WARRINGAH COUNCIL

MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 SEPTEMBER 2013

(2013/11)

Minutes of an Ordinary Meeting of Council

held on Tuesday 24 September 2013

at the Civic Centre, Dee Why

Commencing at 6:00pm

ATTENDANCE:

Members

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

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Boris Bolgoff	A/Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
Peter Robinson	Group Manager Development Assessment & Compliance
Graham Middleton	Group Manager Marketing & Communications
Adrian Turnbull	A/Group Manager Natural Environment
Damian Ham	A/Group Manager Parks, Reserves & Foreshores
David Kerr	Group Manager Strategic Planning
Gary Penfold	Group Manager Warringah Aquatic Centre
Diane Godley	A/Media and Content Manager
Michael McDermid	Corporate Planning Manager
Kate Lewis	Community Engagement and Research Manager
Andrew Patterson	Internal Ombudsman
Charles Munro	Major Projects Manager, Natural Environment

NOTES

The meeting commenced at 6:00pm, adjourned at 8:05pm, resumed at 8:17pm, moved into closed session at 9:35pm, resumed in open session at 9:56pm and concluded at 10.00pm

1.0 APOLOGIES

241/13 **RESOLVED**

Cr Regan / Cr Menano-Pires

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

VOTING

For the resolution:	Crs Daley, De Luca, Giltinan, Gobert, 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 27 AUGUST 2013

242/13 **RESOLVED**

Cr Heins / Cr Kerr

That the Minutes of the Ordinary Meeting of Council held 27 August 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.

VOTING

For the resolution:	Crs Daley, De Luca, Giltinan, Gobert, 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 significant, non-pecuniary interest in relation to Item 13.1, as his wife was the subject of the particular incident and would take no part in debate or voting on the Item.

Councillor Menano-Pires declared a less than significant, non-pecuniary interest in relation to Item 13.1, as Councillor De Luca's legal representative was the defence attorney at a trial that Councillor Menano-Pires was a juror. He declared that apart from the normal interactions between defence attorney, crown prosecutor and His Honour the Judge he had no further contact with Councillor De Luca's legal representative.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 8.9, as he owns two units in Dee Why Parade which overlook the area.

Councillor De Luca declared a less than significant, non-pecuniary interest in relation to Item 13.1, as he was the subject of the matter, in that when Ms Bronwen Regan had a dispute with then Councillor Virginia Laugesen in the councillors lounge in 2011, he intervened and told Mrs Regan she was being offensive and not supposed to be in the Councillors lounge without an escort. He

stated that no further action is required as the matter is to be dealt with under the previous Code of Conduct which allows Councillor De Luca to participate.

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 Ms Julia Bellis addressed Item 8.10, Adoption of the Manly Lagoon Flood Study.

4.2 Mr Andre Herbst representing Beacon Hill Residents saving Governor Phillip Lookout Views addressed Item 10.1, Notice of Motion No 21/2013 - Proposed Telstra Tower at Governor Phillip Lookout.

4.3 Mr Jack Tilburn asked the following question regarding the New Tree Removal Policy.

A. What were the reasons provided and or arrived at for a 3 metre distance for a tree to be removed from a structure without the necessity for the owner of the property to have the tree removal form application to be filled in and a fee paid for?

B. Why wasn't a more favourable and forthright safety distance of 5 metres be approved as several hazard and risk features could show up such as:

a) Type of soil

b) Position of tree structure

c) Height of tree

d) Gradient or slope of the land

e) Whether tree has a bad curvature

f) The size of the trunk

g) Whether an evergreen tree or a deciduous tree

h) Proximity to guttering

i) Risk of fire to tree

j) State of the root system

k) Estimated age of the tree etc

l) What is the cost of a tree removal application from under the new policy? Is the fee fair and reasonable or over-charged?

C. With regard to the enormous tree-house damage disaster in February 2013 to a house in Allambie Heights; does the Council carry any liability insurance for affected-damaged-owners, and it not, then why not?

Response:

The Acting Deputy General Manager Environment provided the following response:

In relation to the recommendation, Council is putting this out on public exhibition, which will address Mr Tilburn's comments in regards to involving the public and having opportunites to comment.

A. The minimum root zones for large trees requires 3 metres to survive, this is documented in the Australian Standards.

B. If a qualified aborist considers a tree is dangerous, it is already exempt from obtaining Council approval.

C. The cost is $110 which is a DA fee and set by legislation.

D. Individual property owners are responsible for their own property insurance. Council has its own Public Liability Insurance which covers Council against the financial risk of being found liable to a 3rd party resulting from negligence.

4.4 Dr Conny Harris representing Garigal Land Care Group addressed Item 8.8, Narrabeen Lagoon Catchment - Aboriginal National Park and State Park Options.

PROCEDURAL MOTION - EXTENSION OF TIME

243/13 **RESOLVED**

Cr Moskal / Cr Giltinan

That Dr Harris be granted an extension of 3 minutes to address the meeting.

VOTING

For the resolution: Crs De Luca, Giltinan, Heins, Kerr and Moskal

Against the resolution: Crs Daley, Gobert, Menano-Pires and Regan

CARRIED

4.5 Ms Jenny Harris representing Friends of Narrabeen Lagoon Catchment and Duffy's Forest Residents Association addressed Item 8.8, Narrabeen Lagoon Catchment - Aboriginal National Park and State Park Options.

