

Minutes of a Meeting of Warringah Council

held on Monday, 2 May 2011

at the Civic Centre, Dee Why, Commencing at 6.02pm

ATTENDANCE

Members

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

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), Director Community and Environmental Services (G Sloan), A/Director Strategic and Development Services (P Robinson), A/Corporate Lawyer (E Julliard), Manager Strategic Planning (D Kerr), Manager Roads Traffic and Waste (B Bolgoff), Manager Marketing and Communications (G Middleton), A/Manager Natural Environment (T Dickinson), Project Manager (C Munro), Coordinator Governance (A Moore), Administration Officer Governance (G Dawson), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.02pm adjourned at 8.05pm, resumed at 8.10pm, moved into closed session at 9.08pm and resumed in open session at 9.36pm and concluded at 9.39pm.

ORDER OF BUSINESS

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

Items 1.0, 2.1, 2.2, 3.0, 4.0, Items by Exception 7.1, 8.1, 8.2, 8.4, 8.5, 8.6, 8.9, 9.2, 9.3, and 9.8 followed by 6.1, 8.3, 8.7, 8.8, 9.1, 9.4, 9.5, 9.6, 9.7, 11.1, Items by Exception 14.2 and 14.3 followed by 14.0, 14.1, 14.4, 14.5 and 15.0.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 22 March 2011

THIS ITEM WILL BE DEALT WITH AT THE NEXT ORDINARY MEETING OF COUNCIL.

2.2 Minutes of Extraordinary Council Meeting held 29 March 2011

101/11 **RESOLVED**

Cr Ray / Cr Regan

That the Minutes of the Extraordinary Meeting of Council of 29 March 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 point of order raised at Item 5.1 (page 7 of 11).

VOTING

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

Against the resolution: Cr Falinski.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Ray declared a non pecuniary, less than significant interest in relation to Item 5.3, as she has a sister who is a member of the Long Reef Surf Life Saving Club (Declared at Item 4.4.)

Cr Regan declared a non pecuniary interest in relation to Item 9.6, as he attended the funeral of the Dee Why policeman for whom the charity event was in honour of. (Declared at Item 9.6.)

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 Stuart Gold made a statement regarding Long Reef Surf Life Saving Club.

PROCEDURAL MOTION – EXTENSION OF TIME

102/11 **RESOLVED**

Cr Kirsch / Cr De Luca

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

VOTING

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

Against the resolution: Crs Falinski, Regan, Sutton and Wilkins.

PROCEDURAL MOTION – EXTENSION OF TIME

Cr De Luca / Cr Laugesen

That Mr Gold be granted a further extension of 3 minutes to address Council.

VOTING

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

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

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

4.2. Mr Richard Michell asked the following question regarding Community Engagement:

In the discussion at the last Council meeting associated with Item 5.1, Notice of Rescission Motion 4/2011 (Long Reef Surf Club), Cr Wilkins expressed strong concerns over possible interpretations of the clause “*C. Ensure that the use of this and all other areas be determined in collaboration with all interested stakeholder and community groups*”.

- a) Why did the Director Corporate Services not refer Cr Wilkins to the relevant portion of Council's Community Engagement Policy where "Collaborate" is listed as one of the five potentially-applicable levels of engagement and is clearly defined, the definition being *"to partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution"*?

Answer: The Director Corporate Services responded that there had been some misunderstanding in relation to the sentence "use of this and all other areas be determined in collaboration with all interested stakeholder and community groups." His answer was in relation to the whole sentence and not the word **collaborate**. The issue was that these words were unnecessarily prescriptive in relation to the **uses** of the building and the way collaboration should take place. The Community Engagement matrix gives sophisticated and flexible guidance on how to conduct engagement with the community and is a much more useful tool than this particularly over prescriptive sentence.

- b) Why did the Director not further advise the Councillor that, following its public exhibition, and in response to strong feedback from the community, the draft was specifically amended to include "Collaborate" as a potentially-applicable level of engagement of the community for local projects of high impact- projects such as the development of a concept plan for the Long Reef Surf Clubhouse?

Answer: The Director Corporate Services responded that the draft policy has been amended to include the word 'collaborate' but doesn't mandate that collaboration should take place. In fact it specifies that for certain types of engagements it probably isn't useful to use the full scale range of tools linked to the **collaborate** mode of engagement. Its arguable this may be one of those projects.

