

MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 26 FEBRUARY 2013

(2013/2)

warringah.nsw.gov.au



Warringah Council

**Minutes of the Ordinary Meeting of Council
held on Tuesday 26 February 2013
at the Civic Centre, Dee Why
Commencing at 6:00pm**

ATTENDANCE:

Members

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

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Eskil Julliard	Legal Counsel
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
Ximena Von Oven	Administration Officer Governance
David Walsh	Chief Financial Officer
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
David Kerr	Group Manager Strategic Planning
Margot Woodward	Director Glen Street Theatre
Belinda Noble	Media and Content Manager
Adrian Turnbull	Environmental Strategy Manager

NOTES

The meeting commenced at 6:00pm and concluded at 7:38pm

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 12 FEBRUARY 2013

016/13 **RESOLVED**

Cr Gobert / Cr Kerr

That the Minutes of the Ordinary Meeting of Council held 12 February 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 Regan, Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal

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 8.4, as he is a patron of the Forest Hills Pony Club.

Councillor Daley declared a less than significant, non pecuniary interest in relation to Item 10.2, as he owns two units on Dee Why Parade, is a non playing member of Long Reef Golf Club and works for the Salvation Army.

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 Andrew Irvine addressed Item 10.2, Notice of Motion No 4/2013 - Wheelchair Access Walkway.

4.2 Dr Conny Harris representing Belrose Rural Community Association addressed Item 7.1, Glen Street Theatre - Revitalisation Project.

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

NOTE: The Deputy General Manager Environment advised the meeting that Items 8.7 and 13.1 were withdrawn from the agenda and would be presented to the next Council Meeting.

017/13 **RESOLVED**

Cr Regan / Cr Harrison

That the Order of Business be changed so Items 6.1, 8.1, 8.2, 8.3, 8.4, 8.5 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

VOTING

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

Against the resolution: Nil

CARRIED

ITEMS RESOLVED BY EXCEPTION:

6.1 INSPECTION OF ALTERNATIVE WASTE TREATMENT FACILITIES AND MATERIALS RECOVERY FACILITIES IN EUROPE

018/13 **RESOLVED**

Cr Regan / Cr Harrison

That Council note the report.

RESOLVED BY EXCEPTION

8.1 ADMINISTRATION OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE

019/13 **RESOLVED**

Cr Regan / Cr Harrison

That

A. Warringah Council undertake the administration of the Manly Lagoon Catchment Coordinating Committee (MLCCC) for a twelve (12) month period from March 2013 to March 2014

B. Councillor Heins be appointed Chair of the MLCCC for this period.

RESOLVED BY EXCEPTION

8.2 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP ANNUAL GENERAL MEETING - 8 DECEMBER 2012020/13 **RESOLVED*****Cr Regan / Cr Harrison***

That the Minutes of the Sydney Coastal Councils Group Annual General Meeting held 8 December 2012, and the resolutions contained in the attached copy of the Minutes, be noted.

RESOLVED BY EXCEPTION**8.3 COUNCILLOR ATTENDANCE JOINT CONFERENCE - MAKING CITIES LIVEABLE AND SUSTAINABLE TRANSFORMATION - JUNE 2013 - MELBOURNE**021/13 **RESOLVED*****Cr Regan / Cr Harrison***

That Council nominate Councillors Harrison and Gobert to attend the Joint Conference of the 6th Making Cities Liveable Conference and the Sustainable Transformation Conference being held in Melbourne, Victoria on 17-19 June 2013.

RESOLVED BY EXCEPTION**8.4 GRANTS AND SPONSORSHIP POLICY - AMENDMENT**022/13 **RESOLVED*****Cr Regan / Cr Harrison***

That

- A. The amendments to the Grants and Sponsorship Policy allowing the waiving of development application fees for successful applicants to the Development Assessment and Architectural Services Grants Program be adopted;
- B. Successful applicants to the Development Assessment and Architectural Services Grants Program 2011-2012 be refunded development application fees of;
 - a. Forest Hills Pony Club - \$1,614.20;
 - b. Forest Rugby Club - \$624.15.

