

MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 24 JULY 2012

(2012/10)

warringah.nsw.gov.au



Warringah Council

Minutes of an Ordinary Meeting of Council**held on Tuesday 24 July 2012****at the Civic Centre, Dee Why****Commencing at 6:00pm****ATTENDANCE:****Members**

Councillor M Regan (Mayor), Councillor J Sutton (Deputy Mayor) and Councillors V De Luca OAM, J Falinski, R Giltinan, Dr C Harris, V Laugesen and Dr H Wilkins

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Corporate Lawyer
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Don McQueen	A/Group Manager Building Property & Spatial Information
Nola Urquhart	A/Group Manager Parks, Reserves & Foreshores
David Kerr	Group Manager Strategic Planning
Belinda Noble	Media and Content Manager
Colin Windleborn	Property Manager - Building Property & Spatial Information
Adrian Turnbull	Environmental Strategy Manager
Michael McDermid	Manager Corporate Planning
Anthony Johansson	Manager Asset Management - Parks, Reserves & Foreshores

NOTES

The meeting commenced at 6:00pm, adjourned at 7:05pm, resumed at 7:12pm, moved into closed session at 8:35pm, resumed in open session at 8:42pm, adjourned at 8:45pm, resumed at 8:46pm and concluded at 8:46pm.

Items 6.2, 6.3 and 13.2 were not dealt with and will be carried over to the next Ordinary Meeting of Council.

1.0 APOLOGIES

229/12 **RESOLVED**

Cr Regan / Cr Falinski

That apologies for non-attendance be received from Councillor Dr Kirsch.

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Wilkins, Harris, Laugesen, Sutton and Regan

Against the resolution: Nil

CARRIED

NOTE: Councillor Dr Harris advised that Councillor Ray would be late to the meeting

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 26 JUNE 2012

230/12 **RESOLVED**

Cr Falinski / Cr Regan

That the Minutes of the Ordinary Meeting of Council of 26 June 2012, 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 De Luca, Falinski, Giltinan, Wilkins, Harris, Laugesen, Sutton 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 Items 6.2 and 6.3, as his wife is the subject of the attack.

Councillor Regan declared a significant, non pecuniary interest in relation to Items 13.1 and 13.2, as he is a patron, member and player for the Manly Cricket Club.

Councillor Regan declared a less than significant, non pecuniary interest in relation to Item 8.6, as he is a member of the Brookvale Rotary Club.

PROCEDURAL MOTION – EXTENSION OF PUBLIC FORUM PERIOD**231/12 RESOLVED*****Cr De Luca / Cr Laugesen***

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 the additional 5 speakers who requested to speak at public forum be granted permission to address Council for 3 minutes only.

VOTING

For the resolution: Crs De Luca, Giltinan, Wilkins, Harris, Laugesen and Sutton

Against the resolution: Crs Falinski and Regan

CARRIED

The Mayor, Councillor Regan left the chamber at 6:05pm and the Deputy Mayor, Councillor Sutton took the Chair.

4.0 PUBLIC FORUM

The Deputy 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 Suzen Meagher representing Aboriginal Support Group Manly Warringah Pittwater asked a question regarding posters of Guringai people being displayed in Council Chamber.

4.2 Mr Ralph Schubert made a statement regarding an article titled "Support for fast buses" in the Thursday 19 July, 2012 issue of The Manly Daily.

PROCEDURAL MOTION - EXTENSION OF TIME**232/12 RESOLVED*****Cr Dr Harris / Cr De Luca***

That Mr Schubert be granted an extension of 3 minutes to address the meeting.

VOTING

For the resolution: Crs De Luca, Giltinan, Wilkins and Harris

Against the resolution: Crs Falinski, Laugesen and Sutton

CARRIED

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

- 4.3 Mr Petrolo addressed Item 7.2, The Future Use of Community Land Comprising Lot 2-8 Section 7 DP 9125 and Pt Lot 100 DP 104182 - Corner of Kingsway and Fisher Road Dee Why.**

PROCEDURAL MOTION - EXTENSION OF TIME

233/12 **RESOLVED**

Cr De Luca / Cr Laugesen

That Mr Petrolo be granted an extension of 3 minutes to address the meeting.

