

Minutes of a Meeting of Warringah Council

held on Tuesday, 27 September 2011

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), Director Corporate Services (J Warburton), A/Director Community and Environmental Services (M Ryan), A/Director Strategic and Development Services (D Kerr), Legal Officer (E Julliard), A/Manager Strategic Planning (M McDermid), Chief Financial Officer (D Walsh), Manager Marketing and Communications (G Middleton), Team Leader Media and Content (B Noble), Manager Parks Reserves and Foreshores (M Keelan), Manager Natural Environment (T Dickinson), Team Leader Natural Environment – Strategic Outcome (A Turnbull), Project Manager Catchment (C Munro), Manager Warringah Aquatic Centre (G Penfold), Acting Team Leader Governance (A Moore), Administration Officer (G de Bressac) and IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.01pm, adjourned at 8.04pm, resumed at 8.10pm, moved into closed session at 9.14pm and resumed in open session at 9.20pm, moved into closed session at 9.35pm and resumed in open session at 9.50pm and concluded at 10.02pm.

ORDER OF BUSINESS

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

Items 1.0, 2.1, 2.2, 2.3, 3.0, 4.0 Items by exception 8.1, 8.2, 9.1, 9.4, 9.5, 10.1, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.13 followed by 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, Motion of Urgency, Motion of Urgency, 7.1, 9.2, 9.3, 10.2, 15.0, 15.1, 16.0, 10.8, 10.9, 6.6, and 10.10.

The below Items were not dealt with:

Items 6.1, 6.3, 6.4, 6.5, 6.7, 6.8, 6.10, 6.11, 10.11, 10.12, 12.1, 12.2, 12.3 and 12.4.

The below Items were withdrawn:

Items 6.2 and 6.9.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 26 July 2011

246/11 **RESOLVED**

Cr Ray / Cr Giltinan

That the Minutes of the Meeting of Council of 26 July 2011, 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 subject to the removal of the word “potential” on page 2 in relation to Cr Wilkins declaration of pecuniary interest, the removal of the Cr Ray’s tabled speech on page 22 and the inclusion of a notation that a seconder was required for Cr Falinski’s procedural motion on page 23.

VOTING

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

Against the resolution: Nil.

2.2 Minutes of Council Meeting held 23 August 2011

247/11 **RESOLVED**

Cr Ray / Cr Regan

That the Minutes of the Meeting of Council of 23 August 2011, 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 subject to the inclusion of a notation that Item 11.9 was not dealt with at the meeting, that it had been withdrawn by the mover following the meeting and as a result was not listed as an item carried over on the 27 September 2011 agenda.

VOTING

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

Against the resolution: Cr Falinski.

2.3 Minutes of Extraordinary Council Meeting held 31 August 2011

Cr Ray / Cr Laugesen

That the Minutes of the Extraordinary Meeting of Council of 31 August 2011, 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 subject to the removal of the first three paragraphs on page 3 relating to a letter from the Hon Brad Hazzard, Minister for Planning.

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.

248/11 RESOLVED

Cr Wilkins / Cr Harris

That the Minutes of the Extraordinary Meeting of Council of 31 August 2011, 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 Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

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

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Falinski declared a pecuniary conflict of interest in relation to Item 6.7, as he is currently seeking to purchase a house in the area.

Cr Wilkins declared a pecuniary conflict of interest in relation to Item 6.7, as she is in the process of renovating her house in Manly Vale which is one of the affected areas.

Cr Sutton declared a significant, non-pecuniary conflict of interest in relation to Item 6.7, as she owns property in the affected area.

Cr Regan declared a pecuniary conflict of interest in relation to Item 6.7, as he owns property in the affected area.

Cr Regan declared a less than significant, non-pecuniary interest in relation to Item 5.7, as he plays cricket for Dee Why RSL.

Cr Falinski declared a less than significant, non-pecuniary interest in relation to Item 10.9, as he is member of the Dee Why RSL Club.

Cr Kirsch declared a less than significant, non-pecuniary interest in relation to Item 10.9, as she is member of the Dee Why RSL Club.

Cr Giltinan declared a less than significant, non-pecuniary interest in relation to Item 10.9, as he is member of the Dee Why RSL Club.

Cr Regan declared a less than significant, non-pecuniary interest in relation to Item 10.9, as he is member of the Dee Why RSL Club.

CR FALINSKI LEFT THE CHAMBER AT 6.22PM.

4.0 PUBLIC FORUM

THE MAYOR REQUESTED EACH SPEAKER TO ACKNOWLEDGE THEY HAD BEEN INFORMED THAT THE MEETING WAS TO BE WEBCAST LIVE AND THAT COUNCIL ACCEPTS NO RESPONSIBILITY FOR ANY DEFAMATORY COMMENTS MADE.

4.1. Ms Karyne Kerkyasharian addressed Items 5.2 and 12.1 on the agenda.

4.2. Mr John Holman addressed Item 5.1 on the agenda.

4.3. Mr Philip Bloom addressed Item 6.1 on the agenda.

CR WILKINS LEFT THE CHAMBER AT 6.34PM.

4.4. Mr Jack Tilburn asked the following question regarding breaches of the Code of Conduct:

- a) Why has the Council permitted the justified complaints of Mr Tilburn and Miss Tilburn against Mr Regan, Mayor, on breaches of conduct, to drag on for 12 weeks or 3 months; from Friday 10th June 2011 to the sole reviewer weak response as per the Internal Ombudsman, a Mr Patterson's letter of 5th September 2011, when the Code of Conduct, Section 14.8 states quite clearly: All such enquiries should be made without undue delay?