Notwithstanding that, the next layer of engagement that's being conducted over next couple of months using the Straight Talk engagement firm will be running workshops that are consistent with the collaborate mode of engagement

4.3. Mr Jack Tilburn asked the following question regarding expenditures for improving Dee Why Town Centre:

- a) Why so massive amount of \$40 million to improve the Dee Why Town Centre which is still functioning to satisfactory infrastructure standards?
- b) Why cannot some lower \$20 million be spent on essentials and so reduce this mega \$40 million?
- c) Why is the present iconic Council car park above ground, fronting Oaks Avenue and Howard Avenue, Dee Why to be sold off? What sale value is estimated?
- d) Where is the location of extra carparking to be provided in the Town Centre? And at what cost?
- e) How fair and reasonable is the planned special rate of 4 percent for enormous new expenditures on the Dee Why Town Centre on the ratepayers, 50,000; when Council rates are already high enough as well as the overall costs of living?

4.4. Mr Warren Kenny asked the following question regarding Long Reef Surf Life Saving Club:

- a) Being the manager of the Trust, have Council got the right to move the Long Reef Surf Club building on public land?
- b) If the Club has leased the land where the current Surf Club is located, when the Club is moved will the lease have to be renewed and will there be further charges for the Club?

CR RAY DECLARED A NON PECUNIARY, LESS THAN SIGNIFICANT INTEREST IN RELATION TO ITEM 5.3, AS SHE HAS A SISTER WHO IS A MEMBER OF THE LONG REEF SURF LIFE SAVING CLUB

4.5. Mr Michael Gleeson, representing the Long Reef Surfriders Association, made a statement regarding Long Reef Surf Life Saving Club.

4.6. Mr Paul Jaffe, representing Save Long Reef Coalition, made a statement regarding Long Reef Surf Club.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

103/11 **RESOLVED**

Cr Wilkins / Cr Harris

That Mr Johnson and Mr McManus be permitted to address Council.

VOTING

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

Against the resolution: Crs Falinski and Sutton.

4.7. Mr Martin Johnson, representing Save Long Reef Coalition, made a statement regarding Long Reef Surf Club.

4.8. Mr Peter McManus made a statement regarding Long Reef Surf Club.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

104/11 **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

105/11 **RESOLVED**

Cr Regan /Cr Giltinan

That the recommendations of the Director in each of the following Items 7.1, 8.1, 8.2, 8.4, 8.5, 8.6, 8.9, 9.2, 9.3, and 9.8 be adopted.

VOTING

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

Against the resolution: Nil.

CR WILKINS LEFT THE CHAMBER AT 6.49PM AND RETURNED AT 6.50PM.

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



5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 5/2011 Affordable Housing Strategy

(BP REF 1)

Cr Regan

That Council as a matter of urgency write to the Minister for Planning and Infrastructure seeking the immediate repeal of SEPP Affordable Housing and requesting that the Minister takes the following position:

- A. To direct local councils and the Department of Planning to put on hold and or refuse all current applications before them, should the local Council assessment deem it a refusal on planning grounds under normal planning controls.
- B. Accept no further applications under this particular SEPP.
- C. Review and install a new policy within 12 months and in partnership and consultation with individual Councils.
- D. Hold a community forum on the Northern Beaches within the next month to discuss the issue of affordable housing, hear the concerns and ideas from the community, and start to find a solution together.

AMENDMENT

Cr De Luca / Cr Ray

That Council as a matter of urgency write to the Minister for Planning and Infrastructure seeking:

- E. A response to Councils previous representations to repeal the Affordable Housing SEPP and advise that it is in the system,
- F. To direct local councils and the Department of Planning to put on hold and or refuse all current applications before them, should the local Council assessment deem it a refusal on planning grounds under normal planning controls,
- G. To accept no further applications under this particular SEPP,
- H. To review and install a new policy within 12 months and in partnership and consultation with individual Councils; and
- I. To hold a community forum on the Northern Beaches within the next month to discuss the issue of affordable housing, hear the concerns and ideas from the community, and start to find a solution together.

CR LAUGESSEN LEFT THE CHAMBER AT 6.55PM.

VOTING

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

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

106/11 RESOLVED

Cr Regan

That Council as a matter of urgency write to the Minister for Planning and Infrastructure seeking the immediate repeal of SEPP Affordable Housing and requesting that the Minister takes the following position:

- A. To direct local councils and the Department of Planning to put on hold and or refuse all current applications before them, should the local Council assessment deem it a refusal on planning grounds under normal planning controls.
- B. Accept no further applications under this particular SEPP.
- C. Review and install a new policy within 12 months and in partnership and consultation with individual Councils.
- D. Hold a community forum on the Northern Beaches within the next month to discuss the issue of affordable housing, hear the concerns and ideas from the community, and start to find a solution together.

