

Minutes of a Meeting of Warringah Council

held on Tuesday, 27 March 2012

at the Civic Centre, Dee Why,

Commencing at 6.01pm

ATTENDANCE

Members

Cr M Regan (Mayor), Cr J Sutton (Deputy Mayor) and Crs V De Luca OAM, J Falinski , R Giltinan, Dr C Harris, Dr C Kirsch, V Laugesen, M Ray and Dr H Wilkins.

Officers

General Manager (R Hart), Deputy General Manager Community (J Warburton), Deputy General Manager Environment (M Ryan), Governance Manager (M Lee), Coordinator Governance (A Moore), Corporate Lawyer (V Ingram), Group Manager Marketing and Communications (G Middleton), Support Officer (D Mishra), A/Group Manager Buildings, Property and Spatial Information (D McQueen), Group Manager Development and Compliance (P Robinson), Group Manager Procurement (P Trigg), Group Manager Natural Environment (T Dickinson), Group Manager Roads, Traffic and Waste (B Bolgoff), Group Manager Strategic Planning (D Kerr), Internal Auditor (A Manewell), Legal Officer (E Julliard) and Manager Media & Content (B Noble).

NOTES

The meeting commenced at 6.01pm, adjourned at 8.07pm, resumed at 8.15pm, moved into closed session at 9.31pm, resumed in open session at 9.57pm and concluded at 10.00pm.

ORDER OF BUSINESS

The Business of the meeting was dealt with in the following order:

Items 1.0, 2.1, 3.0, 4.0 Items by exception 6.2, 6.3, 7.1, 7.2, 8.2, 8.3, 8.4, 8.5, 8.7, 8.9, 8.10, 8.11, 8.14, 8.18, 8.19, 13.1, 13.3 and 13.4, followed by Motion of Urgencies, 5.1, 5.2, 6.1, 6.4, 8.1, 8.6, 8.8, 8.12, 8.13, 8.15, 8.16, 8.17, 10.1, Motion of Urgency, 13.0, 13.2, 14.0 and 10.2.

The following items were ruled out of order and removed from the agenda:

Items 10.1, 11.6 and 11.6.

The following items were not dealt with and will be carried over to the next ordinary meeting:

Items 10.3, 10.4 and 10.5.

1.0 APOLOGIES

Nil.

CR LAUGESSEN LEFT THE CHAMBER AT 6.02PM.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Minutes of Council Meeting held 28 February 2012

60/12 **RESOLVED**

Cr Harris / Cr Wilkins

That the Minutes of the Meeting of Council of 28 February 2012, copies of which were previously circulated to all Councillors, be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

CR LAUGESSEN WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

CR LAUGESSEN RETURNED TO THE CHAMBER AT 6.05PM.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Regan declared a less than significant, non pecuniary interest in relation to Item 8.19, as he is a member of the Dee Why RSL Club and premiership playing player (Cricket Grand Final).

Cr Kirsch declared a less than significant, non pecuniary interest in relation to Item 8.19, as she is a member of the Dee Why RSL Club.

Cr Falinski declared a less than significant, non pecuniary interest in relation to Item 8.19, as he is a member of the Dee Why RSL Club.

Cr Giltinan declared a less than significant, non pecuniary interest in relation to Item 8.19, as he is a member of the Dee Why RSL Club.

Cr Wilkins declared a less than significant, non pecuniary interest in relation to Item 8.19, as she is a member of the Dee Why RSL Club.

Cr Harris declared a less than significant, non pecuniary interest in relation to Item 8.12, as she lives in the area covered by the deferred matters.

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 Joerg Schmidt- Liermann, representing Kath and Keith Edwards, addressed Items 8.12 and 10.1 on the agenda.

4.2. Ms Mary Armstrong, representing Belrose Rural Community Association, addressed Item 8.12 and 10.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

61/12 **RESOLVED**

Cr Kirsch / Cr Harris

That Ms Armstrong be granted an extension of 3 minutes to address Council.

VOTING

For the resolution: Crs Giltinan, Harris, Kirsch, Laugesen, Ray and Wilkins.

Against the resolution: Crs De Luca, Falinski, Regan and Sutton.

4.3. Mr Michael Gleeson asked the following question regarding the trial of dogs on Curl Curl beach:

Given that Council has elected to inform and seek submissions on trialling dog swimming at Curl Curl Beach rather than undergo a full Level 2 High Impact Local engagement process on the subject, would Council please advise the steps to be taken up to the decision (or not) to trial dog swimming at Curl Curl Beach and highlight the opportunity for the public to comment and consult on any proposal, particularly in regard to:

- a) provision of ranger patrols to enforce the conditions of any trial
- b) provision of a safe swimming area outside patrol hours and outside normal patrolled areas
- c) the parameters for evaluation of any trial?

Answer: The Deputy General Manager Environment, Mr Ryan advised that 600 submissions had been received, with approximately two thirds against and one third for the proposal. It is hoped that the matter will be reported to Council in April or if not, in May. Mr Ryan confirmed that all of Mr Gleeson's concerns would be addressed in the report.

4.4. Mr Jack Tilburn asked the following question regarding Community Use of Vacant Land in Dee Why:

- a) What of community use of a vacant block of land near to corner of Oaks Avenue and Avon Road, Dee Why which needs to be investigated for its economic use by the community?
- b) Could it be turned into a community garden and at what estimated costs?
- c) Could it be turned into a children's playground and at what estimated costs?
- d) Why if vacant land too small for a DA for home units, why not a DA for community land useage?
- e) Why if vacant land for 30 to 40 years there is potential for use after consultation with local community for its community useage?