Answer: There was no undue delay. The complaint was referred to a Conduct Reviewer on 4 July, 2011 and was finalised on 5 September, 2011. The Conduct Reviewer determines the length of time required to finalise a matter, not Council.

- b) And why has the sole reviewer, a Ms Annette Simpson in this matter of justified complaints of breaches of conduct against Mr Regan, Mayor, not acted in compliance with Section 14.7 Procedural fairness, subsection (d) failed “to hear all parties to a matter”; and so has made a total mockery of the enquiry into the justified complaints made against Mr Regan, Mayor, by the two complainants Mr Tilburn and Miss Tilburn who have been denied this legal sanction of procedural fairness?

Answer: The Conduct Reviewer was supplied with all relevant documentation and determined the matter “on the papers”. That is a matter for the Conduct Reviewer.

- c) And why did the authorised officer, Mr Hart, General Manager, as per Code of Conduct, Section 12.8, not undertake himself the assessing of complaints; but instead off-loaded and abandoned his duties and responsibilities to the Internal Ombudsman, a Mr Patterson, which is clearly in breach of Section 12.8?

Answer: Council responded in writing to Mr Tilburn’s letter of 28 June on 4 July 2011.

CR WILKINS RETURNED TO THE CHAMBER 6.36PM.

4.5. Mr David Williams addressed Item 5.2 on the agenda.

CR FALINSKI RETURNED TO THE CHAMBER 6.38PM.

4.6. Mr Gary Martin, representing DYRSL Swimming Club, addressed Item 10.9 on the agenda.

4.7. Mrs Mary Armstrong, representing Belrose Rural Community Association, addressed Item 5.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

249/11 **RESOLVED**

Cr Ray / Cr Kirsch

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

VOTING

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

Against the resolution: Crs Falinski and Regan.

- 4.8. Mr John Lindley, representing WUFA (Warringah Urban Fringe Association),**
addressed Item 5.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

250/11 **RESOLVED**

Cr Ray / Cr Kirsch

That Mr Lindley 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.

PROCEDURAL MOTION – EXTENSION OF PUBLIC FORUM PERIOD

251/11 **RESOLVED**

Cr Ray / Cr De Luca

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.

VOTING

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

Against the resolution: Cr Falinski.

- 4.9. Mr Chris Farncomb, representing Preserve Forestville,** addressed Items 5.2 and 12.1 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

252/11 **RESOLVED**

Cr Ray / Cr Kirsch

That Mr Farncomb 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.

4.10. Mr David Walton made a statement regarding a fire at 116 Queenscliff Rd, Queenscliff.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

253/11 **RESOLVED**

Cr Laugesen / Cr Ray

That Mr Joerg Schmidt-Liermann be granted permitted to address Council.

VOTING

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

Against the resolution: Crs Falinski, Harris, Kirsch, Regan and Wilkins.

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

4.11. Mr Joerg Schmidt-Liermann, representing Cath and Keith Edwards, addressed Items 5.1 and 6.1 on the agenda.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

254/11 **RESOLVED**

Cr Regan / 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

255/11 **RESOLVED**

Cr Regan / Cr Giltinan

That the recommendations of the Director in each of the following Items 8.1, 8.2, 9.1, 9.4, 9.5, 10.1, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.13 be adopted.

VOTING

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

Against the resolution: Nil.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 24/2011 Warringah LEP – E3 Gazettal of Red Hill and Oxford Falls

(BP REF 1)

Cr Regan

That Council write to the Minister for Planning and Infrastructure in the following terms:

- A. Council reiterate its previously stated position:
- a) that, to achieve equity for the whole Warringah community, the Minister should expeditiously make the new Warringah Local Environmental Plan, without any deferred land and generally in the form adopted by Council on 8 June 2010; and
 - b) that Council support the conclusions and recommendations of the Planning Assessment Commission report (April 2009) including the carrying out of the six nominated studies that will be undertaken in consultation with stakeholders and will underpin any future decision making in relation to changes to land use planning policy in the Oxford Falls Valley; the strategic review to be commenced after the making of the Plan.
- B. Should the Minister continue to be of the view that it is appropriate to defer certain land from the new Warringah Local Environmental Plan, Council requests that:
- a) as the timeline for the carrying out of a strategic review of the affected land will be significantly expedited compared to that outlined by the PAC and noting the allocation of funding to the Department of Planning and Infrastructure in the recent State Budget, the NSW Government commits to fully funding the required review inclusive of all community consultation and inclusive of funding to ensure that Council is able to concurrently continue to deliver its other prioritised projects for the wider LGA; and
 - b) staff prepare a report to Council outlining the funding and resource requirements for the work identified in a) above; and
 - c) noting that not all land that is to be zoned E3 Environmental Management (under draft Warringah LEP 2009) will be deferred, and in order to protect non urban land from unsuitable development, the Minister also includes the following land in the new Warringah LEP (to be zoned E3 Environmental Management as currently proposed by Council) when it is published:
 - i) Land located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Sisters of the Good Samaritan being:
Lots 808, 809, 812, 813, and 817 DP752038 (see Attachment 1); and

- ii) Land also located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Roman Catholic Church being:

Lots 4, 5 and 6 DP789407 and Lots 908, 909, 910, 911, 912, 913, 914, 915, 916, 917 and 918 DP752038 (see Attachment 2); and
- iii) Land located generally at the southern extent of the B2 Oxford Falls Locality and subject of a previous Part 3A proposal under the Environmental Planning and Assessment Act, 1979, being:

Lots 1108, 1110, 1111, 1113 and 1336 DP752038; Lot 20 DP842523 and Lot 80 DP846099 (see Attachment 3).