VOTING

For the resolution: Crs De Luca, Giltinan, Wilkins, Harris and Laugesen

Against the resolution: Crs Falinski and Sutton

CARRIED

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

- 4.5 Mr Jack Tilburn asked the following question regarding the supply of alcohol to the Councillors.**

- a) Are councillors consuming the alcohol-drug in the dining room or Mayors room before or after council meetings?
- b) Is some of this alcohol-drug being paid for personally by councillors?
- c) Is some of the alcohol-drug being paid from ratepayers funds? If so, why?
- d) Is the alcohol-drug being paid for by some generous benefactor or patron?
- e) Cannot the council enforce an alcohol-free –zone in the dining room or Mayors room to exhibit a necessary principle and standard for the community?

- 4.6 Ms Ann Sharp addressed Item 7.2, The Future Use of Community Land Comprising Lot 2-8 Section 7 DP 9125 and Pt Lot 100 DP 104182 - Corner of Kingsway and Fisher Road Dee Why.**

- 4.7 Mr Richard Michell addressed Item 7.2, The Future Use of Community Land Comprising Lot 2-8 Section 7 DP 9125 and Pt Lot 100 DP 104182 - Corner of Kingsway and Fisher Road Dee Why.**

- 4.8 Mr Andrew Lo addressed Item 8.3, Preliminary Investigation - Council Management of Crown Land Adjacent to Manly Dam.**

- 4.9 Mr Malcolm Fisher addressed Item 8.3, Preliminary Investigation - Council Management of Crown Land Adjacent to Manly Dam.**

- 4.10 Mr David Murray representing Surf Life Saving Sydney Northern Beaches Inc addressed Item 10.1, Notice of Motion No 26/2012 - Proposed Lease for Surf Life Saving Sydney Northern Beaches Incorporated (SLSSNB).
- 4.11 Mr Tony Haven representing Surf Life Saving NSW addressed Item 10.1, Notice of Motion No 26/2012 - Proposed Lease for Surf Life Saving Sydney Northern Beaches Incorporated (SLSSNB).
- 4.12 Mr Gordon Lang representing Surf Life Saving Sydney Northern Beaches Inc addressed Item 10.1, Notice of Motion No 26/2012 - Proposed Lease for Surf Life Saving Sydney Northern Beaches Incorporated (SLSSNB).
- 4.13 Mr Matt Sheridan representing Warriewood SLSC addressed Item 10.1, Notice of Motion No 26/2012 - Proposed Lease for Surf Life Saving Sydney Northern Beaches Incorporated (SLSSNB).

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

234/12 **RESOLVED**

Cr Giltinan / Cr De Luca

That the Order of Business be changed so Item 10.1 be brought forward and dealt with immediately.

The Mayor, Councillor Regan returned to the chamber at 6:48pm and resumed the Chair.

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Wilkins, Harris, Laugesen, Sutton and Regan

Against the resolution: Nil

CARRIED

**10.1 NOTICE OF MOTION NO 26/2012
PROPOSED LEASE FOR SURF LIFE SAVING SYDNEY NORTHERN BEACHES
INCORPORATED (SLSSNB)**

235/12 RESOLVED

Cr De Luca / Cr Regan

That this Council resolves to:

1. Call upon the Minister responsible for Crown Lands to exercise his or her powers under section 34A of the Crown Lands Act to enter into a lease of the building known as the Warringah Surf Rescue Building, at Fisherman's Beach, and land adjacent to it (as per attached plans) with Surf Life Saving Sydney Northern Beach (SLSSNB) Inc on the following terms and conditions:
 - a. A term of 21 years.
 - b. Annual minimal rent (indexed each year pursuant to CPI) in recognition of the value of the contribution of volunteer surf lifesavers and the SLSSNB volunteer surf lifesaving services and ancillary rescue equipment.
 - c. The SLSSNB to be responsible for the repair and maintenance of the interior of the building (excluding public toilets and "Marine Environmental Educational Facility" area).
 - d. The SLSSNB is to be responsible for the repair and maintenance of the exterior of the building (other than items of a capital expenditure nature) including the repainting of the building every 10 years, repairs of broken glass and windows, roofing, guttering and downpipes.
 - e. The SLSSNB to grant a sub-lease, for an annual minimum rent, over an area on the ground floor (to be agreed, but not less than 45 square metres), and should a Development Application be approved for an extension of the building/ facilities, an area on the first floor (to be agreed) for use as a "Marine Environmental Educational Facility" incorporating the current "Reef Care/Fish Care" groups.
 - f. All other terms and conditions as per the most recent Surf Club leases (as applicable), including shared use of the Radio Room and surf rescue craft facilities by Warringah Council Lifeguard staff.
 - g. In any future proposed development that SLSSNB engages in appropriate consultation with Council as the reserve trust manager and the local community.
 - h. That SLSSNB undertake that this building or any future development will not be used for SLSSNB administrative purposes.
2. Requests Council's General Manager to write to the Minister with portfolio responsibility for Crown Lands advising of part (1) above.
3. Council endorses the SLSSNB proposal of the jet ski storage in principal to the side of the building contained in the existing envelope and subject to final community consultation.
4. Council endorses the request from SLSSNB for the radio room upgrade and the continued ongoing use as a radio room

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Wilkins, Harris, Laugesen, Sutton and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION**236/12 RESOLVED**

Cr Sutton / Cr Dr Harris

That the Order of Business be changed so Items 6.5, 7.1, 8.2, 8.4, 8.5, 8.6, 8.7, 8.8, 8.10, 8.11, 8.12, 8.13, 13.1 are dealt with by exception with the recommendations of the General Manager/ Deputy General Managers being adopted.

The Mayor, Councillor Regan left the chamber at 6:56pm, due to a declared significant, non pecuniary interest in Item 13.1. The Deputy Mayor, Councillor Sutton took the Chair.

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Wilkins, Harris, Laugesen and Sutton

Against the resolution: Nil

CARRIED

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

ITEMS RESOLVED BY EXCEPTION:**6.5 MONTHLY FUNDS MANAGEMENT REPORT JUNE 2012****237/12 RESOLVED**

Cr Sutton / Cr Dr Harris

That:

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

RESOLVED BY EXCEPTION

7.1 ANNUAL COMMUNITY SURVEY RESULTS 2012238/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That the results of the 2012 Warringah Community Survey be noted and considered in the development of the Community Strategic Plan 2013.

RESOLVED BY EXCEPTION**8.2 ADOPTION OF COASTAL EROSION EMERGENCY ACTION SUBPLAN FOR BEACHES IN WARRINGAH**239/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That Council:

- A. Adopts the certified *Coastal Erosion Emergency Action Subplan for Beaches in Warringah*.
- B. Arranges for the publication of the certified *Coastal Erosion Emergency Action Subplan for Beaches in Warringah* in the NSW Government Gazette, as required under section 55H of the *Coastal Protection Act 1979*.

RESOLVED BY EXCEPTION**8.4 DELEGATION UNDER THE NOXIOUS WEEDS ACT 1993**240/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That Council delegate authority pursuant to Section 68 of the *Noxious Weeds Act 1993* to the holders (from time to time) of the positions outlined in Schedule 1 of this report, and authorise them to exercise any of the Council's functions under that Act.

RESOLVED BY EXCEPTION**8.5 AMENDMENTS TO SECTION 149 (5) NOTATIONS FOR QUEENSCLIFF HEADLAND RISK INFORMATION**241/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That

- A. All properties subject to the *Geotechnical Assessment of Existing Foreshore Cliff Lines at Queenscliff Headland, Queenscliff, NSW* (J&K, December 2010) report include a notation on Section 149 (5) certificates as per Notation 1 of this Council report.