CR DE LUCA LEFT THE CHAMBER AT 6.56PM.

VOTING

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

Against the resolution: Nil.

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

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

CR DE LUCA RETURNED TO THE CHAMBER 6.57PM.

5.2 Mayoral Minute No 6/2011 Sporting Fields

(BP REF 3)

Cr Regan

- A. That Council consult with Association and Sports Union to improve protocols for the closure of sporting fields,
- B. Council invite the relevant Strategic Reference Group to comment on the issues being raised, and
- C. Staff present findings and recommendations, following discussions with the Associations and Sporting Union and the Strategic Reference Group, to a Councillor briefing.

AMENDMENT

Cr De Luca / Cr Ray

That this Council resolves to:

1. Notes concern amongst Warringah Sporting Associations that blanket closures of Warringah sporting fields have occurred despite some sports fields being fit for use.
2. Requests the General Manager ensure that Council Staff, where practicable, liaise with and undertake inspections with affected Sporting Association Leaders before a respective sports field is declared unfit for use.

CR LAUGESSEN RETURNED TO THE CHAMBER 7.06PM.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

107/11 **RESOLVED**

Cr Regan

- A. That Council consult with Association and Sports Union to improve protocols for the closure of sporting fields,
- B. Council invite the relevant Strategic Reference Group to comment on the issues being raised, and
- C. Staff present findings and recommendations, following discussions with the Associations and Sporting Union and the Strategic Reference Group, to a Councillor briefing.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

5.3 Mayoral Minute No 7/2011 Long Reef SLSC Renewal Design Guidelines

(Report not contained in the Agenda)

108/11 **RESOLVED**

Cr Regan / Cr Kirsch

That:

- A. All relevant stakeholders and affected community groups be invited to collaborate on the revision of the current concept design and on the development of the design guidelines for Long Reef SLSC, and
- B. The design guidelines that result from the collaborative stakeholder engagement process and the submissions received from the Mayors consultations be supplied to the design architects and the community engagement company, Straight Talk Pty Ltd.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

6.0 GENERAL MANAGER'S REPORTS

6.1 Draft Policy - SHOROC Governance

(BP REF 4)

Cr Ray / Cr Kirsch

- A. That Council determine that the General Manager exercises discretion and votes at SHOROC Board meetings independently insofar as this is in the best interest of Warringah and in accordance with Council policy or resolutions
- B. That any items from Warringah Council will only be placed on the agenda where there is a Council resolution referring the matter to SHOROC

- C. That the attached draft policy *SHOROC Governance* be placed on exhibition for a minimum period of 14 days.
- D. That the submissions received during exhibition be reported back to Council for consideration prior to adoption of the policy.

CRS FALINSKI AND LAUGESSEN LEFT THE CHAMBER AT 7.23PM.

CR FALINSKI RETURNED TO THE CHAMBER AT 7.24PM.

CR DE LUCA LEFT THE CHAMBER AT 7.24PM.

CRS DE LUCA AND LAUGESSEN RETURNED TO THE CHAMBER AT 7.25PM.

CR FALINSKI LEFT THE CHAMBER AT 7.26PM AND RETURNED AT 7.27PM.

AMENDMENT

Cr Sutton / Cr Wilkins

- A. That Council determine that the General Manager exercises discretion and votes at SHOROC Board meetings independently insofar as this is in the best interest of Warringah and in accordance with Council policy or resolutions.
- B. That any items placed on the SHOROC agenda from Warringah Council be circulated to all Councillors as soon as possible.
- C. That the attached draft policy SHOROC Governance be placed on exhibition for a minimum period of 14 days.
- D. That the submissions received during exhibition be reported back to Council for consideration prior to adoption of the policy.

VOTING

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

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

CR KIRSCH LEFT THE CHAMBER AT 7.51PM.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED CARRIED.

109/11 RESOLVED

Cr Sutton / Cr Wilkins

- A. That Council determine that the General Manager exercises discretion and votes at SHOROC Board meetings independently insofar as this is in the best interest of Warringah and in accordance with Council policy or resolutions.