AMENDMENT

Cr Laugesen / Cr De Luca

That Council:

- i) Note the advice of 31 August from NSW Minister for Planning and Infrastructure, Brad Hazzard MP, urging deferral of the E3 zoning of Oxford Falls Valley and Belrose North localities and specifically the following extract assuring his funding of a review and additional community consultation:

I appreciate that this will mean that two set of controls will apply to Warringah local government area in the short term and will present some administrative issues for Council. However, I will ensure resources and funding are made available from the Department to assist Council to complete the strategic review as soon as possible and prepare a planning proposal to bring Oxford Falls Valley and Belrose North localities into the new LEP. As part of this process, I expect that extensive community consultation with land owners will be undertaken;
- ii) Note the allocation of \$37.1M in treasury funding to the NSW Planning Department in the 2011-12 State Budget;
- iii) Be provided with an urgent report from the Strategic Planning Department outlining its requirements in funding and resources to undertake a review of the E3 zoning and additional consultation, including any resources required by Warringah Council to proceed unimpeded with currently allocated and prioritised projects for the wider LGA that would otherwise need to be deferred or delayed while the E3 Review is underway;
- iv) Consider the above report at the next ordinary council meeting or sooner and supply it to Mr Hazzard to secure a funding commitment of the sum required to carry out the E3 Zoning Review and additional community consultation.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

256/11 **RESOLVED**

Cr Regan

That Council write to the Minister for Planning and Infrastructure in the following terms:

- A. Council reiterate its previously stated position:
- a) that, to achieve equity for the whole Warringah community, the Minister should expeditiously make the new Warringah Local Environmental Plan, without any deferred land and generally in the form adopted by Council on 8 June 2010; and
 - b) that Council support the conclusions and recommendations of the Planning Assessment Commission report (April 2009) including the carrying out of the six nominated studies that will be undertaken in consultation with stakeholders and will underpin any future decision making in relation to changes to land use planning policy in the Oxford Falls Valley; the strategic review to be commenced after the making of the Plan.
- B. Should the Minister continue to be of the view that it is appropriate to defer certain land from the new Warringah Local Environmental Plan, Council requests that:
- a) as the timeline for the carrying out of a strategic review of the affected land will be significantly expedited compared to that outlined by the PAC and noting the allocation of funding to the Department of Planning and Infrastructure in the recent State Budget, the NSW Government commits to fully funding the required review inclusive of all community consultation and inclusive of funding to ensure that Council is able to concurrently continue to deliver its other prioritised projects for the wider LGA; and
 - b) staff prepare a report to Council outlining the funding and resource requirements for the work identified in a) above; and
 - c) noting that not all land that is to be zoned E3 Environmental Management (under draft Warringah LEP 2009) will be deferred, and in order to protect non urban land from unsuitable development, the Minister also includes the following land in the new Warringah LEP (to be zoned E3 Environmental Management as currently proposed by Council) when it is published:
 - iv) Land located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Sisters of the Good Samaritan being:
Lots 808, 809, 812, 813, and 817 DP752038 (see Attachment 1); and
 - v) Land also located generally at the south eastern extent of the B2 Oxford Falls Locality and owned by the Trustees of the Roman Catholic Church being:
Lots 4, 5 and 6 DP789407 and Lots 908, 909, 910, 911, 912, 913, 914, 915, 916, 917 and 918 DP752038 (see Attachment 2); and
 - vi) Land located generally at the southern extent of the B2 Oxford Falls Locality and subject of a previous Part 3A proposal under the Environmental Planning and Assessment Act, 1979, being:
Lots 1108, 1110, 1111, 1113 and 1336 DP752038; Lot 20 DP842523 and Lot 80 DP846099 (see Attachment 3).

VOTING

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

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

5.2 Mayoral Minute No 25/2011 Riverhill Avenue, Forestville – Proposed Development

(BP REF 7)

257/11 **RESOLVED**

Cr Regan

That Council:

- A. Note the Minister for Planning and Infrastructure comments on the JRPP.
- B. Write to the Minister for Planning and Infrastructure reiterating its original position on SEPP (Affordable Housing) and ask that the provisions of the Policy be repealed, citing the proposed 'Riverhill Development' as an example of a flawed SEPP and an example of poor process through the JRPP.
- C. Write to the Minister for Planning and Infrastructure requesting his intervention in his capacity as Planning Minister to scrap current JRPP for the 'Riverhill Development' and seek a new panel for the applications determination as there is a perceived breakdown in communication and process.
- D. Write to the JRPP for responsible for the determination of the 'Riverhill Development':
 - a) Endorsing the original staff assessment report recommending the refusal of the application
 - b) advising that that significant concerns are raised, in that it is perceived that the JRPP for this matter has pre-determined the application thus losing the confidence of the residents whom will be most affected.
- E. That Council calls upon the applicant to withdraw the application.