RESOLVED BY EXCEPTION

8.5 UPDATE OF WARRINGAH DESIGN GUIDELINES - PUBLIC SPACES POLICY023/13 **RESOLVED*****Cr Regan / Cr Harrison***

That Council:

- A. Place the draft Warringah Design Guidelines – Public Spaces and new Village Centres footpath paver on public exhibition for a period of at least 28 days and invite submissions from the public.
- B. Following the public exhibition, give further consideration to the draft Warringah Design Guidelines – Public Spaces and any submissions made thereto.

RESOLVED BY EXCEPTION**5.0 MAYORAL MINUTES****5.1 MAYORAL MINUTE NO 3/2013 - APPROVAL TO ATTEND CEO'S CONFERENCE IN NEW ZEALAND**

Councillors would be aware of the current Independent Local Government Review being chaired by Professor Graham Samson who is investigating and identifying options for governance models and structural arrangements that if endorsed by the State Government will have an enormous impact on how Warringah Council and indeed all councils will operate into the future.

The CEO's Conference is being held in New Zealand on Wednesday 6 March 2013 and will be attended by General Managers from a number of councils from Australia and New Zealand. During the conference a meeting will be held with senior staff and elected officials of Auckland Super City and it would be most beneficial for me to attend this meeting in my capacity as Mayor of Warringah and the current President of SHOROC.

Auckland Council (Auckland Super City) is the largest city council in the Southern Hemisphere. This Council has been operating for approximately two and a half years and is just completing its first term as a "Super City". By attending the meeting, I am hoping to learn first-hand how this new model of governance is working. Councillors may already be aware that this model has often been referred to by Professor Graham Samson and the review panel in the current Local Government Review.

It is intended that I would travel and attend the meeting scheduled for 6 March 2013 and costs incurred would include 1 night accommodation and return airfares totalling approximately \$850.

As Councillors would be aware, at the last Council Meeting on 12 February, a report to Council (Item No. 8.3) identified that I am required in my role as Mayor to attend a number of conferences including the Local Government and Shires Association annual conference and the National General Assembly of Local Government. Further, the report stated that any additional conferences that I may need to attend are over and above the annual budget allocated to Councillors each year within GOV-PL 120, Policy for Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors. This Policy will now be reviewed in October 2013. The costs for attendance at the CEO's Conference falls outside my annual budget however I have been advised that my attendance at this conference can be carried out within existing operational budgets.

024/13 RESOLVED***Cr Regan***

- A. That Council approve the Mayor's attendance at the CEO's Conference and meeting with senior staff and elected officials of Auckland Super City in Auckland, New Zealand on Wednesday 6 March 2013.
- B. That funds totalling approximately \$850 (return airfare and 1 nights accommodation) be made available from existing operational budgets as the costs incurred fall outside the annual budget allocated to the Mayor under GOV-PL 120, Policy for Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors.

VOTING

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

Against the resolution: Nil

CARRIED**REPORTS TO COUNCIL MEETING****6.0 GENERAL MANAGER'S REPORTS****6.2 MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2013****025/13 RESOLVED*****Cr Gobert / Cr Regan***

That the:

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

VOTING

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

Against the resolution: Nil

CARRIED

6.3 QUARTERLY BUSINESS AND BUDGET REVIEW STATEMENT - DECEMBER 2012026/13 **RESOLVED*****Cr Regan / Cr Menano-Pires***

That the:

- A. December 2012 Quarterly Budget and Business Review Statement be noted.
- B. Following changes to the Current Forecast in the December 2012 Quarterly Budget and Business Review Statement be approved:
 - a. Decrease the Surplus from Continuing Operations before Capital Grants and Contributions by \$173,591 to \$7,924,366 at 30 June 2013.
 - b. Decrease the capital expenditure by \$3,320,137 to \$28,300,355 at 30 June 2013.