4.6 Ms Mary Armstrong representing Belrose Rural Community Association addressed Item 8.8, Narrabeen Lagoon Catchment - Aboriginal National Park and State Park Options.

4.7 Mr Tom Kirsop representing North Narrabeen Coalition, Surf Life Saving Club and North Narrabeen Board Riding Club made a statement regarding North Narrabeen Reserve & Beach Council Works.

4.8 Mr Michael Gleeson addressed Item 8.4, Strategic Reference Group Review - Stage Two - Adoption of Revised Strategic Reference Group Guidelines and Charters.

4.9 Councillor Tom Sherlock, Mosman Council, addressed Item 5.3, Mayoral Minute No 23/2013 - Local Government Reform - Strategic Partnerships.

PROCEDURAL MOTION - EXTENSION OF TIME

244/13 **RESOLVED**

Cr Moskal / Cr Kerr

That Councillor Sherlock be granted an extension of 3 minutes to address the meeting.

VOTING

For the resolution: Crs De Luca, Giltinan, Heins, Kerr and Moskal

Against the resolution: Crs Daley, Gobert, Menano-Pires and Regan

CARRIED

4.10 Mr Jeremy Raper representing North Narrabeen Board Riders Club made a statement regarding North Narrabeen Sand dunes.

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

245/13 **RESOLVED**

Cr Regan / Cr Gobert

That the Order of Business be changed so Items 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 7.2, 7.3, 7.4, 8.2, 8.3, 8.6, 8.10, 8.12, 8.13, 8.14, 8.15, 8.17, 13.2, 13.3, 13.4 and13.5 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, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED

NOTE: Item 8.10 was later withdrawn from the items resolved by exception and dealt with by Council.

ITEMS RESOLVED BY EXCEPTION:

6.1 ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY

246/13 **RESOLVED**

Cr Regan / Cr Gobert

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

RESOLVED BY EXCEPTION

6.2 MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2013

247/13 **RESOLVED**

Cr Regan / Cr Gobert

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 SUBMISSIONS ON THE 2012/13 ANNUAL FINANCIAL STATEMENTS

248/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council note the submission received on the 2012/13 Annual Financial Statements and the detailed list of expenses represented under the 'Other' costs in the category of Consultancy and Contracting provided.

RESOLVED BY EXCEPTION

6.4 DIVISION OF LOCAL GOVERNMENT - WARRINGAH COUNCIL PROMOTING BETTER PRACTICE REVIEW 2013

249/13 **RESOLVED**

Cr Regan / Cr Gobert

That the final Promoting Better Practice report issued by the Division of Local Government on 2 September 2013 be noted.

RESOLVED BY EXCEPTION

6.5 MINUTES OF THE SHOROC INC BOARD MEETING HELD 7 AUGUST 2013

250/13 **RESOLVED**

Cr Regan / Cr Gobert

That the Minutes of the SHOROC Incorporated Board Meeting held 7 August 2013 be noted.

RESOLVED BY EXCEPTION

6.6 OFFICE OF THE INTERNAL OMBUDSMAN ANNUAL REPORT 2012 - 2013

251/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council notes the Office of the Internal Ombudsman's Annual Report 2012 - 2013.

RESOLVED BY EXCEPTION

7.2 CULTURAL ACTIVATION - BUSKING IN WARRINGAH

252/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. A new Busking Code of Conduct be developed and be incorporated into the Public Art Policy (Policy No. STR-PL010*),* currently being reviewed, enforceable by Council staff and Rangers;

B. Council continue to support, encourage to perform to enliven areas by using buskers, other local performers and artists at council run events, such as but not limited to Australia Day, Brookvale Show, pop-up cafes and Art Exhibitions.

RESOLVED BY EXCEPTION

7.3 APPLICATION FOR DEVELOPMENT AND ARCHITECTURAL SERVICES GRANTS PROGRAM - SURF LIFE SAVING NORTHERN BEACHES

253/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council declines the Surf Life Saving Sydney Northern Beaches application for an Architectural Development Services Grant on the basis that the application fails to meet the eligibility criteria.

RESOLVED BY EXCEPTION

7.4 SECURING THE FUTURE OF BROOKVALE OVAL - COMMUNITY CONSULTATION OUTCOMES

254/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council:

A. Implement the key recommendations from the Securing the Future of Brookvale Oval - Post-Exhibition report being:

   a. Approach the State Government to discuss putting the Oval into a State Sponsored Trust with the appropriate ongoing community use forming part of the Trust agreement.

   b. Approach the State Government for further grant funding to meet the estimated $30 million cost for the new eastern stand works and $15 million to fund ongoing renewals in perpetuity.

   c. Pursue other commercial funding opportunities, including selling advertising space on the southern stand adjacent to Pittwater Road and selling the naming rights to Brookvale Oval, which includes reclassifying the southern portion of land from community to operational land.

   d. Formally request Pittwater and Manly Council's to contribute to resolving the long term funding issues confronting the Oval

B. Supports the Community view from the consultation process that Council should not provide capital funding for the proposed new eastern stand.

RESOLVED BY EXCEPTION

8.2 ANNUAL REVIEW OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

255/13 **RESOLVED**

Cr Regan / Cr Gobert

That the amendments to Policy GOV-PL 120 Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to The Mayor, Deputy Mayor and Councillors be placed on public exhibition for 28 days and be reported back to Council.