Answer: The Mayor thanked Mr Tilburn for his questions. Further to this, Deputy General Manager Environment, Mr Ryan advised that the land in question is a piece of open space that has minimal facilities on it. It is approximately 400 square metres in size and is in council's ownership.

If a community group wishes to establish a community garden, the community garden policy will be adopted tonight and they can apply and establish a community garden on that land.

4.5. Ms Caroline Curry made a statement regarding dogs on Curl Curl beach.

PROCEDURAL MOTION – EXTENSION OF TIME

62/12 **RESOLVED**

Cr Harris / Cr Ray

That Ms Curry be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

CR SUTTON LEFT THE CHAMBER AT 6.30PM.

4.6. Mr Ray Cox, representing Curl Curl Lagoon Friends, asked the following question regarding the proposal to trial dogs on the beach at Curl Curl:

When will Council fulfill its obligation with Curl Curl Lagoon Friends Inc, ie; "Curl Curl Lagoon Friends to be consulted" on the proposal to trial dog swimming at Curl Curl Beach and will Curl Curl Lagoon Friends Inc be further requested to provide its expertise into any environmental assessment?

CR SUTTON RETURNED TO THE CHAMBER AT 6.32PM.

PROCEDURAL MOTION – EXTENSION OF TIME

63/12 **RESOLVED**

Cr Kirsch / Cr De Luca

That Mr Cox be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

Answer: The Deputy General Manager Environment advised that he would respond to Mr Cox's questions directly.

4.7. Ms Louise Hislop made a statement regarding dogs on beaches.

PROCEDURAL MOTION – EXTENSION OF TIME

64/12 **RESOLVED**

Cr Harris / Cr Ray

That Ms Hislop be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

4.8. Ms Rosemary Loughnane addressed Item 8.15 on the agenda.

Answer: The Deputy General Manager Environment advised that he would respond to Ms Loughnane's questions directly.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

65/12 **RESOLVED**

Cr Wilkins / Cr Giltinan

That the Order of Business be changed so that certain items can be dealt with by exception, with the recommendations being adopted.

VOTING

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

Against the resolution: Nil.

PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION

66/12 **RESOLVED**

Cr Wilkins / Cr Giltinan

That the recommendations of the General Manager or Deputy General Manager in each of the following Items 6.2, 6.3, 7.1, 7.2, 8.2, 8.3, 8.4, 8.5, 8.7, 8.9, 8.10, 8.11, 8.14, 8.18, 8.19, 13.1, 13.3 and 13.4 be adopted.

CR FALINSKI LEFT THE CHAMBER AT 6.51PM.

VOTING

For the resolution: Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

6.2 Monthly Funds Management Report February 2012

(BP REF 23)

67/12 RESOLVED

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

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

6.3 MasterCard Audit

(BP REF 29)

68/12 RESOLVED

That the audit report by RSM Bird Cameron be adopted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

7.1 Draft Enterprise Risk Management Policy

(BP REF 40)

69/12 RESOLVED

That Council approve the attached draft Enterprise Risk Management Policy for public exhibition for 28 days and note that a further report will be brought to Council following the exhibition period.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

7.2 Glen Street Theatre Fees and Charges 2012

(BP REF 49)

70/12 **RESOLVED**

That Council approve the attached Fees and Charges schedule for Glen Street Theatre for the special ticket price for staff, community committee members, SRG members and Councillors for 2012.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.2 Councillor Requests September 2011 – February 2012

(BP REF 55)

71/12 **RESOLVED**

That the report be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.3 Reporting of Strategic Reference Group Minutes February 2012

(BP REF 58)

72/12 **RESOLVED**

That the draft minutes of the Strategic Reference Group meetings held between 1 February and 13 February 2012 be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)



8.4 Request to Name Unnamed Creek – Cement Works Creek

(BP REF 84)

73/12 RESOLVED

That Council:

- A. Advise the Geographical Names Board that it is in receipt of the proposal to name the currently unnamed creek to Cement Works Creek, and that Council has no objection to this.
- B. Request that the Geographical Names Board seek the views of local residents in its consultation process.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.5 Financial Impact of Clean Energy Legislation

(BP REF 92)

74/12 RESOLVED

- A. That Council applies for external funding under the Community Energy Efficiency Program, subject to suitable projects being identified.
- B. That Council writes to the Premier of New South Wales to highlight the difference between the IPART determination and the actual increase of the carbon pricing.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.7 Planning Investigation - 638 Pittwater Road, Brookvale

(BP REF 103)

75/12 RESOLVED

- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
 - i. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
 - ii. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and

- iii. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
- B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
- C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
- D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
- F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
- G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.9 Investigation into the Appropriate Zone for Land that is Currently a 'Deferred Matter' under WLEP 2011 – Land East of Forest Way

(BP REF 115)