- B. That any items placed on the SHOROC agenda from Warringah Council be circulated to all Councillors as soon as possible.
- C. That the attached draft policy SHOROC Governance be placed on exhibition for a minimum period of 14 days.
- D. That the submissions received during exhibition be reported back to Council for consideration prior to adoption of the policy.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

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

CR KIRSCH RETURNED TO THE CHAMBER AT 7.52PM.

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 Monthly Funds Management Report March 2011

(BP REF 14)

105/11 **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)



8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

8.1 Establishment of an Alcohol Free Zone at the Reserve on Corner of Melwood Avenue and Starkey Street, Killarney Heights

(BP REF 20)

105/11 **RESOLVED**

That Council endorse the creation of an Alcohol Free Zone in the vicinity of the reserve on the corner of Melwood Avenue and Starkey Street, Killarney Heights.

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

8.2 Draft Minutes of Community and Culture Strategic Reference Group Meeting held 23 February 2011

(BP REF 23)

105/11 **RESOLVED**

That the draft Minutes of the Community and Culture Strategic Reference Group Meeting held on 23 February 2011 (Attachment) and the following recommendation be noted:

Item 7.1 Draft Minutes Of Australia Day Community Committee Held 16 November 2010 – Recommendation to Council

That consideration be given to the cultural significance and potentially alternative interpretations that Aboriginal people and/or Community may have in relation to Australia Day; and that respect and recognition of such interpretations are incorporated into Australia Day planning events.

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



8.3 Draft Minutes of Environmental Sustainability Strategic Reference Group Meeting held 23 February 2011

(BP REF 38)

Cr Kirsch / Cr Regan

- 1 That the draft minutes of the Environmental Sustainability Strategic Reference Group meeting held on 23 February 2011 (Attachment 1) and the following recommendations be noted:

Item 5.1 Draft Budget 2011/12 - Recommendation to Council

That alternative communication approaches be explored to get more effective relationships and understanding of Warringah Council activities

Item 6.2 SRG Guidelines in relation to SRG Members representing the views of all residents - Recommendation to Council

That the SRG Guidelines should be rephrased during the substantive review to address John Hewitt's concerns.

- 2 That it be noted that the ES-SRG unanimously supported the recommendation that the Environmental Sustainability budget be increased by 1% and that this be given consideration in the development of the 2011/12 budget.

PROCEDURAL MOTION – DEFERMENT OF ITEM

110/11 **RESOLVED**

Cr Falinski / Cr Regan

That Item 8.3, Draft Minutes of Environmental Sustainability Strategic Reference Group Meeting held 23 February 2011 be deferred until the next ordinary meeting of Council.

VOTING

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

Against the resolution: Nil.

8.4 Draft Minutes of Infrastructure and Development Strategic Reference Group Meeting held 24 February 2011

(BP REF 48)

105/11 **RESOLVED**

That the Draft Minutes of the Infrastructure and Development Strategic Reference Group Meeting held on 24 February 2011 (Attachment 1) and the following recommendation be noted:

Item 7.1 SHOROC “Shaping Our Future” - Recommendation to Council

That SRG members should receive hard copies of agendas and business papers

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

8.5 Draft Minutes of Recreation and Open Space Strategic Reference Group Meeting held 21 February 2011

(BP REF 54)

105/11 **RESOLVED**

That the draft Minutes of the Recreation and Open Space Strategic Reference Group Meeting held on 21 February 2011 (Attachment 1) and the following recommendations be noted:

Item 5.1 Draft Budget 2011/12 - Recommendation to Council

That Council notes the SRG received, discussed and noted the draft budget as it relates to Recreation and Open Space.

Item 6.1 SRG Guidelines in relation to SRG Members representing the views of all residents - Recommendation to Council

That responsibilities of members to represent the views of the wider community be considered at the 12 month review of the SRGs.

Item 6.2 New Street Plantings – Pro-active Planting Programs – Recommendation to Council

That in reviewing Council's Street Tree Planting Policy in 2011/12, including areas outside of commercial centres, the draft policy be brought to this SRG for discussion and comment.

Item 6.6 Dee Why Recreation Centre Closure - Recommendation to Council

That a submission is made on behalf of SRG members stating a unanimous vote against the proposed rezoning of the land at Lot 61 DP 611195 (referred to as the Evergreen Tennis Centre in WLEP 2000) from private recreational zoning to housing zoning.