- B. Properties at 2 Queenscliff Road, 15A Crown Road, 17B Crown Road and 7 Pavilion Street include a further notation on Section 149 (5) certificates as per Notation 2 of this Council report.

RESOLVED BY EXCEPTION

8.6 REQUEST TO WAIVE THE FEE FOR THE PUB TO PUB EVENT SUNDAY 26 AUGUST 2012

242/12 **RESOLVED**

Cr Sutton / Cr Dr Harris

That Council waive the booking fees of \$1,025 for the Rotary Club of Brookvale's 2012 Pub to Pub Charity Fun Run and Walk event to be held in Warringah on 26 August 2012.

RESOLVED BY EXCEPTION

8.7 RESCISSION OF POLICIES - BUSINESS WITH BURMA AND REGULATION OF RECREATION CAR PARKING AREAS ON RESERVES

243/12 **RESOLVED**

Cr Sutton / Cr Dr Harris

That the following policies be rescinded:

- A. Doing Business with Burma (PL 760 Burma)
- B. Regulation of Recreation Car Parking Areas on Reserves (ENV-PL 650)

RESOLVED BY EXCEPTION

8.8 ADOPTION OF DRAFT WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2012

244/12 **RESOLVED**

Cr Sutton / Cr Dr Harris

That:

- A. Council adopt the recommended changes following public exhibition of the draft amended *Warringah Section 94A Development Contributions Plan 2012*.
- B. Following adoption of the Section 94A Plan, the Minister be notified in accordance with Section 94EA (4) of the *Environmental Planning and Assessment Act 1979*.
- C. The necessary steps be undertaken to ensure that the Plan commences on 1 August 2012.

RESOLVED BY EXCEPTION

8.10 BIKE FUTURES CONFERENCE 2012245/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That the Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to two councillors to attend the Bike Futures Conference in Melbourne, to be held from 17-19 October 2012.

RESOLVED BY EXCEPTION**8.11 NSW COASTAL CONFERENCE 2012**246/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That the Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to three councillors to attend the NSW Coastal Conference in Kiama, to be held from 6-9 November 2012.

RESOLVED BY EXCEPTION**8.12 COUNCIL MEETING - 7 AUGUST 2012**247/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

That the Ordinary Council Meeting scheduled for 7 August 2012 be cancelled.

RESOLVED BY EXCEPTION**8.13 STRATEGIC REFERENCE GROUP RECOMMENDATIONS**248/12 **RESOLVED****Cr Sutton / Cr Dr Harris**

- A. That the Recreation and Open Space Strategic Reference Group's support for minor amendments to the Strategic Reference Group structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the ward pre-requisite for members in the guidelines be NOTED.
- B. That the Environmental Sustainability Strategic Reference Group's support for minor amendments to the SRG structure and guidelines including: a move to bi monthly meetings; a reduction in meeting time; amendment to the start time of meetings and the flexibility for workshops and formal meetings be NOTED.
- C. That the Infrastructure and Development Strategic Reference Group's support for minor amendments to the Strategic Reference Group and Community Committee structure and guidelines including: a move to bi monthly meetings; maintaining current meeting times; that

the preference of ward membership remains; amendment to the order of business on the agenda; the definition of 'community members' and; staff attendance at selected Community Committees be NOTED.

RESOLVED BY EXCEPTION

13.1 RFT 2012/030 - TURF CRICKET WICKET AND OUTFIELD MAINTENANCE TENDER

249/12 **RESOLVED**

Cr Sutton / Cr Dr Harris

That Council accept the tender of Around the Grounds to undertake turf cricket wicket and outfield maintenance for the total fee of \$115,500 per year (excluding GST), for 3 years with 2 x 1 year options to extend the term at Council's sole discretion, and delegate to the General Manager authority to enter into a contract.

