

# MINUTES

## WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 9 APRIL 2013**

(2013/4)

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Warringah Council

**Minutes of the Extraordinary Meeting of Council  
held on Tuesday 9 April 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 (arrived 6:04pm), 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
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Greg Karageuzian	IM&T Support Officer
David Walsh	Chief Financial Officer
Richard McManus	Chief Information Officer
Graham Middleton	Group Manager Marketing & Communications
David Kerr	Group Manager Strategic Planning
Belinda Noble	Media and Content Manager
Michael McDermid	Corporate Planning Manager

**NOTES**

The meeting commenced at 6:00pm, moved into closed session at 6:11pm, resumed in open session at 6:19pm and concluded at 6:20pm

## **1.0 APOLOGIES**

Nil

## **2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

Nil

## **3.0 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.

*Councillor Gobert entered the meeting at 6:04pm*

**3.1 Mr Patrick Morrissey addressed Item 5.2, Draft Strategic Community Plan 2023, Delivery Program 2013-2017 and Operational Plan including Fee and Charges 2013-2014, in particular Undercliff Reserve, Freshwater.**

**3.2 Mr Jack Tilburn asked the following question in relation to Item 5.2, Draft Strategic Community Plan 2023, Delivery Program 2013-2017 and Operational Plan including Fee and Charges 2013-2014.**

- A. With big increased expenditure of \$188 million proposed for 2013-2014 what will be the percentage rate increase in income for ratepayers? And is this fair?
- B. What is the proposed surplus for 2013-2014? And is this fair?
- C. With the Bus Rapid Transit system mentioned on page 27, Item 5.2 of Council's CSP, what expenditure is proposed for 2013-2014? And is this fair?
- D. What is the financial strategy behind having large surpluses over the next ten years of budgeting up to 2023? And is this fair and reasonable for ratepayers?

**Answer:**

The General Manager provided the following response:

- A. The rate increase is 3.4% which is the rate cap set by IPART (Independent Pricing and Regulatory Tribunal) and yes we believe it is fair and reasonable.
- B. The proposed surplus is \$13.036m which is before Capital Grants and Contributions and includes the gain of \$8.104m on the sale of the Kiah site, and yes we believe that is fair and reasonable.
- C. The Rapid Bus Transport system investigation does not have a specific budget however staff that are currently employed will carry out the investigation tasks within their existing budget and projects. Improving public transport and reducing congestion is a priority for the community and has been stated loud and clear through various communications.
- D. The strategy is simple; the average surplus before Capital Grants and Contributions, excluding the sale of the Kiah site, over the 10 years is approx \$3.336m which

provides a modest amount of money for new works that are not funded by Section 94a or Grants.

## **4.0 MAYORAL MINUTES**

Nil

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

070/13 **RESOLVED**

***Cr Regan / Cr Heins***

That the Order of Business be changed so Items 5.1, 5.2 and 7.1 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

### **ITEMS RESOLVED BY EXCEPTION:**

#### **5.1 FINANCIAL PLANNING & SUSTAINABILITY POLICY**

071/13 **RESOLVED**

***Cr Regan / Cr Heins***

That

- A. The draft Financial Planning and Sustainability Policy be placed on public exhibition for a period of 28 days.
- B. Following the exhibition period, the Financial Planning and Sustainability Policy and any public submissions be referred back to Council for consideration.

***RESOLVED BY EXCEPTION***

#### **5.2 DRAFT STRATEGIC COMMUNITY PLAN 2023, DELIVERY PROGRAM 2013-2017 AND OPERATIONAL PLAN INCLUDING FEE AND CHARGES 2013-2014**

072/13 **RESOLVED**

***Cr Regan / Cr Heins***

That:

- A. Pursuant to Sections 402, 404, 405 and 705 of the Local Government Act 1993, there be a minimum 28 day public exhibition of the draft of the Community Strategic Plan 2023, Delivery Program 2013-2017, Operational Plan and Fees and Charges 2013-2014.
- B. Council give notice of its intention to:
- i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories of rates on all rateable land in its area for 2013-2014, and
  - ii) Increase its rates income by 3.4% in 2013-2014.
- C. A further report be submitted to Council on 25 June 2013 to enable consideration of:
- i) Submissions received during the exhibition period referred to in A above; and
  - ii) Formal adoption of Warringah's Community Strategic Plan 2023, Delivery Program and Operational Plan and Fees and Charges 2013-2014.