VOTING

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

Against the resolution: Nil.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.04PM. THE MEETING RESUMED AT 8.10PM WITH ALL COUNCILLORS, WITH THE EXCEPTION OF CR KIRSCH, PRESENT.

5.3 Mayoral Minute No 26/2011 Fee Waiver for Waratah Park Nature Reserve Foundation's 'Skippy Festival'

(BP REF 8)

CR KIRSCH RETURNED TO THE CHAMBER AT 8.14PM.

258/11 **RESOLVED**

Cr Regan

That:

- A. Council waive the fees of \$500 for hire of the Manly Vale Community Centre and associated fees incurred for garbage bins;
- B. Funds be made available from Grants and Subsidies identified within the Budget.

VOTING

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

Against the resolution: Crs Laugesen and Ray.

5.4 Mayoral Minute No 27/2011 ALGA – Roads to Recovery Program

(BP REF 9)

259/11 **RESOLVED**

Cr Regan

That Warringah Council calls on the Federal Government to:

- A. recognise the successful delivery of the Roads to Recovery program by local government since 2000;
- B. continue the roads to recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- C. continue the Roads to Recovery Program with the current administrative arrangements; and
- D. provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall on local roads of \$1.2 billion annually.

VOTING

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

Against the resolution: Nil.

5.5 Mayoral Minute No 28/2011 Proposed Dog Park – Starkey Reserve, Killarney Heights

(BP REF 10)

260/11 **RESOLVED**

Cr Regan

That Council:

- A. Resolve to proceed with initial consultation and basic concept design of a fenced dog park located at Starkey Reserve, Starkey Street, Killarney Heights (Lot 339 DP 215538);
- B. Provide a recommendation within six months including project requirements and costings for Council to consider before proceeding to a design and construction stage of the project.
- C. Total expenditure of up to \$25,000 be allocated for the project from unexpended capital expenditure being brought forward from the 2010/2011 budget.

VOTING

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

Against the resolution: Nil.

5.6 Mayoral Minute No 29/2011 Brookvale Oval – Grand Final Live Site

(Report not contained in the agenda)

Cr Regan

That:

- A Council waives the fees and charges for the use of Brookvale Oval as a grand final live site for the 2010/2011 NRL Grands Final on Sunday 2 October 2011.
- B Potential income of \$12,240 (inc. GST) will be forgone and operating cost of \$831 will be funded from operating budget.
- C Council urges the Manly Warringah Sea Eagles to provide entry free of charge for families.

AMENDMENT

Cr Laugesen / Cr Harris

That:

- A Council waives the fees and charges for the use of Brookvale Oval as a grand final live site for the 2010/2011 NRL Grands Final on Sunday 2 October 2011.
- B Potential income of \$12,240 (inc GST) will be forgone and operating cost of \$831 will be funded from operating budget.
- C Council provide the waived fee on the condition that the event is free and that no team merchandise is sold at the event.
- D That the operational Plan of Management which is normally applicable to Monday night games apply to this event.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

261/11 RESOLVED

Cr Regan

That Council defer this matter, Item 5.6, to seek further clarification.

VOTING

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

Against the resolution: Cr Falinski.

CR SUTTON LEFT THE CHAMBER AT 8.52PM.

5.7 Mayoral Minute No 30/2011 Reallocation of Funds Rolled Over to the 2011/2012 Budget

(Report not contained in the agenda)

CR WILKINS LEFT THE CHAMBER AT 8.54PM

CR SUTTON RETURNED TO THE CHAMBER AT 8.55PM.

CR WILKINS RETURNED TO THE CHAMBER AT 8.57PM.

Cr Regan

That Council re-prioritise the unexpended \$200,000 capital works funds to the following:

- A. **\$50,000** for grants for community gardens (allocating up to \$5,000 to each individual project).
This would kick start any policy and allow us to hit the ground running when adopted. The policy on Community Gardens will be considered next month by Council.
- B. **\$50,000** to economic development projects such as (but not limited to) the following:
 - i. Council to investigate options to stimulate local business within the Dee Why area in terms of the Master plan for Dee Why.
 - ii. Council to investigate options for the Future growth of Brookvale and it as a major Hub for future Jobs on the Northern Beaches.
 - iii. Council to investigate hosting the Local Government Business Awards in the future and;
 - iv. Council to investigate presenting a Jobs Fair in Warringah.
- C. **\$25,000** towards the proposed dog park in Starkey Reserve, Killarney Heights (as per Mayoral Minute 28/2011 of this meeting).
- D. **\$20,000** towards the future policy for waiving of DA fees for Not-For-Profit Sporting and Community Organisations as /11 RESOLVED at the council meeting of 26 July 2011. Again, this allows us to hit the ground running once a policy is approved by the Council.
- E. **\$25,000** towards urgent and necessary maintenance to fix approx four cricket pitch facilities. Manly Warringah Cricket Association submitted an application that demonstrated high project merit for assistance under our Sporting Club Capital Assistance program; however they were unsuccessful on being awarded a grant through this year's very competitive application process. The Association will be contributing \$25,000 towards this work which ultimately will assist in the development of both junior and senior players within the area and make pitches both safe and playable. MWCA have over the past 3 years contributed \$40,000 to pitch replacement.
- F. **\$15,000** towards hosting an event at the Dee Why Strand to celebrate the completion of the upgrade works and launch the New Strand works. The funding will be allocated to enhancing the Council's 'Christmas by the Beach' event in December.
- G. **\$15,000** to the Parks and Maintenance area for the purchase of playground equipment for Undula Reserve, Belrose for its urgent upgrade works due to begin construction in 2012.