RESOLVED BY EXCEPTION

The Mayor, Councillor Regan returned to the chamber at 6:56pm and resumed the Chair

5.0 MAYORAL MINUTES

**5.1 MAYORAL MINUTE NO 7/2012
FRESHWATER VILLAGE – ALFRESCO DINING AREA IMPROVEMENTS – TRIAL
RENT RELIEF FOR NEW OUTDOOR DINING LICENCES**

250/12 **RESOLVED**

Cr Regan

That:

- A. Council authorise providing trial usage of the Lawrence Street alfresco dining terrace areas for six months without payment of rental for the two restaurants adjoining the alfresco dining areas, and
- B. Council authorise a six month rent free period for other businesses with outdoor dining licences.
- C. The Deputy General Manager Community be delegated to determine the most appropriate start and finish dates for the 6 month period.

Councillor Laugesen left the chamber at 6:58pm

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Sutton and Regan

Against the resolution: Crs De Luca and Harris

CARRIED

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

6.0 GENERAL MANAGER'S REPORTS

6.1 CODE OF CONDUCT - REPORT BY SOLE CONDUCT REVIEWER – COMPLAINT REGARDING CONDUCT AT COUNCIL MEETING

251/12 **RESOLVED**

Cr Regan / Cr Dr Wilkins

That Council note the contents of the report of the Sole Conduct Reviewer and censures Councillor Laugesen for the breach of the Code of Conduct.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Cr De Luca

CARRIED

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

Councillor Laugesen returned to the chamber at 7:04pm

The Mayor, Councillor Regan left the chamber at 7:05pm due to a declared significant, pecuniary interest in Items 6.2 and 6.3 and the Deputy Mayor, Councillor Sutton took the Chair.

Councillor De Luca left the meeting at 7:05pm due to illness

Councillor Laugesen left the meeting at 7:05pm

NOTE: At this stage a quorum was not present. Councillors Falinski, Giltinan, Harris, Sutton and Wilkins were present in the Chamber.

NOTE: In accordance with Clause 6.1(b) and 6.2(b) of the Warringah Council Code of Meeting Practice, Councillor Sutton with the agreement of Councillors Falinski, Giltinan, Harris and Wilkins, being all of the councillors present, adjourned the meeting until 7.10pm in the Council Chambers. Councillors present agreed that the meeting would resume at Item 6.4 to allow the business on the agenda to be dealt with.

NOTE: At 7:12pm the meeting resumed. Councillors present in the Chamber were Councillors Falinski, Giltinan, Harris, Regan, Sutton and Wilkins.

6.4 COUNCILLORS REPORT FROM ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2012 CONFERENCE**252/12 RESOLVED*****Cr Dr Harris / Cr Regan***

That the report by Councillor Dr Harris regarding the National General Assembly of Local Government 2012 'National Voice, Local Choice – Infrastructure, Planning, Services', Canberra 17-20 June 2012 be noted.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED**7.0 COMMUNITY DIVISION REPORTS****7.2 THE FUTURE USE OF COMMUNITY LAND COMPRISING LOT 2-8 SECTION 7 DP 9125 AND PT LOT 100 DP 104182 - CORNER OF KINGSWAY AND FISHER ROAD DEE WHY*****Cr Falinski / Cr Regan***

That Council:

- A. Commences the process for the proposal of a Plan of Management for the land described as Lot 2-8 Sec 7 DO 9125 and pt Lot 100 DP 104182; and
- B. Supports the possibility for the development of a multilevel car park and sports complex upon the site described in 'A'; and
- C. Authorises the sale of the Kiah site being Lot 1 DP 776401, Lots 8 & 9 Section E DP8270 in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810:
- D. Grant delegation to the General Manager to:
 - a. Commence the disposal process of the land by public Expression of Interest (EOI).
 - b. Following assessment of the EOI one of the following strategies may be adopted:
 - i. Issue of a restricted RFT, under tender box conditions, to a short-listed group of respondents to this EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve.
 - ii. Issue of an open RFT.
 - iii. Enter into direct negotiations; or
 - iv. To not proceed any further.
- E. Authorise the General Manager to sign and execute all documentation necessary in order to give effect to this resolution.