76/12 RESOLVED

- A. That council staff prepare a Planning Proposal for an amending Warringah Local Environmental Plan 2011 (WLEP2011) to zone land (as identified in Attachment No.1) R2 Low Density Residential.
- B. That once prepared, Council staff refer the Planning Proposal to the NSW Minister for Planning and Infrastructure.
- C. That should the NSW Minister for Planning and Infrastructure require additional information to enable the amending WLEP2011 to proceed, this be provided by Council staff, as required.
- D. That upon receipt of the NSW Minister for Planning and Infrastructure Gateway Determination, and in accordance with any directions contained therein, Council authorises the public exhibition and consultation requirements to progress the Planning Proposal.
- E. That if NSW Minister for Planning and Infrastructure supports the Planning Proposal, Council staff review, and if required prepare amendments to the WDCP to ensure that appropriate low density residential development controls apply to the subject land in support of a future amending WLEP2011 to zone land (as identified in Attachment No.1) R2 Low Density Residential.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.10 Permissibility of Schools within the RU4 Rural Small Holdings Zone

(BP REF 120)

77/12 **RESOLVED**

That Council:

- A. Rely upon the provisions of State Environmental Planning Policy (Infrastructure) 2007 to permit development for the purpose of educational establishments, with consent, within the RU4 Rural Small Holdings zone.
- B. Advise the following four (4) schools within the RU4 Rural Small Holdings zone (RU4), comprising Kinma School, Terry Hills; Sydney Japanese School, Duffys Forest; Northern Beaches Christian School, Duffys Forest; and Armenian General Benevolent Union School, Duffys Forest, that development for the purpose of educational establishments is permissible with consent.
- C. Take no further action with respect to Attachment 1, Item B of Mayoral Minute 15/2010.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.11 Report on Investigation into Permissibility of Land Uses at Myoora and Mona Vale Roads, Terrey Hills

(BP REF 123)

78/12 **RESOLVED**

That Council take no further action with respect to Item A of Mayoral Minute 15/2010.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.14 Draft Strategic Community Plan 2012 –“The Budget 2012-2013”

(BP REF 148)

79/12 **RESOLVED**

- A. That pursuant to Sections 404 and 405 of the Local Government Act, 1993, the draft Strategic Community Plan 2012 – “The Budget 2012-2013”, including the Delivery Program and Operational Plan and Fees and Charges for 2012-2013 be placed on public exhibition.

- B. That 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 2012-2013, and
 - ii) Increase its rates income by 3.6% in 2012-2013.
- C. That a further report be submitted to Council on 26 June 2012 to enable consideration of:
- i) Any submissions received during the exhibition period referred to in A above; and
 - ii) Formal adoption of Warringah Council's Strategic Community Plan 2012.
- D. That Council writes to the Director General of the Office of Local Government recommending that the use of an auditor's review of a council's Strategic Community Plan should become the recommended practice for local councils.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.18 Minutes of Warringah Traffic Committee Meeting held 6 March 2012

(BP REF 175)

80/12 **RESOLVED**

That the Minutes of the Warringah Traffic Committee Meeting held on 6 March 2012 be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

8.19 932 Pittwater Road, Dee Why - Amendments to the Dee Why RSL Club Masterplan/DCP

(BP REF 176)

81/12 **RESOLVED**

- A. That, in accordance with Clause 19 of Warringah Local Environmental Plan 2000, Council resolve to adopt the amendments to the Dee Why RSL Club Masterplan (deemed DCP).
- B. That Council commence a review of Warringah Development Control Plan 2011 to provide site specific controls for the Dee Why RSL Club site which reflect the Dee Why RSL Club Masterplan.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

MOTION OF URGENCY – REVIEW / INVESTIGATION OF THE OFFICE OF THE INTERNAL OMBUDSMAN

Cr De Luca / Cr Laugesen

That as a matter of urgency, Council considers the following motion in relation to a review/investigation into the Office of the Internal Ombudsman:

That this Council resolves to:

1. Request the General Manager to furnish a report to the next meeting of Council outlining:
 - a. Why not all Councillors were informed that a review and/or investigation has been undertaken into the WC Office of Internal Ombudsman by InCorporate;
 - b. The terms of the Review;
 - c. The costs to date of the Review;
 - d. Whether the Review and/or investigation was occasioned by allegations of serious bullying and harassment and serious maladministration within the Office of the Internal Ombudsman;
 - e. If yes to d., what actions, if any, have been undertaken by the General Manager to address any allegations by staff within that Office of serious bullying and harassment and serious maladministration;
 - f. What actions, if any, have been undertaken by the General Manager to fill positions of staff who have either resigned from the office or been transferred to other areas in Council; and
 - g. The costs to date of any legal advice on workers compensation matters and/or constructive dismissal action.
2. Request the General Manager to provide a copy of InCorporate's report to all Councillors prior to the next Council meeting.

VOTING

For the motion: Crs De Luca and Laugesen.

Against the motion: Crs Falinski, Giltinan, Harris, Kirsch, Ray, Regan, Sutton and Wilkins.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS NOT ONE OF URGENCY.

MOTION OF URGENCY – PREVENTING RATEPAYERS' EXPENSE ON CHALLENGING DIVISION OF LOCAL GOVERNMENT INSTRUCTIONS TO GENERAL MANAGER

Cr Laugesen / Cr De Luca

That as a matter of urgency, Council considers the following motion in relation to preventing ratepayers' expense on challenging Division of Local Government instructions to General Manager:

That Council:

1. Notes the article in today's Sydney Morning Herald, "U-turn on private reports", concerning directions from the Division of Local Government to Warringah Council's General Manager, Rik Hart, to ensure that all reports for Confidential Session are given to Councillors at least three days prior to a Council Meeting as per Sections 367(1) and (3) of the Local Government Act and also confirming that council management's advice given to support Mayor Regan's amendment to the Code of Meeting practice limiting the scope and contents of Questions on Notice to one line is against the Local Government Act Section 240(1)(c);
2. Note with concern the Warringah Council General Manager, Mr Rik Hart's actions in seeking to defer tabling of the DLG letter dated 14 March 2012 in order to contest the directions of the Minister for Local Government and Division of Local Government and the veracity of their direction on the Local Government Act and Regulation – being legislation which those parties administer;
3. Calls upon the Warringah Council General Manager, Rik Hart not to waste any ratepayers' money or Council administration resources in contesting the directions and interpretations of either the Minister for Local Government or the CEO of the Division of Local Government on the legislation those parties both administer.