AMENDMENT

Cr Laugesen / Cr Ray

That the item be deferred to a briefing for further discussion between all Councillors.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

262/11 **RESOLVED**

Cr Regan

That Council re-prioritise the unexpended \$200,000 capital works funds to the following:

- A. **\$50,000** for grants for community gardens (allocating up to \$5,000 to each individual project).
This would kick start any policy and allow us to hit the ground running when adopted. The policy on Community Gardens will be considered next month by Council.
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 - i. Council to investigate options to stimulate local business within the Dee Why area in terms of the Master plan for Dee Why.
 - ii. Council to investigate options for the Future growth of Brookvale and it as a major Hub for future Jobs on the Northern Beaches.
 - iii. Council to investigate hosting the Local Government Business Awards in the future and;
 - iv. Council to investigate presenting a Jobs Fair in Warringah
- C. **\$25,000** towards the proposed dog park in Starkey Reserve, Killarney Heights (as per Mayoral Minute 28/2011 of this meeting).
- D. **\$20,000** towards the future policy for waiving of DA fees for Not-For-Profit Sporting and Community Organisations as /11 RESOLVED at the council meeting of 26 July 2011. Again, this allows us to hit the ground running once a policy is approved by the Council.
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- F. **\$15,000** towards hosting an event at the Dee Why Strand to celebrate the completion of the upgrade works and launch the New Strand works. The funding will be allocated to enhancing the Council's 'Christmas by the Beach' event in December.
- G. **\$15,000** to the Parks and Maintenance area for the purchase of playground equipment for Undula Reserve, Belrose for its urgent upgrade works due to begin construction in 2012.

VOTING

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

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

PROCEDURAL MOTION – CHANGE ORDER OF BUSINESS

263 /11 **RESOLVED**

Cr Falinski / Cr Sutton

That Items 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10 and 6.11 be moved to after Item 12.4 on the agenda.

VOTING

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

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

MOTION OF URGENCY – COUNCIL’S HANDLING OF ILLEGAL BACKPACKERS HOSTEL AT 116 QUEENSCLIFF ROAD, QUEENSCLIFF

Cr Laugesen / Cr De Luca

That as a matter of urgency, Council considers a motion in relation to Council's handling of AN illegal backpackers hostel at 116 Queenscliff Road.

VOTING

For the motion: Cr 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.

PROCEDURAL MOTION – ITEM TO BE DEALT WITH IN CLOSED SESSION

264 /11 **RESOLVED**

Cr De Luca /Cr Laugesen

That in accordance with Section 10A (1) and 10A (2) of Local Government Act 1993 as amended a motion of urgency in relation to Council credit cards and the need for an independent audit be dealt with immediately in closed session on the basis of clause 10A (2) (a) “personnel matters concerning particular individuals (other than councillors)” to determine if the matter is urgent.

VOTING

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

Against the resolution: Cr Sutton.

THE MEETING MOVED INTO CLOSED SESSION AT 9.14PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.20PM.

THE GENERAL MANAGER ADVISED THAT NO RESOLUTIONS WERE MADE DURING CLOSED SESSION.

6.2 Notice of Motion No 32/2011 Councillor Membership of Strategic Reference Groups

(BP REF 18)

WRITTEN CORRESPONDENCE FROM CR HARRIS WAS RECEIVED PRIOR TO THE MEETING ADVISING THAT THIS NOTICE OF MOTION WAS WITHDRAWN.

6.9 Notice of Motion No 37/2011 Councillor's Portal

(BP REF 25)

WRITTEN CORRESPONDENCE FROM CR HARRIS WAS RECEIVED PRIOR TO THE MEETING ADVISING THAT THIS NOTICE OF MOTION WAS WITHDRAWN.

7.0 GENERAL MANAGER'S REPORTS

7.1 Minutes of the SHOROC Inc Board Meeting held 10 August 2011

(BP REF 28)

266/11 **RESOLVED**

Cr Falinski / Cr Regan

That the Minutes of the SHOROC Incorporated Board Meeting of 10 August 2011 be noted and the recommendations contained therein be ADOPTED.

VOTING

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

Against the resolution: Cr Laugesen.

8.0 CORPORATE SERVICES DIVISION REPORTS

8.1 Monthly Funds Management Report August 2011

(BP REF 45)

255/11 **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 EARLIER IN THE MEETING).

8.2 Audited General Purpose and Special Purpose Financial Statements for the Year Ended 30 June 2011 and Auditor's Reports

(BP REF 68)

255/11 **RESOLVED**

- A. That, in accordance with Section 419 (1) if the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2010/2011 are hereby received and noted.
- B. That a further report be presented to Council on 18 October 2011 detailing any submissions received in respect of Council's audited Financial Statements if applicable.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).