PROCEDURAL MOTION – DEAL WITH MOTION IN TWO PARTS***Cr Dr Harris / Cr Dr Wilkins***

That the motion be split and dealt with in two parts as follows:

- 1 That Council:
 - A. Commences the process for the proposal of a Plan of Management for the land described as Lot 2-8 Sec 7 DO 9125 and pt Lot 100 DP 104182; and
 - B. Supports the possibility for the development of a multilevel car park and sports complex upon the site described in 'A';
- 2 That Council:
 - A. Authorises the sale of the Kiah site being Lot 1 DP 776401, Lots 8 & 9 Section E DP8270 in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810:
 - B. Grant delegation to the General Manager to:
 - a. Commence the disposal process of the land by public Expression of Interest (EOI).
 - b. Following assessment of the EOI one of the following strategies may be adopted:
 - i. Issue of a restricted RFT, under tender box conditions, to a short-listed group of respondents to this EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve.
 - ii. Issue of an open RFT.
 - iii. Enter into direct negotiations; or
 - iv. To not proceed any further.
 - C. Authorise the General Manager to sign and execute all documentation necessary in order to give effect to this resolution.

VOTING

For the motion: Cr Harris

Against the motion: Crs Falinski, Giltinan, Wilkins, Sutton and Regan

LOST**253/12 RESOLVED*****Cr Falinski / Cr Regan***

That Council:

- A. Commences the process for the proposal of a Plan of Management for the land described as Lot 2-8 Sec 7 DO 9125 and pt Lot 100 DP 104182; and
- B. Supports the possibility for the development of a multilevel car park and sports complex upon the site described in 'A'; and

- C. Authorises the sale of the Kiah site being Lot 1 DP 776401, Lots 8 & 9 Section E DP8270 in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810:
- D. Grant delegation to the General Manager to:
- a. Commence the disposal process of the land by public Expression of Interest (EOI).
 - b. Following assessment of the EOI one of the following strategies may be adopted:
 - i. Issue of a restricted RFT, under tender box conditions, to a short-listed group of respondents to this EOI or list for sale by Public Auction, appoint an agent if required and set an appropriate reserve.
 - ii. Issue of an open RFT.
 - iii. Enter into direct negotiations; or
 - iv. To not proceed any further.
- E. Authorise the General Manager to sign and execute all documentation necessary in order to give effect to this resolution.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Sutton and Regan

Against the resolution: Cr Harris

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY - COLLAROY SURF LIFE SAVING CLUB UPGRADE WORKS – CONTRACT VARIATION

254/12 **RESOLVED**

Cr Regan / Cr Sutton

That, in accordance with Clause 14.2(i)(a), Council considers the staff report in relation to Collaroy Surf Life Saving Club Upgrade Works – Contract Variation, on the basis that it is urgent and must be dealt with prior to the next Ordinary Council Meeting, and that it be added to the agenda as the last item on the agenda.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

NOTE: The Chair subsequently ruled that the matter was one of urgency and that the item would be dealt with as the last item on the agenda.

8.0 ENVIRONMENT DIVISION REPORTS

8.1 NARRABEEN LAGOON DREDGING

255/12 **RESOLVED**

Cr Falinski / Cr Regan

That:

- A. On the basis of the Narrabeen Lagoon Community Consultation Outcomes Report Council proceeds to implement Stage 2 as described in this report to determine if dredging to enhance recreational opportunities is feasible.
- B. Stage 2 is undertaken in a way that reflects the resolutions of the Strategic Reference Groups as outlined in this report.
- C. Council note that any eventual dredging works and ongoing maintenance will require the allocation of funds in future years.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

8.3 PRELIMINARY INVESTIGATION - COUNCIL MANAGEMENT OF CROWN LAND ADJACENT TO MANLY DAM

Cr Dr Harris / Cr Giltinan

That Council take on all four parcels of land and seek formalised care, control and management.