THE MAYOR RULED THAT THE MATTER WAS OUT OF ORDER AND READ A LETTER FROM THE DIVISION OF LOCAL GOVERNMENT TO THE MEETING. (ATTACHMENT B TO THESE MINUTES)

MOTION OF DISSENT – CHAIRPERSONS RULING THAT THE MOTION OF URGENCY WAS OUT OF ORDER

Cr De Luca / Cr Laugesen

That the ruling of the Chairperson, that the motion of urgency was out of order, be dissented from.

VOTING

For the motion: Crs De Luca, Laugesen and Ray.

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

11.0 QUESTIONS ON NOTICE

THE MAYOR RULED ITEMS 11.5 AND 11.6 OUT OF ORDER, IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE CLAUSE 22 (5).

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 2/2012 The Strand, Dee Why - 2011 Footpath Improvement Works – Rent Relief for Outdoor Dining Licences

(BP REF A)

82/12 **RESOLVED**

Cr Regan

- A. That Council authorise providing six months rental relief for licence holders of outdoor dining licences on The Strand Dee Why that were affected by the Council footpath widening works in 2011, and
- B. That the Deputy General Manager Community be delegated to determine the most appropriate start and finish dates for the 6 month period.

VOTING

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

Against the resolution: Crs Harris, Kirsch, Laugesen and Ray.

5.2 Mayoral Minute No 3/2012 Surplus Expenditure Initiatives

(Report not contained in the agenda)

Cr Regan

That:

- A. Council approve the allocation of surplus expenditure to the projects as follows –
 - i. \$140,000 – Footpaths/ Bike paths / Share paths
 - ii. \$45,000 – Installation of solar panel systems on our Surf Lifesaving clubs
 - iii. \$40,000 – Installation of a solar panel system at Cromer Park
 - iv. \$60,000 – Banner infrastructure
 - v. \$20,000 – additional one-off supplement to the Council's Community Grants Program

- vi. \$20,000 – additional one-off supplement to the Council's Culture Grants Program
- vii. \$10,000 – Artist-in Residence program
- viii. \$15,000 – Ping Pong Table
- ix. \$5,000 – Bike Study at Duffy's Forest

B. Council staff to report on actions and the full expenditure of each project as proposed above

AMENDMENT

Cr Harris / Cr Kirsch

That:

A. Council approve the allocation of surplus expenditure to the projects as follows –

- i. \$140,000 – Footpaths/ Bike paths / Share paths
- ii. \$45,000 – Installation of solar panel systems on our Surf Lifesaving clubs
- iii. \$40,000 – Installation of a solar panel system at Cromer Park
- iv. \$60,000 – Banner infrastructure
- v. \$20,000 – additional one-off supplement to the Council's Community Grants Program
- vi. \$20,000 – additional one-off supplement to the Council's Culture Grants Program
- vii. \$15,000 – Ping Pong Table
- viii. \$5,000 – Bike Study at Duffy's Forest

B. Council staff to report on actions and the full expenditure of each project as proposed above

VOTING

For the amendment: Crs Falinski, Harris and Kirsch.

Against the amendment: Crs De Luca, Giltinan, Laugesen, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr De Luca

That in view of representations by Councillors and views raised at Community Committees, the \$15,000 allocated to ping pong tables be allocated 50% to ping pong tables and 50% to outside exercise equipment, locations to be determined by staff.

THE AMENDMENT LAPSED FOR WANT OF A SECONDER.

WITH PERMISSION OF THE MEETING THE MOVER AMENDED POINT ii OF THE MOTION TO READ AS \$40,000.

83/12 RESOLVED

Cr Regan

That:

- A. Council approve the allocation of surplus expenditure to the projects as follows –
- i. \$140,000 – Footpaths/ Bike paths / Share paths
 - ii. \$40,000 – Installation of solar panel systems on our Surf Lifesaving clubs
 - iii. \$40,000 – Installation of a solar panel system at Cromer Park
 - iv. \$60,000 – Banner infrastructure
 - v. \$20,000 – additional one-off supplement to the Council's Community Grants Program
 - vi. \$20,000 – additional one-off supplement to the Council's Culture Grants Program
 - vii. \$10,000 – Artist-in Residence program
 - viii. \$15,000 – Ping Pong Table
 - ix. \$5,000 – Bike Study at Duffy's Forest
- B. Council staff to report on actions and the full expenditure of each project as proposed above.

VOTING

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

Against the resolution: Crs De Luca, Laugesen and Ray.

6.0 GENERAL MANAGER'S REPORTS

6.1 Minutes of SHOROC Inc Board Meeting held 29 February 2012

(BP REF 1)

84/12 RESOLVED

Cr Regan / Cr Wilkins

That the Minutes of the SHOROC Incorporated Board Meeting of 29 February 2012 be noted and the recommendations contained therein be ADOPTED.

VOTING

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

Against the resolution: Crs De Luca, Laugesen and Ray.