RESOLVED BY EXCEPTION

8.3 REVIEW OF GOV-PL 130 - WARRINGAH COUNCIL CODE OF MEETING PRACTICE

256/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council:

A. Endorses the proposed amendments and that the revised draft Code of Meeting Practice be placed on public exhibition for 28 days and public submissions invited for 42 days in accordance with Sections 361 and 363 of the Local Government Act, with the results being reported back to Council.

B. Authorises the persons for the time being occupying or acting in the positions of General Manager, Deputy General Managers Environment and Community and Ranger to remove a Councillor or a person from a meeting of Council after expulsion pursuant to Clauses 32 and 33.

RESOLVED BY EXCEPTION

8.6 AUSTRALASIAN INDUSTRIAL ECOLOGY CONFERENCE 2013

257/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council authorises Councillor Daley to attend the Australasian Industrial Ecology Conference being held in Parramatta from 16-18 October 2013.

RESOLVED BY EXCEPTION

8.10 ADOPTION OF THE MANLY LAGOON FLOOD STUDY

Cr Regan / Cr Gobert

That Council:

A. Adopt the Manly Lagoon Flood Study Final Report (August 2013).

B. Amend the relevant Section 149(2) planning certificates for properties identified in the Flood Study as being lower than the Probable Maximum Flood (PMF) extent.

NOTE: This item was resolved by exception then reversed by a procedural motion

8.12 LINKING LANDSCAPES GRANT - JJ MELBOURNE HILLS MEMORIAL RESERVE

258/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council:

A. Support the use of the NSW Biobanking and Offset Scheme as a mechanism to manage environmentally significant land within Warringah.

B. Work with the NSW Office of Environment and Heritage (OEH) to complete a grant application for the registration of JJ Melbourne Hills Memorial Reserve as a biobank site.

C. Note that prior to finalisation of a biobank proposal, a report will be brought back to Council seeking approval for execution.

RESOLVED BY EXCEPTION

8.13 REVIEW OF TREE ASSESSMENTS FOR DEVELOPMENT APPLICATIONS

259/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council resolve to place on public exhibition the proposed changes to Warringah Development Control Plan 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.

B. Amend Appendix 5 "*Species suitable for removal without consent*" to include the 9 additional species listed in this report.

C. Amend Section 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.

RESOLVED BY EXCEPTION

8.14 RENAMING OF PORTION OF JOALAH ROAD, DUFFYS FOREST

260/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council

A. Approve the renaming of the Council section of Joalah Road between Namba Road and Bibbenluke Avenue, as Gurawa Road.

B. Provide written notice of the change of road name to the required statutory bodies and authorities.

C. Publish in the New South Wales Government Gazette, the local newspaper, and Warringah Update, notice of the road name change.

RESOLVED BY EXCEPTION

8.15 TORONTO AVENUE CROMER - PROPOSED TRAFFIC CALMING SCHEME

261/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. The staged introduction of a traffic calming scheme on Toronto Avenue and Truman Avenue be supported by Council.

B. Stage 1 of the proposed traffic calming scheme for Toronto Avenue and Truman Avenue be implemented.

C. The provision of a roundabout at the intersection of Truman Avenue and Macquarie Street at an estimated cost of $60,000 be listed in Council's future traffic works ledger at priority 4 Desirable.

D. The provision of two speed cushions in Toronto Avenue located adjacent to 132 and 86 Toronto Avenue at an estimated cost of $ 30,000 be listed in Council's future traffic works ledger at priority 4 Desirable.

RESOLVED BY EXCEPTION

8.17 SOUTH CREEK ROAD CLOSURE

262/13 **RESOLVED**

Cr Regan / Cr Gobert

That staff complete and submit an application to close the unmade section of South Creek Road, requesting the land become Council owned Community Land.

RESOLVED BY EXCEPTION

13.2 RFT 2013/026 - MAJOR WORKS FOR THE CONSTRUCTION OF THE NEW COLLAROY STORMWATER OUTLET

263/13 **RESOLVED**

Cr Regan / Cr Gobert

That:

A. Pursuant to Clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for RFT 2013/026 - Major Works for the Construction of the New Collaroy Stormwater Outlet.

B. Pursuant to Clause 178 (3) (a) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract.

C. The feasibility of shortening the existing structure and replacing only the damaged components be investigated and, if applicable, invite a further tender for the new scope of works.

RESOLVED BY EXCEPTION

13.3 RFT 2013/050 - SERVICES FOR TREE PRUNING AND REMOVAL

264/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council

A. Accepts the tender from Sydney Metro Tree Services for RFT 2013/050 Services for Tree Pruning and Removal

B. Delegates authority to the General Manager to enter into a contract with Sydney Metro Tree Services for a period of two years and extend for three separate periods of one year based on performance.

RESOLVED BY EXCEPTION

13.4 RFT 2013/052 - CURL CURL SPORTS CENTRE SPECTATOR STAND AND PAVING UPGRADE

265/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. Council accept the tender from Sydney Construction Group Pty Ltd for RFT2013/052 - Major Works for the Curl Curl Sports Centre Spectator Stand and Paving Upgrade for the sum of $247,158.00 excluding GST.

B. A contingency of 10% of $24,715.00 to allow for unforeseen and latent conditions be approved.

C. The amount of $91,729.00 be brought forward from financial year 2014/15 – Renewal Works Sporting Club Buildings.

RESOLVED BY EXCEPTION

13.5 RFT 2013/068 - BROOKVALE OVAL NEW LIFT STRUCTURE FOR NEW PASSENGER LIFT TO KEN ARTHURSON STAND

266/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. Pursuant to Clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for RFT 2013/068 - Brookvale Oval - New Lift Structure to Ken Arthurson Stand.

