proposal. I hear from residents of their frustration with our youth skating around our public areas and walkways so by establishing new venues, our young people will have a place to go and practice and develop their skills.

While Council has skate park facilities at places like Forestville and Manly Vale for example, and offer temporary skate ramps and classes during the school holidays, there is a definite need for more venues to cater for the demand. We should explore appropriate sites across Warringah where such facilities could be established. Some of you may be aware of the Monster Skate Park facility located in the Western Suburbs that is hugely successful. It offers indoor and outdoor facilities for bikes, skateboards and scooters, school holiday and clinic programs to cater for the

various skate styles and is open day and night. You only have to visit one of our skate parks such as the revamped Skate Park at Forestville War Memorial Oval to see that facilities are used by young people on bikes, skateboards and scooters and there are varying age groups and standards.

I call on Council to seek written proposals from interested parties so that we can establish what options are available to establish new facilities either on a temporary or permanent basis within Warringah. This would include consulting with established skating businesses and key stakeholders to identify the needs of our local youth community.

Council staff are to prepare a short report to be brought back to Council in the new year which identify options for permanent and or temporary facilities, identified venues and a budget for proposed works. I understand this investigation and preparation of the report can be undertaken within existing operational budgets.

### **306/13 RESOLVED**

#### ***Cr Regan***

- A. That Council authorise the General Manager, or his delegate, to seek proposals from interested parties for the innovative provision of temporary or permanent skate park facilities in Warringah
- B. That a short report identifying options for temporary or permanent skate park facilities, identified venues and a budget for proposed works be provided to an ordinary meeting of Council within the first quarter of 2014.

### **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**

### **8.4 ESTABLISHMENT OF NEW 24 HOUR ALCOHOL PROHIBITED AREAS IN WARRINGAH**

NOTE: With the permission of the mover and seconder the addition of original point B was accepted.

### **307/13 RESOLVED**

#### ***Cr Gobert / Cr Harrison***

That Council:

- A. Approve the establishment of new 24 hour Alcohol Prohibited Areas in Narrabeen at the park area at the north end of Lagoon Street and between Loftus Street and Wellington Street pending Local Area Command of NSW Police approval.
- B. Contact the local Superintendent of Police for the area formally requesting that they introduce regular patrols during peak antisocial times in this locality.

**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****10.1 NOTICE OF MOTION NO 25/2013 - FISHERMAN'S BEACH LONG REEF**

**NOTE:** With the permission of the mover and seconder the deletion of original point E was accepted.

***Cr Daley / Cr Gobert***

That Council:

- A. Invite Surf Life Saving Sydney Northern Beaches to brief councillors regarding their plans for Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve).
- B. Not support the redevelopment of the Warringah Rescue Building unless full community consultation has occurred in accordance with the Griffith Park Plan of Management.
- C. Call a public meeting to seek the views of the local community regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building.
- D. Write to schools and relevant community groups in the Warringah Local Government Area seeking their views regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building and how they want the area to be used in the future.
- E. Help ensure that the operations of the Fish Care Volunteers continue at their current location at Fisherman's Beach.

**308/13 RESOLVED - EXTENSION OF TIME**

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

That Councillor Daley be granted an extension of 5 minutes to address the meeting.

**VOTING**

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

**Against the resolution:** Cr De Luca

**CARRIED**

**AMENDMENT*****Cr De Luca / Cr Giltinan***

That Council invite Surf Life Saving Sydney Northern Beaches Inc and representatives of Crown Lands to brief Council on the status of Council's resolution that Crown Lands grant a lease to Surf Life Saving Sydney Northern Beaches Inc of the surf rescue building at Long Reef and what consultation will be undertaken by Crown Lands in accordance with legislation.

**EXTENSION OF TIME*****Cr De Luca / Cr Giltinan***

That Councillor De Luca be granted an extension of 5 minutes to address the meeting.

**VOTING**

**For the resolution:** Crs De Luca, Giltinan, Gobert, Harrison and Kerr

**Against the resolution:** Crs Daley, Heins, Menano-Pires, Moskal and Regan

***There being an equal number of votes, the Mayor used his casting vote for the motion, which was declared CARRIED.***

**AMENDMENT*****Cr De Luca / Cr Giltinan***

That Council invite Surf Life Saving Sydney Northern Beaches Inc and representatives of Crown Lands to brief Council on the status of Council's resolution that Crown Lands grant a lease to Surf Life Saving Sydney Northern Beaches Inc of the surf rescue building at Long Reef and what consultation will be undertaken by Crown Lands in accordance with legislation.

**VOTING**

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

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

**LOST****309/13 RESOLVED*****Cr Daley / Cr Gobert***

That Council:

- A. Invite Surf Life Saving Sydney Northern Beaches to brief councillors regarding their plans for Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve).
- B. Not support the redevelopment of the Warringah Rescue Building unless full community consultation has occurred in accordance with the Griffith Park Plan of Management.
- C. Call a public meeting to seek the views of the local community regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building.
- D. Write to schools and relevant community groups in the Warringah Local Government Area seeking their views regarding the future of Fisherman's Beach Long Reef Marine Sanctuary (Aquatic Reserve) and the Warringah Rescue Building and how they want the area to be used in the future.

- E. Help ensure that the operations of the Fish Care Volunteers continue at their current location at Fisherman's Beach.

**VOTING**

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

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

**CARRIED**

**11.0 QUESTIONS ON NOTICE****11.1 QUESTION ON NOTICE NO 18/2013 - WARRINGAH RECREATION CENTRE - PROGRESS AND USAGE STATUS**

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

**11.2 QUESTION ON NOTICE NO 19/2013 - WARRINGAH RECREATION CENTRE - LEASE AGREEMENTS**

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

**11.3 QUESTION ON NOTICE NO 20/2013 - WARRINGAH RECREATION CENTRE - ADDITIONAL REVENUE**

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 8:01pm*

This is the final page of the minutes comprising 13 pages numbered 1 to 13 of meeting 2013/12 of Warringah Council held on Tuesday 22 October 2013 and confirmed on Tuesday 26 November 2013

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Mayor

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General Manager