9.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

9.1 Rezoning of Lot 2 DP 202543, Narrabeen Street, Narrabeen

(BP REF 71)

255/11 **RESOLVED**

- A. That Council not proceed to prepare a Planning Proposal to:
 - i. Rezone the land from RE1 Public Recreation to R2 Low Density Residential under Warringah Local Environmental Plan, and
 - ii. Reclassify the land from Community Land to Operational Land (within the meaning of the Local Government Act, 1993).
- B. That Council advise the current adjoining landowner of its decision in the matter.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.2 Election of Deputy Mayor

(BP REF 78)

267/11 **RESOLVED**

Cr Regan / Cr Kirsch

That

- A. Council determine it shall elect a Deputy Mayor.
- B. The election shall be carried out by Open Voting.

VOTING

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

Against the resolution: Nil.

268/11 RESOLVED

Cr Regan / Cr Kirsch

That Council elect Cr Julie Sutton as Deputy Mayor.

VOTING

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

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

269/11 RESOLVED

Cr Regan / Cr Kirsch

The term of the Deputy Mayor shall be for the remaining term of Council until September 2012.

VOTING

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

Against the resolution: Cr Laugesen.

270/11 RESOLVED

Cr Regan / Cr Kirsch

That no fee will be payable to the Deputy Mayor for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of Mayor.

VOTING

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

Against the resolution: Nil.



9.3 Annual Review of GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

(BP REF 84)

271/11 **RESOLVED**

Cr Falinski / Cr Regan

- A. That GOV-PL 120 Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to The Mayor, Deputy Mayor and Councillors be amended to:
- a) Provide clarity around mobile phone service charges at Clause 11.12.2;
 - b) Allow for the provision of tablets in place of laptops under Clause 11.8;
 - c) Amend the title and contents of Clause 23 Training and Education as per the Council resolution of 26 July 2011.
- B. That the amended Policy be placed on public exhibition for 28 days and the results be reported back to Council.

VOTING

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

Against the resolution: Nil.

9.4 Reporting of Strategic Reference Group Minutes - April to August 2011

(BP REF 87)

255/11 **RESOLVED**

That the minutes and draft minutes of the Strategic Reference Group meetings held between 20 April 2011 and 11 August 2011 (Attachments 1 to 7) be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

9.5 Draft Corporate Sponsorship Policy

(BP REF 125)

255/11 **RESOLVED**

- A. That the draft Corporate Sponsorship Policy be placed on public exhibition for comment for a period of 21 days before final adoption by the Council.
- B. That submissions received during the exhibition be reported back to Council for consideration prior to adoption of the Corporate Sponsorship Policy.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

10.1 Friends of the Bush Volunteer Program Code of Practice

(BP REF 133)

255/11 **RESOLVED**

That the draft Friends of the Bush Volunteer Program Code of Practice be adopted and published as the authorised document to guide the Friends of the Bush Volunteer Program.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.2 Second Hand Saturday / Garage Sale Trail

(BP REF 142)

272/11 **RESOLVED**

Cr Laugesen / Cr Kirsch

That Item 10.2 be dealt with in closed session.

VOTING

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

Against the resolution: Nil.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 235)

273/11 **RESOLVED**

Cr Laugesen / Cr Kirsch

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the items below:

Item 10.2 Second Hand Saturday / Garage Sale Trail

Item 15.1 RFT 2011/064 – Major Works for Brookvale Occasional Care

Matters to be Discussed During Closed Session - Section 10D

Item 10.2 Second Hand Saturday / Garage Sale Trail

Item 15.1 RFT 2011/064 – Major Works for Brookvale Occasional Care

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

Item 10.2 (a) personnel matters concerning particular individuals (other than councillors),

Item 15.1 (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 De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Nil.

THE MEETING MOVED INTO CLOSED SESSION AT 9.35PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.50PM.

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.

10.2 Second Hand Saturday / Garage Sale Trail

(BP REF 142)

274/11 **RESOLVED**

Cr Laugesen / Cr Ray

That this matter, Item 10.2, be deferred until the November Council meeting pending an update.

VOTING

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

Against the resolution: Cr Wilkins.

15.1 RFT 2011/064 – Major Works for Brookvale Occasional Care Centre

(BP REF C1)

275/11 **RESOLVED**

Cr Kirsch / Cr Wilkins

That this matter be deferred to the next available Council Meeting pending a Councillor Briefing on 11 October on the final design.

VOTING

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

Against the resolution: Nil.

10.3 Flood Management in the Dee Why Lagoon Catchment

(BP REF 148)

255/11 **RESOLVED**

- A. That Council approves the development of a Flood Study, and Floodplain Risk Management Study and Plan for the Dee Why Lagoon South Catchment,
- B. That the Flood Study be funded by a budget adjustment of up to \$90,000 in the September 2011 Quarterly Budget and Business Review.
- C. That Council note technical investigations and community consultation will be undertaken into the use of Beverley Job Park for the temporary detention of floodwaters.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.4 Implementation of the Mitigation Measures for Narrabeen Lagoon Multi-use Trail

(BP REF 153)

255/11 **RESOLVED**

- A. That Council acknowledges the implementation of the ameliorative measures required by the SIS for the operation of Stage 1 of the Narrabeen Lagoon Multi-Use Trail.
- B. That Council declare the parcels of land listed in Attachment 2 as Wildlife Protection Areas under the Companion Animals Act 1998, in order to comply with the requirements of the SIS.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.5 Minutes of Sydney Coastal Councils Group Ordinary Meeting held 18 June 2011

(BP REF 159)