VOTING

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

Against the resolution: Nil

CARRIED**7.0 COMMUNITY DIVISION REPORTS****7.1 GLEN STREET THEATRE - REVITALISATION PROJECT*****Cr Giltinan / Cr Harrison***

That:

- A. Council adopt the Masterplan for Glen Street for the creation of a cultural hub;
- B. Council adopt concept design plans for Stage 1 (Development Application approved) and agree to commit \$1.8m to fund Stage 1 commencing FY 2013/14, from working capital;
- C. Council authorise commencement of the design, concept plans and community engagement for café, library and administration facilities using funds from working capital;
- D. Council authorise an application to the Department of Primary Industries - Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Ashworth Avenue, Belrose between the current Belrose Library site and the Glenrose Shopping Centre site (Lot 100 DP 558232 and Lot 104 DP 597544);
- E. Should the road closure application referred to in item D of these recommendations be successful, in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 proceed to dispose of the land in item D and the current Belrose Library site (Lot 100 DP 558232) following the consolidation of the land by Council into one lot;
- F. Should the road closure application referred to in item D of these recommendations be unsuccessful, in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 proceed to dispose of the current Belrose Library site

(Lot 100 DP 558232);

- G. Delegation be granted to the General Manager to:
- a. Commence the disposal process of the land referred to in item E by public Expression of Interest (EOI).
 - b. Following assessment of the EOI, adopt one of the following strategies:
 - i. Issue a restricted RFT, under tender box conditions, to a short-listed group of respondents to the EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve;
 - ii. Issue an open RFT;
 - iii. Enter into direct negotiations; or
 - iv. Not proceed any further.
- H. The sale proceeds flowing from the closure of the road in Item D above be used for expenditure on Council's road network;
- I. The funds realised from the sale of the current library site be used to first cover working capital used in Items B and C above and utilise remaining funds to complete the Glen Street Cultural Hub with the addition of a café, state of the art library and administration subject to sufficient funds from the sale of Belrose Library site being available or subject to other funding being identified;
- J. If the current library site is sold, Council ensures the Belrose library will be incorporated into the Glen Street Community Hub project as per the recommendation above and that transition arrangements will be made to ensure that there is minimal disruption to the provision of a library service at Belrose
- K. Delegation be granted to the General Manager to authorise and execute any documentation required to facilitate any of the actions contained within the above.

AMENDMENT

Cr Menano-Pires / Cr Regan

That:

- A. Council adopt the Masterplan for Glen Street for the creation of a cultural hub;
- B. Council adopt concept design plans for Stage 1 (Development Application approved) and agree to commit \$1.8m to fund Stage 1 commencing FY 2013/14, from working capital;
- C. Council authorise commencement of the design, concept plans and community engagement for café, library and administration facilities using funds from working capital;
- D. Council authorise an application to the Department of Primary Industries - Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Ashworth Avenue, Belrose between the current Belrose Library site and the Glenrose Shopping Centre site (Lot 100 DP 558232 and Lot 104 DP 597544);
- E. Should the road closure application referred to in item D of these recommendations be successful, Council, in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810, proceed to dispose of the land in item D and the current Belrose Library site (Lot