**RESOLVED BY EXCEPTION****7.1 DRAFT WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2013**073/13 **RESOLVED****Cr Regan / Cr Heins**

That

- A. The draft *Warringah Section 94A Development Contributions Plan 2013* be placed on public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*;
- B. Council endorse the proposed administrative changes to the S.94 works program in order to appropriately facilitate the delivery of identified projects and the expenditure of remaining S.94 monies;
- C. All submissions received be reported back to Council at the conclusion of the exhibition period.

**RESOLVED BY EXCEPTION****8.0 NOTICES OF RESCISSION**

Nil

**9.0 NOTICES OF MOTION**

Nil

**10.0 QUESTIONS ON NOTICE**

Nil

**11.0 RESPONSES TO QUESTIONS ON NOTICE**

## 12.0 CONFIDENTIAL MATTERS – CLOSED SESSION

074/13 **RESOLVED**

**Cr Menano-Pires / Cr Gobert**

- 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 12.1 Kimbriki Access Roads Infrastructure Works

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

Item 12.1 Kimbriki Access Roads Infrastructure Works

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

Item 12.1 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council

**Reason Why Matters are being considered in Closed Session – Section 10B**

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
- E. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

### VOTING

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

**Against the resolution:** Nil

**CARRIED**

**NOTE:** The meeting moved into closed session at 6:11pm and resumed in open session at 6:19pm

### 13.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

**NOTE:** The General Manager reported the resolutions on confidential matters passed in closed session:

#### 12.1 KIMBRIKI ACCESS ROADS INFRASTRUCTURE WORKS

075/13 **RESOLVED**

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

That

- A. Council resolve to undertake the roads infrastructure works for the Kimbriki site.
- B. Council negotiate changes to the lease of the Kimbriki site to reflect the proposed access road infrastructure works and allow an appropriate rental charge for the access road infrastructure works with Kimbriki Environmental Enterprises Pty Ltd and Pittwater, Manly and Mosman Council (as shareholders in the company).
- C. Council accept LIRS funding from the Division of Local Government for the project if the application is successful.
- D. Council seek loan funding for the project and that such borrowing be included on Council's borrowing return to the Division of Local Government for 2013/14.
- E. Changes to the Income Statement, Balance Sheet and Cash Flow Statement from undertaking the project be incorporated in the final Long Term Financial Plan for the 10 years ending 30 June 2023 as part of Council's 2013 Community Strategic Plan.
- F. The General Manager be delegated the functions and authority to undertake the necessary actions to give effect to Council's resolutions in [A ] to [E] above, including:
  - a) to negotiate changes to the lease of the Kimbriki site to reflect the proposed access road infrastructure works and allow an appropriate rental charge for the access road infrastructure works with Kimbriki Environmental Enterprises and the other shareholders;
  - b) to accept the LIRS funding from the Division of Local Government for the project if the application is successful;
  - c) to seek loan funding for the project and that such borrowing be included on Council's borrowing return to the Division of Local Government for 2013/14;
  - d) to make changes to the Income Statement, Balance Sheet and Cash Flow Statement from undertaking the project in the final Long Term Financial Plan for the 10 years ending 30 June 2023 as part of Council's 2013 Community Strategic Plan; and
  - e) execute any documentation in relation to the above.

#### **VOTING**

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

**Against the resolution:** Nil

***CARRIED***

*The meeting concluded at 6:20pm*

This is the final page of the minutes comprising 8 pages numbered 1 to 8  
of meeting 2013/4 of Warringah Council held on Tuesday 9 April 2013  
and confirmed on Tuesday 23 April 2013

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Mayor

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General Manager