B. Pursuant to Clause 178 (3) (e) of the Local Government (General) Regulation 2005, Council enter into negotiations with Edcon Engineering with a view to entering into a contract 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 due to the specialist nature of the proposed construction methodology it is unlikely that there will be a cost benefit.

D. Pursuant to Clause 178 (4) (b) of the Local Government (General) Regulation 2005, Council's reasons for determining to enter into negotiations with Edcon Engineering is that Council has identified an alternative construction technique which was not considered during the initial design stage, but which will deliver greater value for money.

E. Council delegate authority to the General Manager to enter into negotiations and to execute a contract with Edcon Engineering in relation to the subject matter of the tender.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

5.1 MAYORAL MINUTE NO 21/2013 - ADVERTISING PUBLIC SPACE

267/13 **RESOLVED**

Cr Regan

Councillor Menano-Pires left the chamber at 7:04pm and returned at 7:05pm

That Council:

A. Undertake a two part Request for Tender (RFT) process to evaluate the potential sites and market needs. The process would include:

   a. Production of a market evaluation report that details potential sites; identifying possible models of media representation, as well as defining the parameters and exclusions to be considered. The report would identify any capital expenditure and operational maintenance requirements needed.

   b. Identification of specific sites for advertising activation. Determine the feasibility of key sites that could be tendered as media opportunities.

   c. That the report is presented back to Council before the end of 2013/14 so that any capital or operational budget requirements are considered as a part of the 2014/15 budgeting process.

B. Upon a successful feasibility review and appropriate budget allocation proceed with media representation acting as the Council's media representative.

VOTING

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

CARRIED

5.2 MAYORAL MINUTE NO 22/2013 - HOUSING PUBLIC FORUM

268/13 **RESOLVED**

Cr Regan

That Council

A. Host two ideas and information forums in Council Chambers to be held on one evening and on one day and invite a range of speakers to discuss the issue of housing affordability, the

current requirements under State Legislation and possible solutions.

B. Draft a report based on feedback from both sessions including the feasibility for a working party to be formed to be chaired by myself and or alternatively establish a Community Committee. The role of this working party would be to review and look to implement some of the recommendations from the forums. Staff may only be required to give presentations on existing planning frameworks and interaction with the working party will be limited.

C. Seek the support of the Manly Daily in promoting the forum along with promotion within Council's full page advertisement on Saturdays.

D. Use the outcomes of the information forums and community committee to inform the development of the Warringah Planning Strategy issues papers.

VOTING

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

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION – REVERSAL OF AND ADDITIONAL ITEM MOVED BY EXCEPTION

269/13 **RESOLVED**

Cr De Luca / Cr Menano-Pires

That the:

A. Order of Business be changed so Item 8.11 be dealt with by exception with the recommendation of the Deputy General Manager being adopted.

B. Previous decision that Item 8.10 be adopted by exception be reversed to enable the item to be called for discussion by Councillor De Luca.

VOTING

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

Against the resolution: Nil

CARRIED

ITEM RESOLVED BY EXCEPTION:

8.11 NOTES ON THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 25 JULY 2013

270/13 **RESOLVED**

Cr De Luca / Cr Menano-Pires

That the notes of the Manly Lagoon Catchment Coordinating Committee meeting held on 25 July 2013 be noted.

RESOLVED BY EXCEPTION

5.3 MAYORAL MINUTE NO 23/2013 - LOCAL GOVERNMENT REFORM - STRATEGIC PARTNERSHIPS

NOTE: With the permission of the mover the addition of point H was accepted

271/13 **RESOLVED**

Cr Regan

That Council:

A. Writes to the Minister for Local Government to express our ongoing support of its agenda to reform local government in partnership with Local Councils.

B. Write to the Mayors of The Hills and Hornsby Councils expressing Council's support to enter into a cooperative strategic alliance that identifies mutually beneficial opportunities to improve efficiencies in areas of procurement, policy development and resource allocation.

C. Receive a progress report from the General Manager within six months and sets out the framework for the strategic alliance with The Hills and Hornsby Councils for Council's endorsement.

D. Advise SHOROC of its intention to withdraw participation in the joint procurement business unit and shared services business improvement program by the end of this financial year but state our continued support for regional advocacy and strategic planning.

E. Request further advice from the SHOROC Executive Director regarding alternative models that can support Warringah's advocacy and strategic planning role such as proposed Council of Mayors model.

F. Endorse the work completed to date by SHOROC in advocacy and planning for regional outcomes.

G. Note that the Mayor and General Manager will continue to be involved in discussions about closer cooperation and a potential merger of SHOROC and NSROC in the areas of advocacy and strategic planning.

H. Consider this motion also acting as a response to Notice of Motion 15/2013 Joint Collaboration Opportunities with Other Councils from the Council Meeting of 25 June 2013.