6.4 Audit & Risk Committee Charter

(BP REF 30)

85/12 **RESOLVED**

Cr Harris / Cr Falinski

That Council note the Committee's change of name to Audit & Risk Committee and adopt the updated Audit & Risk Committee Charter.

CR LAUGESSEN LEFT THE CHAMBER AT 7.47PM.

VOTING

For the resolution: Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

CR LAUGESSEN WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

CR LAUGESSEN RETURNED TO THE CHAMBER AT 7.50PM.

8.0 ENVIRONMENT DIVISION REPORTS

8.1 2012 National General Assembly of Local Government – Australian Local Government Association (ALGA)

(BP REF 51)

86/12 **RESOLVED**

Cr Regan / Cr Harris

That:

- A. Council nominate Crs Harris and Regan to attend the 2012 National General Assembly of Local Government to be held in Canberra from 17-20 June 2012.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

87/12 RESOLVED

Cr Regan / Cr Harris

That:

- B. Council put forward the following motion to the 2012 National General Assembly of Local Government:

“That ALGA urges the Federal Government to introduce planning legislation that would ban or impose a levy on single-use lightweight plastic shopping bags and actively support State and Local Governments that wish to impose such a ban or restriction.”

VOTING

For the resolution: Crs Giltinan, Harris, Kirsch, Ray, Regan and Wilkins.

Against the resolution: Crs De Luca, Falinski, Laugesen and Sutton.

8.6 Response to Exhibition of Community Gardens Policy and Draft Guidelines

(BP REF 97)

Cr Laugesen / Cr Ray

That Council adopt the Community Gardens Policy as amended in response to the submissions received subject to:

- A the removal of point H under Section 2 Principles; and
B the amendment of Sections 3 and 4, to read:

Eg Permaculture Warringah Pittwater Manly, Manly Vale Community Garden and others

AMENDMENT

Cr Wilkins / Cr Giltinan

That Council adopt the Community Gardens Policy as amended in response to the submissions received subject to the amendment of Sections 3 and 4, to read:

Eg Permaculture Warringah Pittwater Manly, Manly Vale Community Garden and others

VOTING

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

Against the amendment: Crs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE AMENDMENT, WHICH WAS DECLARED CARRIED.

88/12 RESOLVED

Cr Wilkins / Cr Giltinan

That Council adopt the Community Gardens Policy as amended in response to the submissions received subject to the amendment of Sections 3 and 4, to read:

Eg Permaculture Warringah Pittwater Manly, Manly Vale Community Garden and others

VOTING

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

Against the resolution: Crs De Luca, Laugesen and Ray.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.07PM. THE MEETING RESUMED AT 8.15PM WITH THE SAME COUNCILLORS PRESENT.

8.8 Third Party Advertising on School Sites

(BP REF 110)

Cr Harris / Cr Kirsch

That Council not prepare a planning proposal to permit third party advertising signs on all school sites.

AMENDMENT

Cr De Luca / Cr Regan

- A. That Council not prepare a planning proposal to permit third party advertising signs on all school sites.
- B. That Council write to the NSW Minister for Planning and Infrastructure requesting a review of the permissibility of third part advertising on school sites and consideration be given to an amendment to State Environmental Planning Policy No. 64 to regulate this form of signage, as detailed in Attachment 1.

CR HARRIS LEFT THE CHAMBER AT 8.18PM AND RETURNED AT 8.19PM.

VOTING

For the amendment: Crs De Luca, Giltinan, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the amendment: Crs Falinski, Harris and Kirsch.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED CARRIED.

89/12 RESOLVED

Cr De Luca / Cr Regan

- A. That Council not prepare a planning proposal to permit third party advertising signs on all school sites.
- B. That Council write to the NSW Minister for Planning and Infrastructure requesting a review of the permissibility of third part advertising on school sites and consideration be given to an amendment to State Environmental Planning Policy No. 64 to regulate this form of signage, as detailed in Attachment 1.

VOTING

For the resolution: Crs De Luca, Giltinan, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Crs Falinski, Harris and Kirsch.

8.12 Recommendation for a Joint Project to Resolve the Issue of the Warringah LEP 2011 Deferred Matters

(BP REF 131)

Cr Wilkins / Cr Harris

- A. That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.
- B. That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.
- C. That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:
 - Maintain the existing character of the Oxford Falls and Belrose North areas (as expressed in Warringah LEP 2000) in moving towards standard instrument zoning for the area
 - Develop a comprehensive communications and media strategy

- Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement
 - Review existing information only, with no requirement for the preparation of detailed environmental studies (for example, Planning and Assessment Commissions (PAC) recommended studies)
 - Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011
 - Engage in a collaborative partnership between Local and State government.
- D. That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.

AMENDMENT

Cr Regan / Cr Falinski

- A. That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure and the Minister that incorporates the Planning and Assessment Commission (PAC) recommendations for Oxford Falls Valley, in order to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.
- B. That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.
- C. That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:
- Include all major studies outlined in the PAC recommendations in the Project Plan
 - Engage in a collaborative partnership (including 50/50 funding arrangements) between Local and State government
 - Develop a comprehensive communications and media strategy
 - Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement
 - Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011.
- D. That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.

VOTING

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

Against the amendment: Crs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE AMENDMENT, WHICH WAS DECLARED CARRIED AND BECAME THE SUBSTANTIVE MOTION.