AMENDMENT

Cr Regan / Cr Falinski

That:

- A. Council write to NSW Crown Lands Division seeking owners' consent (or similar) to formalise current management of environment works for two parcels of land at Manly Creek (Lot 7369 DP 1165551, and Lot 7370 DP 1165551) for which Council does not currently have management responsibility.
- B. Further discussion in relation to the two lots where Council proposes no action (Lot 2501 DP 752038 and Lot 7371 DP1165577) be deferred to a Councillor briefing to consider how Council might manage the land.

VOTING

For the amendment: Crs Falinski, Wilkins, Sutton and Regan

Against the amendment: Crs Giltinan and Harris

The AMENDMENT was CARRIED and became the substantive motion

SUBSTANTIVE MOTION

Cr Regan / Cr Falinski

That:

- A. Council write to NSW Crown Lands Division seeking owners' consent (or similar) to formalise current management of environment works for two parcels of land at Manly Creek (Lot 7369 DP 1165551, and Lot 7370 DP 1165551) for which Council does not currently have management responsibility.
- B. Further discussion in relation to the two lots where Council proposes no action (Lot 2501 DP 752038 and Lot 7371 DP1165577) be deferred to a Councillor briefing to consider how Council might manage the land.

AMENDMENT

Cr Dr Harris

That:

- A. Council write to NSW Crown Lands Division seeking care and control for two parcels of land at Manly Creek (Lot 7369 DP 1165551, and Lot 7370 DP 1165551) for which Council does not currently have management responsibility.
- B. Further discussion in relation to the two lots where Council proposes no action (Lot 2501 DP 752038 and Lot 7371 DP1165577) be deferred to a Councillor briefing to consider how Council might manage the land.

NOTE: The amendment lapsed for want of a seconder

256/12 RESOLVED

Cr Regan / Cr Falinski

That:

- A. Council write to NSW Crown Lands Division seeking owners' consent (or similar) to formalise current management of environment works for two parcels of land at Manly Creek (Lot 7369 DP 1165551, and Lot 7370 DP 1165551) for which Council does not currently have management responsibility.
- B. Further discussion in relation to the two lots where Council proposes no action (Lot 2501 DP 752038 and Lot 7371 DP1165577) be deferred to a Councillor briefing to consider how Council might manage the land.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION – MOTION DEALT WITH SERIATIM

257/12 **RESOLVED**

Cr Regan / Cr Dr Wilkins

That Item 8.9 be dealt with seriatim.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION – SUSPENSION OF CODE OF MEETING PRACTICE

258/12 **RESOLVED**

Cr Falinski / Cr Regan

That Council suspend clause 13.2(ii) of Council's Code of Meeting Practice, to allow the meeting to continue.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

8.9 LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL CONFERENCE 2012

259/12 **RESOLVED**

Cr Dr Harris / Cr Regan

That: Council supports the following motion to be submitted to the Local Government Association of NSW Annual Conference 2012:

That:

- A. *Warringah Council supports ROC governing bodies that are made up of elected Councillors and are more representative of the size of the communities of the constituent Councils that they represent.*

B. The Government communicates directly to Council and not via a ROC

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

260/12 RESOLVED

Cr Regan / Cr Sutton

That the Mayor, under delegated authority after the results of the 8 September 2012 Local Government Elections are announced, nominates up to five delegates to attend the Local Government Association of NSW Annual Conference 2012 to be hosted by Dubbo City Council from 28 – 30 October 2012.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS**261/12 RESOLVED**

Cr Regan / Cr Sutton

That the Order of Business be changed so that the Matter of Urgency - Variation To Contract 2011/108 Collaroy SLSC Upgrade Works and Item 13.3 be brought forward and dealt with next.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION - PERMISSION TO ADDRESS COUNCIL**262/12 RESOLVED**

Cr Dr Harris / Cr Dr Wilkins

That Mr Addington be granted permission to address Council immediately as part of Public Forum.