100 DP 558232) following the consolidation of the land by Council into one lot;

- F. Should the road closure application referred to in item D of these recommendations be unsuccessful, Council, in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810, proceed to dispose of the current Belrose Library site (Lot 100 DP 558232);
- G. Delegation be granted to the General Manager to:
- a. Commence the disposal process of the land referred to in item E by public Expression of Interest (EOI).
 - b. Following assessment of the EOI, adopt one of the following strategies:
 - i. Issue a restricted RFT, under tender box conditions, to a short-listed group of respondents to the EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve;
 - ii. Issue an open RFT;
 - iii. Enter into direct negotiations; or
 - iv. Not proceed any further.
- H. The sale proceeds flowing from the closure of the road in Item D above be used for expenditure on Council's road network;
- I. The funds realised from the sale of the current library site be used to first cover working capital used in Items B and C above and utilise remaining funds to complete the Glen Street Cultural Hub with the addition of a café, state of the art library and administration;
- J. If the current library site is sold, Council ensures the Belrose library will be incorporated into the Glen Street Community Hub project as per the recommendation above and transition arrangements will be made to ensure that there is minimal disruption to the provision of a library service at Belrose;
- K. Delegation be granted to the General Manager to authorise and execute any documentation required to facilitate any of the actions contained within the above.

VOTING

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

Against the amendment: Nil

The AMENDMENT was carried and became the substantive motion

027/13 RESOLVED

Cr Menano-Pires / Cr Regan

That:

- A. Council adopt the Masterplan for Glen Street for the creation of a cultural hub;
- B. Council adopt concept design plans for Stage 1 (Development Application approved) and agree to commit \$1.8m to fund Stage 1 commencing FY 2013/14, from working capital;

- C. Council authorise commencement of the design, concept plans and community engagement for café, library and administration facilities using funds from working capital;
- D. Council authorise an application to the Department of Primary Industries - Crown Lands for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Ashworth Avenue, Belrose between the current Belrose Library site and the Glenrose Shopping Centre site (Lot 100 DP 558232 and Lot 104 DP 597544);
- E. Should the road closure application referred to in item D of these recommendations be successful, Council, in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810, proceed to dispose of the land in item D and the current Belrose Library site (Lot 100 DP 558232) following the consolidation of the land by Council into one lot;
- F. Should the road closure application referred to in item D of these recommendations be unsuccessful, Council, in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810, proceed to dispose of the current Belrose Library site (Lot 100 DP 558232);
- G. Delegation be granted to the General Manager to:
 - a. Commence the disposal process of the land referred to in item E by public Expression of Interest (EOI).
 - b. Following assessment of the EOI, adopt one of the following strategies:
 - i. Issue a restricted RFT, under tender box conditions, to a short-listed group of respondents to the EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve;
 - ii. Issue an open RFT;
 - iii. Enter into direct negotiations; or
 - iv. Not proceed any further.
- H. The sale proceeds flowing from the closure of the road in Item D above be used for expenditure on Council's road network;
- I. The funds realised from the sale of the current library site be used to first cover working capital used in Items B and C above and utilise remaining funds to complete the Glen Street Cultural Hub with the addition of a café, state of the art library and administration;
- J. If the current library site is sold, Council ensures the Belrose library will be incorporated into the Glen Street Community Hub project as per the recommendation above and transition arrangements will be made to ensure that there is minimal disruption to the provision of a library service at Belrose;
- K. Delegation be granted to the General Manager to authorise and execute any documentation required to facilitate any of the actions contained within the above.

VOTING

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

Against the resolution: Nil

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.6 WARRINGAH DEVELOPMENT CONTROL PLAN (AMENDMENT 3 - END OF TRIP BICYCLE FACILITIES AND DEE WHY RSL MASTER PLAN)

028/13 **RESOLVED**

Cr Menano-Pires / Cr Regan

That Council, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000:

- A. Resolves to adopt the Warringah Development Control Plan (Amendment 3).
- B. Gives public notice advising when Warringah Development Control Plan (Amendment 3) will take effect.

VOTING

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

Against the resolution: Nil

CARRIED

8.7 EVERGREEN ESTATE PLANNING PROPOSAL

NOTE: The Deputy General Manager Environment withdrew this item earlier in the meeting advising that it was a late addition to the agenda and that objectors to the proposal had not been notified with enough time to attend the meeting. He advised that councillors would also be briefed on the proposal before being presented back to Council.