VOTING

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

Against the resolution: Crs De Luca and Giltinan

CARRIED

REPORTS TO COUNCIL MEETING

7.0 COMMUNITY DIVISION REPORTS

7.1 WARRINGAH COMMUNITY PANEL

272/13 **RESOLVED**

Cr Gobert / Cr Regan

That Council:

A. Enhance the scope of the Community Engagement Register to include panel membership option

B. Implement Stage 1 - short term recommendations within 6 months:

   a. Modify web form to include panel sign up option

   b. Merge all current project engagement lists including the Your Say Warringah (YSW) list to form one Community Engagement Register and promote membership via known groups, contacts and wider community

   c. Develop internal processes, promotion and incentives plan, protocols and training

C. Implement Stage 2 - medium term recommendations, within 6 – 18 months, at an additional unbudgeted cost of $80,000 if funding becomes available;

   a. Build an integrated web interface to allow community self managed sign up and preferences to the Community Engagement Register

   b. Implement supporting mechanisms: incentives, promotional campaign, data cleansing, management protocols

   c. Ongoing review of new innovative engagement tools to encourage participation

D. Review Stage 3 - long term recommendations to be considered as part of further web and system development. These costs will be covered within operational budgets.

VOTING

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

Against the resolution: Nil

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.1 ELECTION OF DEPUTY MAYOR

273/13 **RESOLVED**

Cr De Luca / Cr Gobert

That Councillor Heins be elected as Deputy Mayor for a period of 12 months.

VOTING

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

Against the resolution: Nil

CARRIED

NOTE: The Mayor, Councillor Regan thanked the outgoing Deputy Mayor, Councillor Giltinan for his contributions over the last 12 months and welcomed the new Deputy Mayor, Councillor Heins.

8.4 STRATEGIC REFERENCE GROUP REVIEW - STAGE TWO - ADOPTION OF REVISED STRATEGIC REFERENCE GROUP GUIDELINES AND CHARTERS

Cr De Luca

That Council:

A. Adopts the revised Strategic Reference Groups Guidelines and Charters with the exception of the limitation on the number of terms.

B. Determines the Councillor membership and the roles of Chairperson and Deputy Chairperson for each Strategic Reference Group.

C. Notes the end of the current terms of the Strategic Reference Groups and thanks members for their input.

D. Supports the commencement of recruitment and selection of new members in accordance with Council policy and that the outcome be reported to a future Council Meeting.

NOTE: The motion lapsed for want of a seconder

274/13 **RESOLVED**

Cr Regan / Cr Moskal

That Council:

A. Adopts the Strategic Reference Group Guidelines subject to the following amendments:

a) Clause 2 Membership, Roles & Responsibilities to read:

Membership of each Strategic Reference Groups will, unless otherwise determined by Council and reflected in the relevant Charter will comprise of up to three (3) councillors, including the Chairperson (and, where resolved, the Deputy Chairperson) and up to ten (10) community representatives.

b) Deletion of the following sentence from Clause 2 Membership, Roles & Responsibilities:

All councillors are eligible for membership of one (1) Strategic Reference Group.

c) Clause 3.2 Frequency, Timing & Duration of Meetings to read:

Strategic Reference Groups are held every 2 months and are scheduled on the second Tuesday and Wednesday in August, October, December, April and June. February's meetings will be held on the first and third Wednesday of February as there are two Council Meetings held in February.

Where appropriate joint meetings will be held where there are opportunities for joint discussions and/or updates on matters of common interest across some or all of the Strategic Reference Groups.

d) Addition of the following sentence to Clause 3.6 Chairperson:

In the absence of the Deputy Chairperson, the third councillor member of the Group will Chair the meeting.

B. Adopts the four (4) Strategic Reference Group Charters subject to:

a) The following amendment of Clause 3 – Membership of all Charters to read:

Membership of this Strategic Reference Group will comprise:

Councillors – Three (3) Councillors, including the Chairperson (and, where resolved,

the Deputy Chairperson)

b) The amendment under the section Membership for Strategic Reference Group No 1 to read:

Community – Up to ten (10) members consisting of:

- *A mix of up to eight (8) community representatives and community organisation/groups representatives, working with the community in Warringah with a maximum of two (2) representatives from any one organisation/group.*
- *Two (2) members of the Warringah Youth Advisory Committee representing young people in Warringah.*

C. Notes the end of the current terms of the Strategic Reference Groups and thanks members for their input

D. Supports the commencement of recruitment and selection of new members in accordance with Council policy and that the outcome be reported to a future Council Meeting.

E. Determines that the councillor membership and the roles of Chairperson and Deputy Chairperson for the Strategic Reference Groups be as follows:

Strategic Reference Group	Councillor 1 Chairperson	Councillor 2 Deputy Chairperson	Councillor 3
No 1	Harrison	Moskal	Gobert
No 2	Regan	Menano-Pires	Kerr
No 3	Moskal	Harrison	Daley
No 4	Heins	Menano-Pires	Regan

VOTING

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

Against the resolution: Cr De Luca

CARRIED

8.5 COUNCILLOR REQUESTS AND RELATED INFORMATION - MARCH 2013 TO AUGUST 2013

275/13 **RESOLVED**

Cr Kerr / Cr Menano-Pires

That the report be noted.

VOTING

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

Against the resolution: Nil

CARRIED

8.7 PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS

276/13 **RESOLVED**

Cr Menano-Pires / Cr Regan

That:

A. The matter be deferred to the next available Council Meeting

B. Council advise the Department of Planning and Infrastructure of the deferral of this matter due to conversations had with the State Member of Parliament, Rob Stokes and the Environment Minister the Hon Robyn Parker.

VOTING

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

Against the resolution: Nil

CARRIED

adjourned at 8:05pm. The meeting resumed at 8:17pm with the same Councillors present.