VOTING

For the resolution: Crs Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Cr Falinski

CARRIED

4.14 Mr David Addington made a statement regarding DA2012/0769 Construction of Boarding House pursuant to SEPP (Affordable Housing) 2009.

7.3 VARIATION TO CONTRACT 2011/108 COLLAROY SLSC UPGRADE WORKS

263/12 RESOLVED

Cr Regan / Cr Giltinan

That Council resolves to increase the budget for Contract 2011/108 Collaroy SLSC Upgrade Works to \$1,783,481.00 excluding GST.

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Sutton and Regan

Against the resolution: Cr Harris

CARRIED

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

264/12 RESOLVED

Cr Regan / Cr Sutton

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the item identified as Confidential and listed on this Agenda as:

Item 13.3 RFT 2012/035 - Construction of Cromer Park Field 3, 4 and 5

Matters to be Discussed During Closed Session - Section 10D

Item 13.3 RFT 2012/035 - Construction of Cromer Park Field 3, 4 and 5

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

Item 13.3 10A(2)(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

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 Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

The meeting moved into closed session at 8:35pm

The meeting resumed in open session at 8:42pm

14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

The General Manager reported on the confidential resolutions passed by exception and in closed session:

13.1 RFT 2012/030 - TURF CRICKET WICKET AND OUTFIELD MAINTENANCE TENDER

249/12 RESOLVED

Cr Sutton / Cr Dr Harris

That Council accept the tender of Around the Grounds to undertake turf cricket wicket and outfield maintenance for the total fee of \$115,500 per year (excluding GST), for 3 years with 2 x 1 year options to extend the term at Council's sole discretion, and delegate to the General Manager authority to enter into a contract.

RESOLVED BY EXCEPTION

13.3 RFT 2012/035 - CONSTRUCTION OF CROMER PARK FIELD 3, 4 AND 5

265/12 RESOLVED

Cr Regan / Cr Falinski

- A. That Council accepts the tender of Landscape Solutions Pty Ltd for RFT 2012/035 – Cromer Park Upgrade for the sum of \$2,583,600 excluding GST.
- B. That the General Manager be delegated authority to negotiate and enter into a contract with Landscape Solutions Pty Ltd and to approve contract variations up to the amount of \$2,841,960 which includes a 10% contingency of \$258,360.
- C. That Council amend the 2012/2013 – to 2015/2016 project budgets to reflect the Financial Impact table above

VOTING

For the resolution: Crs Falinski, Giltinan, Wilkins, Harris, Sutton and Regan

Against the resolution: Nil

CARRIED

The Mayor, Councillor Regan left the chamber at 8:45pm due to a declared significant, pecuniary interest in Item 13.2 the Deputy Mayor Councillor Sutton took the Chair.

NOTE: At this stage a quorum was not present. Councillors Falinski, Giltinan, Harris, Sutton and Wilkins were present in the Chamber.

NOTE: In accordance with Clause 6.1(b) and 6.2(b) of the Warringah Council Code of Meeting Practice, Councillor Sutton with the agreement of Councillors Falinski, Giltinan, Harris and Wilkins, being all of the councillors present, adjourned the meeting until 8:46pm in the Council Chambers.

NOTE: At 8:46pm the meeting resumed. Councillors present in the Chamber were Councillors Falinski, Giltinan, Harris, Regan, Sutton and Wilkins.

The meeting concluded at 8:46pm

This is the final page of the Minutes comprising 23 pages numbered 1 to 23 of meeting 2012/10 of Warringah Council held on 24 July 2012 and confirmed on 28 August 2012.

Mayor

General Manager