255/11 **RESOLVED**

That the Minutes of the Sydney Coastal Councils Group Meetings held 18 June 2011, and the resolutions contained in the attached copy of the Minutes, be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.6 Community Development Grant Allocations 2011/12

(BP REF 175)

255/11 **RESOLVED**

A. That \$11,500.00 be allocated as follows:

Organisation Name	Project Name	Previously Recommended Amount from Aug 2011	Recommended Amount from Sept 2011	Total Recommended Amount
Eramboo World Studies Centre	Art Making Program – Supporting people with a disability and their art making	\$2,500.00	\$1,000.00	\$3,500.00
DARTS (Disabled Alternative Road Transport Service)	Volunteer Expenses – Providing recognition events, offer training, meals etc	\$1,930.00	\$170.00	\$2,100.00
Dee Why Surfing Fraternity	Dee Why Cygnets Program – For 6-12 year olds and their families (surfing safely)	\$1,200.00	\$1,200.00	\$2,400.00
Tibetan Community Australia NSW Inc	Tibetan Learning Centre	NIL	\$2,000.00	\$2,000.00
Lifestart Northern Beaches	Sing & Grow Music Therapy Program	NIL	\$2,564.50	\$2,564.50
Catholic Parish of Warringah	Community Dinners	NIL	\$2,565.50	\$2,565.50
Epilepsy Action Australia	Seizure Smart Education Program 2011-2012	NIL	\$2,000.00	\$2,000.00
		TOTAL	\$11,500.00	

B. That \$1,000.00 be allocated to John Ogden towards the publication, *Saltwater People of the Broken Bays*, as /11 RESOLVED by Council on 26 July 2011, Item 5.2.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.7 Minutes of Warringah Traffic Committee Meeting held 6 September 2011

(BP REF 184)

255/11 **RESOLVED**

That the Minutes of the Warringah Traffic Committee Meeting held on 6 September 2011 be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

10.8 South Curl Curl Surf Life Saving Club – Request to Waive Fees for the Curly Soundwaves Event 2011

(BP REF 194)

277/11 **RESOLVED**

Cr Regan / Cr Sutton

That Council approve the South Curl Curl Surf Life Saving Club's request to waive the fees for their biennial Curly Soundwaves event which is to be held Sunday 16 October 2011 at South Curl Curl.

CR WILKINS LEFT THE CHAMBER AT 9.54PM.

VOTING



For the resolution:

Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Ray, Regan and Sutton.

Against the resolution:

Cr Laugesen.

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

10.9 Dee Why RSL Swimming Club – Request to Waive Fees

(BP REF 196)

CR WILKINS RETURNED TO CHAMBER 9.56PM.

278/11 RESOLVED

Cr Regan / Cr Falinski

That Council approve the Dee Why RSL Swimming Club's request to waive fees for their use of the reserve located at the seaward end of Pacific Parade (the 'quarry'), Dee Why, 11 a.m. to 1 p.m. each Sunday from 1 October 2011 to 25 April 2012.

VOTING

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

Against the resolution: Crs Laugesen and Ray.

PROCEDURAL MOTION – CHANGE ORDER OF BUSINESS

279/11 RESOLVED

Cr Harris / Cr Ray

That Item 6.6 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Cr Regan.

**6.6 Notice of Motion No 42/2011
Local Government Association Conference Late Motion**

(BP REF 22)

280/11 RESOLVED

Cr Harris / Cr Kirsch

That Council endorse the following Motion for submission to the Local Government Association Conference as a late motion (late motions are required to be submitted by 7 October 2011):

That the conference:

1. Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council; and
2. Calls on the NSW Government to ensure the role of councils adequately considered in dealing with CSG exploration and production; and

3. Calls on the government to institute a moratorium on any further CSG development until the findings of the inquiry have been responded.

CR LAUGESSEN LEFT THE CHAMBER AT 9.57PM.

VOTING

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

Against the resolution: Cr Falinski.

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

10.10 Eurofest Sporting and Cultural Association – Request to Waive Fees for Eurofest 2011

(BP REF 198)

CR LAUGESSEN RETURNED TO THE CHAMBER 9.59PM.

Cr Harris / Cr Kirsch

That:

- A Council approve 50% of the Eurofest Sporting and Cultural Association's request to waive the fees related to their use of Ararat Reserve for the 20th annual Eurofest event which is to be held Saturday 17 September and Sunday 18 September 2011.
- B A policy is developed where Council is alerted that a particular organisation has already received money from Council's grant program.

AMENDMENT

Cr Sutton / Cr Regan

That Council approve the Eurofest Sporting and Cultural Association's request to waive the fees related to their use of Ararat Reserve for the 20th annual Eurofest event which is to be held Saturday 17 September and Sunday 18 September 2011.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED CARRIED.

281/11 RESOLVED

Cr Sutton / Cr Regan

That Council approve the Eurofest Sporting and Cultural Association's request to waive the fees related to their use of Ararat Reserve for the 20th annual Eurofest event which is to be held Saturday 17 September and Sunday 18 September 2011.

VOTING

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

Against the resolution: Crs Laugesen and Ray.

10.13 Community Centre Fees and Charges 2011/2012

(BP REF 217)

255/11 RESOLVED

That

- A. The 2011/2012 Fees & Charges policy of the Community Centre Minimum Hire be reduced from 2 hours to 1.5 hours.
- B. The above changes take effect immediately, with regular hirers notified in the Community Centre Annual Hire letter.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING).