8.8 NARRABEEN LAGOON CATCHMENT - ABORIGINAL NATIONAL PARK AND STATE PARK OPTIONS

Cr Regan / Cr Menano-Pires

That Council:

A. Work with the Metropolitan Local Aboriginal Land Council, the NSW Department of Trade and Investment, and their delegates to assist both parties to achieve a sustainable conservation outcome for the Narrabeen Lagoon Catchment and surrounding areas;

B. Provide updates to the community about the ongoing progress of the Aboriginal National Park and the State Park options within the Warringah Local Government Area;

C. Provide a further report on the preferred option at a later date.

D. Give in principle support to the Aboriginal National Park and recognise the various community groups that have shown their broad support for the proposal to date.

DEFERMENT OF MATTER

Cr De Luca / Cr Gobert

That the matter be deferred to the next available Council Meeting to allow consideration of all the options.

NOTE: The motion was withdrawn by the mover and seconder

277/13

PERMISSION TO ADDRESS COUNCIL

Cr De Luca / Cr Moskal

That Ms Kathryn Ridge, representing the Metropolitan Local Aboriginal Land Council, be granted permission to address Council to answer questions from Councillors in relation to Item 8.8.

VOTING

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

Against the resolution: Nil

CARRIED

278/13 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

A. Work with the Metropolitan Local Aboriginal Land Council, the NSW Department of Trade and Investment, and their delegates to assist both parties to achieve a sustainable conservation outcome for the Narrabeen Lagoon Catchment and surrounding areas;

B. Provide updates to the community about the ongoing progress of the Aboriginal National Park and the State Park options within the Warringah Local Government Area;

C. Provide a further report on the preferred option at a later date.

D. Give in principle support to the Aboriginal National Park and recognise the various community groups that have shown their broad support for the proposal to date.

VOTING

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

Against the resolution: Nil

CARRIED

8.9 WHEELCHAIR ACCESS WALKWAY FROM DEE WHY TO LONG REEF - UPDATE REPORT

279/13 **RESOLVED**

Cr De Luca / Cr Regan

That

A. Council adopts the general alignment of the proposed wheelchair access walkway through Long Reef Headland and Griffith Park, including the optional additional boardwalks, viewing platforms and pathways (subject to funding).

B. Funding contributions for this project are sought from grant funding bodies and available external sources.

C. The balance of funding requirements for the Long Reef Headland and Griffith Park trail sections, and for Phase 1 of the Dee Why Surf Club to Dee Why Lagoon trail are considered in future capital works budgets.

VOTING

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

Against the resolution: Nil

CARRIED

8.10 ADOPTION OF THE MANLY LAGOON FLOOD STUDY

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

A. Defer the matter to the next available Council Meeting.

B. Invite affected residents to seek expert advice and furnish a report to Council if they do not wish to have their properties included in the Flood Study.

AMENDMENT

Cr Regan / Cr Heins

That Council:

A. Adopt the Manly Lagoon Flood Study Final Report (August 2013).

B. Amend the relevant Section 149(2) planning certificates for properties identified in the Flood Study as being lower than the Probable Maximum Flood (PMF) extent.

VOTING

For the amendment: Crs Daley, Gobert, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the amendment: Crs De Luca and Giltinan

CARRIED

280/13 **RESOLVED**

Cr Regan / Cr Heins

That Council:

A. Adopt the Manly Lagoon Flood Study Final Report (August 2013).

B. Amend the relevant Section 149(2) planning certificates for properties identified in the Flood Study as being lower than the Probable Maximum Flood (PMF) extent.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

8.16 RESCISSION OF MANLY WARRINGAH PITTWATER SPORTING UNION'S DELEGATED AUTHORITY TO DETERMINE THE ALLOCATION OF USE OF WARRINGAH COUNCIL'S SPORTS GROUNDS

281/13 **RESOLVED**

Cr Regan / Cr Kerr

That:

A. All delegations authorised by Council resolution at the meeting held 17 September 2002 related to Item 5.3 'Council Delegations to External Bodies - Manly Warringah Pittwater Sporting Union Incorporated: Allocation of use of Sports Grounds' be rescinded.

B. Council's General Manager be given the authority to enter into an agreement, based on the Draft Sportsground Agreement - September 2013, with the Manly Warringah Pittwater Sporting Union Incorporated regarding the management and use of Warringah Council's sportsgrounds and associated facilities. The agreement is to provide for the Union to have a role in proposing allocations and for Council to have final approval.

C. The Manly Warringah Pittwater Sporting Union Incorporated is acknowledged for the significant contribution made, over many years, to the development of sport and sporting infrastructure in Warringah.

VOTING

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

CARRIED

8.18 PUBLIC EXHIBITION OF REVISED DELIVERY PROGRAM AND REVISED LONG TERM FINANCIAL PLAN

282/13 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council endorse the revised Delivery Program and Long Term Financial Plan for public exhibition for 28 days, commencing 19 October 2013, in accordance with the Community Engagement Plan.

VOTING

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

CARRIED

9.0 NOTICES OF RESCISSION

9.1 NOTICE OF RESCISSION MOTION NO 1/2013 - PLANNING PROPOSAL FOR 20-24 TRALEE AVENUE, KILLARNEY HEIGHTS, ITEM 8.7, 27 AUGUST 2013

Cr De Luca / Cr Giltinan

That the Council's resolution relating to Item 8.7 Planning Proposal for 20-24 Tralee Avenue, Killarney Heights passed at the meeting of Council held on 27 August 2013 which reads as follows:

"That Council does not endorse the planning proposal and does not refer the application to the Department of Planning and Infrastructure for Gateway consideration and determination."

be and is hereby rescinded.