AMENDMENT

Cr De Luca / Cr Laugesen

- A. That Council agree in principle to undertake a joint project with the Department of Planning and Infrastructure in consultation with a Community Committee to reconsider the appropriate zoning for deferred matters in the Warringah LEP2011 and resolve
- B. That Council form the above mentioned Community Committee to include representatives from:
 - a) Warringah Urban Fringe Association
 - b) Local schools
 - c) Other community groups
 - d) 3 residents from the Warringah Council area
 - e) Warringah Council
 - f) Department of Planning and Infrastructureto determine the strategic review process and scope of the strategic review.
- C. Once the scope has been established then the strategic review be undertaken by an appropriately qualified independent consultant company which is agreed to by the Community Committee and determined by the elected council.
- D. That upon the Community Committee finalising its work all recommendations including that of the project plan be reported back to Council for consideration.

CR SUTTON LEFT THE CHAMBER AT 8.52PM AND RETURNED AT 8.56PM.

CR SUTTON LEFT THE CHAMBER AT 9.06PM AND RETURNED AT 9.07PM.

VOTING

For the amendment: Crs De Luca, Laugesen and Ray.

Against the amendment: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

90/12 RESOLVED

Cr Regan / Cr Falinski

- A. That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure and the Minister that incorporates the Planning and Assessment Commission (PAC) recommendations for Oxford Falls Valley, in order to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.
- B. That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.
- C. That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:
- Include all major studies outlined in the PAC recommendations in the Project Plan
 - Engage in a collaborative partnership (including 50/50 funding arrangements) between Local and State government
 - Develop a comprehensive communications and media strategy
 - Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement
 - Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011.
- D. That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.

VOTING

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

Against the resolution: Crs De Luca, Laugesen and Ray.

8.13 Progression of Housing Strategy

(BP REF 139)

91/12 RESOLVED

Cr Regan / Cr Falinski

That Item 8.13, Progression of Housing Strategy, be deferred to the April Council Meeting.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

8.15 Forestville Park Plan of Management - Public Exhibition

(BP REF 154)

92/12 **RESOLVED**

Cr De Luca / Cr Wilkins

That Council exhibit the draft Forestville Park Plan of Management for a period of 42 days and note that a further report will be brought to Council following the exhibition period.

CRS FALINSKI AND LAUGESSEN LEFT THE CHAMBER AT 9.13PM.

CR LAUGESSEN RETURNED TO THE CHAMBER AT 9.14PM.

VOTING

For the resolution: Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

CR FALINSKI WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

8.16 Coastal Erosion Emergency Action Subplan for Beaches in Warringah

(BP REF 157)

93/12 **RESOLVED**

Cr Kirsch / Cr Wilkins

- A. That Council approve the revised draft *Coastal Erosion Emergency Action Subplan for Beaches in Warringah* to be submitted to the NSW Minister for the Environment.
- B. That Council approve the use of *Coastal Erosion Emergency Action Subplan for Beaches in Warringah, Reference Document* for coastline management planning.

- C. That Council refer the draft Coastal Erosion Emergency Action Subplan for Beaches in Warringah and the Coastal Erosion Emergency Action Subplan for Beaches in Warringah - Reference Document to the Local Government Representative on the Coastal Panel.

VOTING

For the resolution: Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

CR FALINSKI WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

8.17 Minutes of Manly Lagoon Catchment Coordinating Committee Meeting held 24 November 2011

(BP REF 161)

94/12 **RESOLVED**

Cr Harris / Cr Wilkins

That the minutes of the Manly Lagoon Catchment Co-ordinating Committee meeting held on 24th Nov 2011 be NOTED with a correction to the lot number in the recommendation of Item 4.5, from Lot 73070 to Lot 7370.

VOTING

For the resolution: Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

CR FALINSKI WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

9.0 NOTICES OF RESCISSION

Nil.

10.0 NOTICES OF MOTION

10.1 Notice of Motion No 4/2012 Warringah Biodiversity Study

(BP REF 198)

THE MAYOR RULED ITEM 10.1 OUT OF ORDER, IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE CLAUSE 14.2 (I)(A), AS AN EQUIVALENT FUNDING SOURCE HAD NOT BEEN IDENTIFIED.

CR FALINSKI RETURNED TO THE CHAMBER AT 9.22PM.

MOTION OF URGENCY – WARRINGAH BIODIVERSITY CONSERVATION STUDY

Cr De Luca

That as a matter of urgency, Council considers the following motion in relation to the Warringah Council Biodiversity Conservation Study:

1. That in view of the fact that "Council is simply auditing its remaining biodiversity so that it can prioritise expenditure (particularly for operational bushland management on public land)" and the study does not apply any "development controls" all private land be excluded from the Warringah Biodiversity Conservation Study and no classifications be placed on private land in the study.
2. That any expenditure required for this be taken from operational budget.

VOTING

For the motion: Crs De Luca, Laugesen and Ray.

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS NOT ONE OF URGENCY.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

95/12 **RESOLVED**

Cr Sutton / Cr Wilkins

That the Order of Business be changed so that Item 13.0 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Crs De Luca, Falinski, Laugesen and Ray.

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 215)

96/12 **RESOLVED**

Cr Sutton / Cr Giltinan

- 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 13.2 Tender 2011/108 Collaroy SLSC Upgrade Works

Matters to be Discussed During Closed Session - Section 10D

Item 13.2 Tender 2011/108 Collaroy SLSC Upgrade Works

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

- Item 13.2 (d) commercial information of a confidential nature that would if disclosed:
(i) 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, Harris, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Kirsch, Laugesen and Ray.