The meeting concluded at 10.02pm.

This is the final page of the Minutes comprising (31) pages numbered (1) to (31)
of meeting 2011/14 of Warringah Council held on 27 September 2011
and confirmed on 18 October 2011.

Mayor

General Manager

COUNCIL MEETING

2011/14

27 SEPTEMBER 2011

REPORTS NOT CONTAINED IN THE AGENDA

Item		<u>MP Ref</u>
5.6	Mayoral Minute No 29/2011 Brookvale Oval - Grand Final Live Site	33
5.7	Mayoral Minute No 30/2011 Reallocation of Funds Rolled Over to the 2011/2012 Budget	34

Mayoral Minute No 29/2011 Brookvale Oval – Grand Final Live

5.6**Mayoral Minute No 29/2011
Brookvale Oval - Grand Final Live Site**

Congratulations to the Manly Warringah Sea Eagles for reaching the NRL Grand Final.

Manly Warringah Football Club have requested the use of Brookvale Oval as a *grand final live site* for the 2011 NRL Grand Final on Sunday 2 October 2011. The site will open at mid-day and will be cleared by 11.00pm.

As the Licence Agreement between Council and the Manly Warringah Sea Eagles only covers use for NRL matches, the use of the Brookvale Oval for the grand final live site can only occur through Council's normal reserve booking process.

Consistent with this process, fees from Council's adopted fees and charges would apply for the use of Brookvale Oval for the grand final live site on Sunday 2 October 2011. The applicable fees are listed below.

Field		GST Incl		
Wednesday	28/09/2011	\$3,280	per Day	Bump In/Out
Saturday	1/10/2011	\$1,640	per 1/2 Day	Bump In/Out
Sunday	2/10/2011	\$4,040	per Day	Event fee
Sunday	2/10/2011	\$831		Field Staff
Monday	3/10/2011	\$3,280	per Day	Bump In/Out
TOTAL		\$13,071		

In order to allow as many of our local Manly Warringah Sea Eagles supporters to be a part of the Grand Final celebrations, Council is co-operating with the Football Club in preparation for the event.

RECOMMENDATION

That:

- C. Council waive the fees and charges for the use of Brookvale Oval as a grand final live site for the 2010/2011 NRL Grand Final on Sunday 2 October 2011
- D. Potential Income of \$12,240 (including GST) will be forgone and operating cost of \$831 will be funded from operating budget.



Michael Regan
MAYOR

Mayoral Minute No 30/2011- Reallocation of Funds Rolled Over to the 2011/2012 Budget

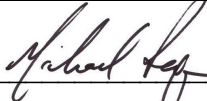
5.7**Mayoral Minute No 30/2011
Reallocation of Funds Rolled Over to the 2011/2012 Budget**

Unexpended funds totalling \$200,000 originally allocated for 2010/11 have been rolled over to the 2011/12 capital works program. These funds were originally allocated for footpaths, cycle ways and street trees. It should be noted that we have doubled our expenditure for footpaths in each of the last three budgets, spent close to a million dollars on cycle ways and implementing the plan as well as fixing the gaps, and that we have spent hundreds of thousands on the Street Tree Program a year or two ago. I therefore propose these funds could be put towards other upcoming and/or outstanding projects covering various areas of our Community.

RECOMMENDATION

That Council re-prioritise the unexpended \$200,000 capital works funds to the following:

- A. **\$50,000** for grants for community gardens (allocating up to \$5,000 to each individual project).
This would kick start any policy and allow us to hit the ground running when adopted. The policy on Community Gardens will be considered next month by Council.
- B. **\$50,000** to economic development projects such as (but not limited to) the following:
 - v. Council to investigate options to stimulate local business within the Dee Why area in terms of the Master plan for Dee Why.
 - vi. Council to investigate options for the Future growth of Brookvale and it as a major Hub for future Jobs on the Northern Beaches.
 - vii. Council to investigate hosting the Local Government Business Awards in the future and;
 - viii. Council to investigate presenting a Jobs Fair in Warringah.
- C. **\$25,000** towards the proposed dog park in Starkey Reserve, Killarney Heights (as per Mayoral Minute 28/2011 of this meeting).
- D. **\$20,000** towards the future policy for waiving of DA fees for Not-For-Profit Sporting and Community Organisations as /11 RESOLVED at the council meeting of 26 July 2011. Again, this allows us to hit the ground running once a policy is approved by the Council.
- E. **\$25,000** towards urgent and necessary maintenance to fix approx four cricket pitch facilities. Manly Warringah Cricket Association submitted an application that demonstrated high project merit for assistance under our Sporting Club Capital Assistance program; however they were unsuccessful on being awarded a grant through this year's very competitive application process. The Association will be contributing \$25,000 towards this work which ultimately will assist in the development of both junior and senior players within the area and make pitches both safe and playable. MWCA have over the past 3 years contributed \$40,000 to pitch replacement.
- F. **\$15,000** towards hosting an event at the Dee Why Strand to celebrate the completion of the upgrade works and launch the New Strand works. The funding will be allocated to enhancing the Council's 'Christmas by the Beach' event in December.
- G. **\$15,000** to the Parks and Maintenance area for the purchase of playground equipment for Undula Reserve, Belrose for its urgent upgrade works due to begin construction in 2012.


Michael Regan
MAYOR