DEFERMENT OF MATTER

Cr Heins / Cr Menano-Pires

That the matter be deferred to the next available Council Meeting.

VOTING

For the motion: Crs Daley, Heins, Menano-Pires and Moskal

Against the motion: Crs De Luca, Giltinan, Gobert, Kerr and Regan

LOST

ORIGINAL RESCISSION MOTION

Cr De Luca / Cr Giltinan

That the Council's resolution relating to Item 8.7 Planning Proposal for 20-24 Tralee Avenue, Killarney Heights passed at the meeting of Council held on 27 August 2013 which reads as follows:

"That Council does not endorse the planning proposal and does not refer the application to the Department of Planning and Infrastructure for Gateway consideration and determination."

be and is hereby rescinded.

VOTING

For the motion: Crs De Luca, Giltinan, Gobert and Heins

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

LOST

NOTE: As the rescission motion was lost the original resolution on this matter stands and can now be enacted

10.0 NOTICES OF MOTION

10.1 NOTICE OF MOTION NO 21/2013 - PROPOSED TELSTRA TOWER AT GOVERNOR PHILLIP LOOKOUT

283/13 **RESOLVED**

Cr Heins / Cr Regan

That Council:

A. Investigate all avenues to prevent the installation of a Telstra Tower being built creating a visual impact from Governor Phillip Lookout.

B. Contact the relevant authority to outline Council's objection to the position of the mobile tower and the objection to its implementation as it will have a serious impact on residents and users of Governor Phillip Lookout

VOTING

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

Against the resolution: Nil

CARRIED

10.2 NOTICE OF MOTION NO 22/2013 - LOCAL BIODIVERSITY COMMUNITY ENGAGEMENT INITIATIVES

284/13 **RESOLVED**

Cr Heins / Cr Gobert

That a short report be prepared within 5 months for staff to investigate the feasibility of running regular community engagement initiatives for residents in order to foster an increased awareness of, and appreciation for, local biodiversity; and

A. That a particular focus is placed on what is living in residents' immediate surroundings, in order to engage people in the care and protection of their local environment; and

B. That a form of citizen science may be appropriate, with the information gathered by residents being utilised as a form of biodiversity survey.

VOTING

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

Against the resolution: Nil

CARRIED

10.3 NOTICE OF MOTION NO 23/2013 - KERB YELLOW LINES

285/13 **RESOLVED**

Cr Menano-Pires / Cr Daley

That Council

A. Endorses the Traffic Committee unanimous decision to implement "kerb yellow lines" as replacement for "No Stopping" signs across the Warringah Local Government Area, where appropriate and applicable.

B. Immediately implements a public information campaign to inform Residents, the campaign to include, as a minimum:

   a. Media Release outlining the benefits of "kerb yellow lines" to be provided to the media and all Schools in the LGA for publication in the respective School Newsletters.

   b. Weekly advertising in the Manly Daily, Saturday Council's column(s) for a period of four weeks.

   c. High visibility news feature on Council's website.

   d. Council's digital media, as appropriate.

VOTING

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

CARRIED

10.4 NOTICE OF MOTION NO 24/2013 - WARRINGAH FESTIVAL

286/13 **RESOLVED**

Cr Gobert / Cr Regan

That:

A. Council produces a Concept Report by March 2014 on staging a Warringah Festival in the financial year 2014/2015 to further enhance connection and community engagement.

B. The report also considers the possibility of the Warringah Festival being a continuing event in later years.

C. The Concept Paper consider the following principles:

   a. Venues should incorporate both Council and privately owned venues in partnership.

   b. Particular focus should be placed on all regional demographics including: Youth, Senior Citizens, and other relevant community groups.

   c. Events should be curated and unjuried.

   d. The Festival should showcase Warringah and our vibrant lifestyle and adopt a fringe programming philosophy.

e. Maximum effort should be devoted towards stimulation of our local economy.

f. Grants to support the Festival should be sought from the State and Federal Governments.

VOTING

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

Against the resolution: Nil

CARRIED

11.0 QUESTIONS ON NOTICE

Nil

12.0 RESPONSES TO QUESTIONS ON NOTICE

12.1 RESPONSE TO QUESTION ON NOTICE NO 15/2013 - MAYOR'S USE OF COUNCIL CREDIT CARD WHILE IN EUROPE

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

12.2 RESPONSE TO QUESTION ON NOTICE NO 16/2013 - MAYOR'S USE OF COUNCIL CREDIT CARD WHILE OVERSEAS JUNE/JULY 2013

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

12.3 RESPONSE TO QUESTION ON NOTICE NO 17/2013 - WARRINGAH COUNCIL LOGO EXPENDITURE

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

The Mayor, Councillor Regan left the chamber at 9:35pm, due to a declared significant, non pecuniary interest in Item 13.1 and the Deputy Mayor, Councillor Heins took the chair.