9.0 NOTICES OF RESCISSION

Nil

10.0 NOTICES OF MOTION

10.1 NOTICE OF MOTION NO 3/2013 - HOWARD AVE DEE WHY CAR PARK AND PRIVATE CAR PARKS REGULATION

029/13 **RESOLVED**

Cr De Luca / Cr Giltinan

That Council:

1. Note with concern:
 - A. That since Australian National Car Parks Pty Ltd has taken over the management of the Howard Avenue, Dee Why car park many residents have continued to be fined for parking without a ticket due to the sign at the entry to the car park stating in large letters "3 hours free", however in smaller writing it states Ticket Parking;
 - B. Despite local Community leader, Mr Mike Pawley OAM instigating a Petition, signed by over 450 people in April 2012 for a boom gate, ticket machine and better signage to be installed at the entry to the car park, this has not occurred and residents continue to be fined (proceedings commenced against them) \$180 plus debt recovery costs;
 - C. The NSW Office of Fair Trading has received a number of complaints about the lack of a ticket machine and clear notification at the entrance to Australian National Car Parks and concerns have been raised in the NSW, Victorian and ACT Parliaments as well as by Consumer groups as to the need for better signage and better consumer protection;
2. Write to the Ministers for Planning and Infrastructure, Fair Trading, Finance and the NSW Small Business Commissioner calling for legislative reform to enable local government to impose conditions of consent on private car park operations and make directions in relation to ticketing and signage at private car parks and further consumer protections be introduced to protect those using private car parks.
3. Investigate and bring a short report back to this Council, via a councillor briefing initially, in relation to the cost of sign(s) at appropriate public locations, such as the entrance to the existing car park, to alert the public to the operations of a private car park.
4. Approach the car park owner in relation to Council taking over the running of the car park site using relevant legislation.

VOTING

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

Against the resolution: Nil

CARRIED

10.2 NOTICE OF MOTION NO 4/2013 - WHEELCHAIR ACCESS WALKWAY030/13 **RESOLVED****Cr Daley / Cr Regan**

- A. That a short report be prepared within three months that outlines the general feasibility and costing of:
- i) The potential construction of a full wheelchair access walkway from Dee Why Surf club to connect with the existing walkway around Long Reef headland.
 - ii) Making the existing walkway around Long Reef Headland totally wheelchair accessible.
- B. That immediate enquiries be made to the local Federal members of Parliament the Hon Tony Abbott and the Hon Bronwyn Bishop, the Minister and Shadow Minister for Veteran Affairs, the Hon Warren Snowden MP and Senator the Hon. Michael Ronaldson and the Hon Victor Dominello, the State Minister responsible for Veteran Affairs regarding the availability of funding from the local Centenary of ANZAC Local Community Grants program. (NB. It is proposed to call the walkway the Bully Beef track in memory of the returned diggers who used to camp on Long Reef headland after the First World War. The track leading up to their camps used to be called the Bully Beef track).

VOTING

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

Against the resolution: Nil

CARRIED**11.0 QUESTIONS ON NOTICE****11.1 QUESTION ON NOTICE NO 1/2013 - SIGNAGE AND BEAUTIFICATION WORKS INTERSECTION TORONTO AVENUE AND FISHER ROAD NORTH CROMER**

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

11.2 QUESTION ON NOTICE NO 2/2013 - BEACON HILL WAR MEMORIAL COMMUNITY HALL BUILDING WORKS

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

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

13.1 RFT 2012/096 NARRABEEN CHILDRENS CENTRE PLAYGROUND UPGRADE

NOTE: The Deputy General Manager Environment withdrew this item earlier in the meeting advising that Council's investigations had found that the company involved had not passed the Council's financial sustainability test. He advised that the matter would be reported to next meeting to enable a decision to be made.

The meeting concluded at 7:38pm

This is the final page of the Minutes comprising 14 pages numbered 1 to 14 of meeting 2013/2 of Warringah Council held on Tuesday 26 February 2013 and confirmed on Tuesday 26 March 2013.

Mayor

General Manager