THE MEETING MOVED INTO CLOSED SESSION AT 9.31PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.57PM.

14.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.

13.1 Tender 2011/085 Footpath and Paver Scrubbing and Cleaning Services

97/12 RESOLVED

That Council accept the Tender of Techni-Clean Pty Ltd and delegate to the General Manager authority to enter into a contract.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

13.2 Tender 2011/108 Collaroy SLSC Upgrade Works

98/12 RESOLVED

Cr Regan / Cr Sutton

- A. That Council accept the Tender from Patterson Building Group (RFT2011/108) for the lump sum price of \$1,512,256.00 excluding GST and delegate authority to the General Manager to enter into a contract.
- B. That Council allow for a 10% contingency of \$152,225.00 for unforeseen variations, bringing the total Contract amount to \$1,663,481.00 excluding GST.

VOTING

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

Against the resolution: Crs Harris, Kirsch and Ray.

CR LAUGESSEN WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

13.3 Alternative Procurement for Delivery of Cleaning Services for Warringah Council Properties (Offices and Depot)

99/12 **RESOLVED**

That Council

- A. Exercise their authority under Section 55 (3) of the Local Government Act and approve an alternative procurement process for the Cleaning Services for Warringah Council Properties being Cromer Depot & Administration Building, the Civic Centre & Manly Dam office.

The proposed alternative procurement is based on “extenuating circumstances” including:

- i. poor performance by a service provider for a critical service to Council;
- ii. the requirement to continue a critical service to Council as of 1 April 2012; and
- iii. the market has already been tested by Council in 2011 therefore a tender process would only result in time delays to delivering a critical service to Council.

- B. Delegate authority to the Deputy General Manager Community to negotiate a contract with Bond Services for the cleaning services of Cromer Depot & Administration Building, the Civic Centre & Manly Dam Office.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

13.4 Selective Tendering Procurement for Recommencement of Construction of Curl Curl Sports Centre – Amenities Renewal

100/12 **RESOLVED**

That Council exercise its authority under **Local Government (General) Regulation 2005, Part 7 166 C** adopt the list of five (5) selected contractors from the 2011 tender and approve the Deputy General Manager Community to issue these selected contractors a restricted tender for the Curl Curl Sports Centre – Amenities Renewal Project.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

10.2 Notice of Motion No 5/2012 Senate Inquiry into the Commonwealth Telecommunications Amendment (Mobile Phone Towers) Bill

(BP REF 199)

102/12 **RESOLVED**

Cr De Luca / Cr Ray

That this Council resolves to write to the Senate Inquiry into the Commonwealth Telecommunications Amendment (Mobile Phone Towers) Bill and call for Local Government to be the consent authority for all proposed towers, that extensive consultation with the local community in which the Tower is proposed be undertaken and a report on such consultation be included in any application to a Council and that Council supports the Bill.

VOTING

For the resolution: Crs De Luca, Falinski, Harris, Kirsch, Laugesen, Ray and Regan.

Against the resolution: Crs Giltinan, Wilkins and Sutton.

The meeting concluded at 10.00pm.

This is the final page of the Minutes comprising (31) pages numbered (1) to (31)
of meeting 2012/3 of Warringah Council held on 27 March 2012
and confirmed on 24 April 2012.

Mayor

General Manager



COUNCIL MEETING

2012/03

27 MARCH 2012

REPORTS NOT CONTAINED IN THE AGENDA

		<u>MP Ref</u>
5.2	Mayoral Minute No 3/2012 Surplus Expenditure Initiatives	33-35



5.2 Mayoral Minute No 3/2012 Surplus Expenditure Initiatives

Council continues to remain on track financially and has reported a surplus of \$350,000, which can now be allocated to one-off initiatives. In identifying where the funding would be best allocated, I have discussed with various councillors and considered comments from residents and community groups as well as looking at the important issues that our residents regularly write to me about. Council prides itself on our environmental and sustainable principles and I think this can be further demonstrated in the expenditure proposed. I think there is also a need to further assist our cultural and community organisations to deliver more services and community based projects which are limited by the annual grants program. Council also needs to look at promoting our community events more effectively including events such as those presented at Glen St Theatre and or down at Dee Why Beach.

I am therefore proposing the funds be allocated as follows –

\$140,000 – Footpaths/ Bike paths / Share paths

This funding to be specifically allocated towards additional footpath projects identified within the capital works program not yet in the current schedule of works. Those being -

- South Creek Road, Cromer outside Cromer Park
- Old Pittwater Road, Brookvale between Cross and Clearview Streets
- Contentin Street, Belrose

\$45,000 – Installation of solar panel systems on our Surf Lifesaving clubs

Following on from the success of the solar panel system generously donated by Autonomous Energy last year to South Curl Curl surf club, I propose that we provide funding to each of the Surf Lifesaving clubs to install solar panel systems to make them all more energy efficient and sustainable. Rising electricity prices and significant falls in upfront cost over the last few years mean that solar power is a cost effective option particularly for our surf clubs. Our Clubs spend endless time raising funds to provide our community with an invaluable service and this is another way that we can not only assist them by reducing their expenses but we can demonstrate to the community Council's commitment to long term environmental sustainability. The remaining eight clubs will be offered up to \$5,000 each to take up the solar initiative.