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

287/13 **RESOLVED**

Cr Daley / Cr Menano-Pires

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 Code of Conduct - Report from Sole Conduct Reviewer - Complaint Against Councillor De Luca

Matters to be Discussed During Closed Session - Section 10D

Item 13.1 Code of Conduct - Report from Sole Conduct Reviewer - Complaint Against Councillor De Luca

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

Item 13.1 10A(2)(a) personnel matters concerning particular individuals (other than councillors)

10A(2)(i) contains alleged contraventions of any code of conduct requirements applicable under section 440

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, Gobert, Heins, Kerr, Menano-Pires and Moskal

Against the resolution: Crs De Luca and Giltinan

CARRIED

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

NOTE: The meeting moved into closed session at 9:35pm and resumed in open session at 9:56pm

The Mayor, Councillor Regan returned to the chamber at 9:56pm and resumed the Chair.

NOTE: Councillor De Luca tabled papers relating to Item 13.1 which due to Clause 8.13 of Council's Code of Conduct will be included as an attachment to the confidential minutes.

14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

exception and in closed session:

13.1 CODE OF CONDUCT - REPORT FROM SOLE CONDUCT REVIEWER - COMPLAINT AGAINST COUNCILLOR DE LUCA

289/13 **RESOLVED**

Cr Daley / Cr Gobert

That

A. Council resolves that Councillor De Luca breached the 2009 Code of Conduct in that he conducted himself in relation to a woman "in a way that was aggressive, offensive, bullying and intimidating"

B. Council notes that given that this is the third serious breach of the Code of Conduct by Councillor De Luca, and the second involving poor conduct, that in accordance with the provisions of Clause 12.25 of the 2009 Code of Conduct:-

(i) Councillor De Luca be censured for misbehaviour;

(ii) Councillor De Luca apologise to the woman;

(iii) Councillor De Luca be counselled by way of attending anti-bullying training at his personal expense, from registered providers, to be nominated by the Group Manager of Human Resources within the next 90 days and that he confirm in writing to the General Manager when he has completed this training.

(iv) This finding of inappropriate conduct be made public.

C. In the event that Councillor De Luca does not fulfil the requirements of B (ii) and (iii) this failure will be dealt with as a further breach of the Code of Conduct.

VOTING

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

Against the resolution: Crs De Luca and Giltinan

CARRIED

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

13.2 RFT 2013/026 - MAJOR WORKS FOR THE CONSTRUCTION OF THE NEW COLLAROY STORMWATER OUTLET

263/13 **RESOLVED**

Cr Regan / Cr Gobert

That:

A. Pursuant to Clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for RFT 2013/026 - Major Works for the Construction of the New Collaroy Stormwater Outlet.

B. Pursuant to Clause 178 (3) (a) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract.

C. The feasibility of shortening the existing structure and replacing only the damaged components be investigated and, if applicable, invite a further tender for the new scope of works.

RESOLVED BY EXCEPTION

13.3 RFT 2013/050 - SERVICES FOR TREE PRUNING AND REMOVAL

264/13 **RESOLVED**

Cr Regan / Cr Gobert

That Council

A. Accepts the tender from Sydney Metro Tree Services for RFT 2013/050 Services for Tree Pruning and Removal

B. Delegates authority to the General Manager to enter into a contract with Sydney Metro Tree Services for a period of two years and extend for three separate periods of one year based on performance.

RESOLVED BY EXCEPTION

13.4 RFT 2013/052 - CURL CURL SPORTS CENTRE SPECTATOR STAND AND PAVING UPGRADE

265/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. Council accept the tender from Sydney Construction Group Pty Ltd for RFT2013/052 - Major Works for the Curl Curl Sports Centre Spectator Stand and Paving Upgrade for the sum of $247,158.00 excluding GST.

B. A contingency of 10% of $24,715.00 to allow for unforeseen and latent conditions be approved.

C. The amount of $91,729.00 be brought forward from financial year 2014/15 – Renewal Works Sporting Club Buildings.

RESOLVED BY EXCEPTION

13.5 RFT 2013/068 - BROOKVALE OVAL NEW LIFT STRUCTURE FOR NEW PASSENGER LIFT TO KEN ARTHURSON STAND

266/13 **RESOLVED**

Cr Regan / Cr Gobert

That

A. Pursuant to Clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for RFT 2013/068 - Brookvale Oval - New Lift Structure to Ken Arthurson Stand.

B. Pursuant to Clause 178 (3) (e) of the Local Government (General) Regulation 2005, Council enter into negotiations with Edcon Engineering with a view to entering into a contract 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 due to the specialist nature of the proposed construction methodology it is unlikely that there will be a cost benefit.

D. Pursuant to Clause 178 (4) (b) of the Local Government (General) Regulation 2005, Council's reasons for determining to enter into negotiations with Edcon Engineering is that Council has identified an alternative construction technique which was not considered during the initial design stage, but which will deliver greater value for money.

E. Council delegate authority to the General Manager to enter into negotiations and to execute a contract with Edcon Engineering in relation to the subject matter of the tender.

RESOLVED BY EXCEPTION

The meeting concluded at 10:00pm

This is the final page of the minutes comprising 30 pages
numbered 1 to 30 of meeting 2013/11 of Warringah Council
held on Tuesday 24 September 2013 and confirmed on Tuesday 22 October 2013

Mayor

General Manager

ATTACHMENT TO MINUTES

ITEM 8.16 RESCISSION OF MANLY WARRINGAH PITTWATER SPORTING UNION'S DELEGATED AUTHORITY TO DETERMINE THE ALLOCATION OF USE OF WARRINGAH COUNCIL'S SPORTS GROUNDS

MEMO AND REVISED DRAFT SPORTSGROUND AGREEMENT