\$40,000 – Installation of a solar panel system at Cromer Park

Following the significant improvements being made to the grounds at Cromer Park which will lead to increased playing time on the fields, it is an ideal time to offer a one-off grant toward the installation of a solar system to this venue. Installation of a system at this venue would assist the Manly Warringah Football Association in offsetting its electricity expenses which are certain to increase over time with more playing time available to users. An approach from the MWFA suggests that approximately a minimum of \$60,000 is required to make this project work.

Item 5.2 - Mayoral Minute No 3/2012 Surplus Expenditure Initiatives

\$60,000 – Banner infrastructure

Council presents regular events throughout the year including an extensive program at Glen Street Theatre and events at Dee Why beach. The installation of banners in key identified high visible areas will enable Council to promote and attract more people to attend these events. Banner advertising is growing in popularity as a cheap and effective way of promotion. Council would need to identify the key areas that this infrastructure could be set up and easily measure any increase in participation by the community. Sites such as Pittwater Road and Warringah Road which are high volume traffic areas are ideal examples. Banners also add to the aesthetics of our streetscapes.

\$20,000 – additional one-off supplement to the Council's Community Grants Program**\$20,000 – additional one-off supplement to the Council's Culture Grants Program**

This funding would supplement the funding already on offer to the community in 2012. Council receives many very deserving applications from organisations who provide invaluable services and programs particularly for our youth and elderly residents. Each year, Council have a very difficult decision to make and many organisations who can truly deliver a wonderful service or program are unsuccessful and it is the community who misses out.

\$10,000 – Artist-in Residence program

Council consider offering an Artist in Residence program to supplement its support to the cultural community. Residencies in general allow particular opportunities for artists to experience the character of a place in great depth. Results include a diverse range of rich and vibrant art interpretation specific to that place which in our case, is Warringah. We already offer an amazing program at the Forestville Community Arts Centre but an artist-in-residence program would go one step further in enhancing our cultural program for the community. Our communities staff in consultation with the Community and Culture Strategic Reference Group would be responsible for determining the criteria and calling for expressions of interest from interested organisations within Warringah. The benefits after 12 months could then be assessed and a decision made as to the viability of establishing the residency as an annual program.

\$15,000 – Ping Pong Table

Council to install two outdoor ping-pong tables at locations to be determined by Council's outdoor recreation planning staff and the Open Space and Recreation Strategic Reference Group. While Council are still considering the needs of the community in terms of their future open space projects, this would be a small investment in what is becoming an increasingly popular outdoor recreational activity. Dee Why Beach and Narrabeen Lagoon are two worthy options which have already been suggested. This system currently in place in various other areas sees the local shops participating as the overseers of the bats and balls, for example. It also has the advantage of delivering recreational activities to our adult and teenage community compared with our ongoing expenditure for smaller children at many of our great local playgrounds.

\$5,000 – Bike Study at Duffy's Forest

Simply, there are many requests for more information and data on how many bikes are using the Terrey Hills – Duffy's area in particular. The problems on weekends stem from large groups of

Item 5.2 - Mayoral Minute No 3/2012 Surplus Expenditure Initiatives

cyclists taking up a lane of traffic and cars have to overtake on the other side of the road. It appears to cause dangerous situations and conflicts for horse riders and local traffic pedestrians.

This data is necessary to look at long term planning for this key route on weekends and would be invaluable for staff to measure the key benefits of the Council's Bike Plan in relation to this area.

In addition to this, apart from looking at the safety issues, this data could also be useful in determining local economic benefits to the local shopping area.

RECOMMENDATION

That –

- A. Council approve the allocation of surplus expenditure to the projects as follows –
- i. \$140,000 – Footpaths/ Bike paths / Share paths
 - ii. \$45,000 – Installation of solar panel systems on our Surf Lifesaving clubs
 - iii. \$40,000 – Installation of a solar panel system at Cromer Park
 - iv. \$60,000 – Banner infrastructure
 - v. \$20,000 – additional one-off supplement to the Council's Community Grants Program
 - vi. \$20,000 – additional one-off supplement to the Council's Culture Grants Program
 - vii. \$10,000 – Artist-in Residence program
 - viii. \$15,000 – Ping Pong Table
 - ix. \$5,000 – Bike Study at Duffy's Forest
- B. Council staff to report on actions and the full expenditure of each project as proposed above
-



Michael Regan
MAYOR

Division of Local Government Letter to Cr Laugesen 23 March 2012



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A277228
Your Reference:
Contact: John Davies
Phone: 02 4428 4139

Dear Cr Laugesen

I am writing in relation to the Division of Local Government's letter to you of 14 March 2012.

The General Manager of Warringah Council, Mr Rik Hart, has responded to the Division's above letter raising concerns about its contents and the manner in which the Division dealt with the matter.

The Division acknowledges that it should not have written to you and Mr Hart to identify these concerns without first putting them to Mr Hart for response. The Division also acknowledges that its correspondence to you and Mr Hart should have been provided concurrently.

I have today written to Mr Hart to apologise for this.

I hereby withdraw the letter and the requirement that he table it at the next Council meeting. Furthermore, given that letter has now been withdrawn, it would not be appropriate for any other person to seek to table the letter at the meeting or to otherwise disclose its contents or to make it public.

In the interests of procedural fairness, the Division has given Mr Hart an opportunity to provide the Division with a detailed response to the matters you have raised with the Division.

The Division will reconsider the matter in light of Mr Hart's response.

The Division has provided Mr Hart with a copy of this letter.

I will advise you of the outcome of the Division's consideration of this matter, once it has received Mr Hart's response.

Yours sincerely

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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