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



8.6 Request to Name Bay at Cottage Point – Pratt Bay

(BP REF 61)

105/11 **RESOLVED**

That Council:

- A. Advise the Geographical Names Board that it has no objection to the proposal to name the currently unnamed Bay in Cottage Point as described in the report to Council, as Pratt Bay.
- B. Request that the Geographical Names Board seek the view of local residents in its consultation process.

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

8.7 2011 Australian Local Government Women's Association (ALGWA) Conference NSW

(BP REF 68)

111/11 **RESOLVED**

Cr Harris / Cr Regan

- A. That Council does not nominate any delegates to attend the 2011 Australian Local Government Women's Association Conference NSW to be held in Blacktown NSW from 26 to 28 May 2011.
- B. That the attendance of delegates and payment of expenses be in accordance with Council's Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

VOTING

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

Against the resolution: Crs Ray, Kirsch and Laugesen.

SUPPLEMENTARY MOTION

112/11 **RESOLVED**

Cr De Luca / Cr Ray

That Warringah Council writes to the president of Australian Local Government Women's Association (NSW Branch), Karen McKeown, congratulating them on the occasion of their

diamond jubilee and thanking them for their support and contribution to women in local government.

VOTING

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

Against the resolution: Crs Falinski, Giltinan, Regan and Sutton.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.05PM. THE MEETING RESUMED AT 8.10PM WITH THE SAME COUNCILLORS PRESENT.

8.8 4th International Urban Design Conference

(BP REF 75)

113/11 **RESOLVED**

Cr Wilkins / Cr Sutton

- A. That Council nominate Cr Wilkins to attend the 4th International Urban Design Conference – Resilience in Urban Design to be held on the Gold Coast from 22 to 23 September 2011.
- B. That the attendance of delegates and payment of expenses be in accordance with Council's Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

8.9 Submission to the Productivity Commission Draft Report into Disability Care and Support

(BP REF 78)

114/11 **RESOLVED**

That Council endorse the submission to the Productivity Commission draft report into Disability Care and Support.

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

9.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

9.1 Cromer Park Landscape Masterplan

(BP REF 96)

Cr Kirsch / Cr Harris

That Council note the outcomes of the Cromer Park Landscape Masterplan public exhibition and note the high percentage of the submissions by the community that recommended the inclusion of a community garden in the Masterplan, and that the Masterplan be amended to include a community garden of adequate size in an attractive, accessible and appropriate location.

AMENDMENT

Cr Regan / Cr Sutton

That Council note the outcomes of the Cromer Park Landscape Masterplan public exhibition and that the Masterplan be adopted.

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.

AMENDMENT

Cr Kirsch / Cr Laugesen

That Council note the outcomes of the Cromer Park Landscape Masterplan public exhibition and note the high percentage of the submissions by the community that recommended the inclusion of a community garden in the Masterplan, and that the Masterplan be amended to include the potential for a community garden space.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Cr Laugesen

That Council denies the outcome of the Cromer Park Landscape Masterplan public exhibition in reference to the demand for a community garden and rejects the Masterplan.

THE MAYOR RULED THE PROPOSED AMENDMENT OUT OF ORDER AS IT WAS A DIRECT NEGATIVE OF THE ORIGINAL MOTION.

AMENDMENT

Cr De Luca / Cr Ray

That the Council notes the 73% responses requesting a community garden and those other responses contained in the table pp98-99 and that the Cromer Park Landscape masterplan be adopted.

VOTING

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

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

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

AMENDMENT

Cr Kirsch / Cr Laugesen

That the Item 9.1, Cromer Park Landscape Masterplan, be deferred to the next Recreation and Open Space Strategic Reference Group meeting and the Recreation and Open Space Strategic Reference Group's recommendations be returned to Council.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

115/11 RESOLVED

Cr Regan / Cr Sutton

That Council note the outcomes of the Cromer Park Landscape Masterplan public exhibition and that the Masterplan be adopted.

VOTING

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

Against the resolution: Cr Laugesen.

9.2 Public Exhibition of the Draft Narrabeen Lagoon Plan of Management

(BP REF 102)

105/11 RESOLVED

- A. That the Draft Narrabeen Lagoon Plan of Management be placed on public exhibition for a period of not less than 28 days.
- B. That any public submissions received during the exhibition period be considered and a further report to Council be provided to consider adoption of the final Narrabeen Lagoon Plan of Management.

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

9.3 Minutes of Warringah Traffic Committee Meeting held 5 April 2011

(BP REF 108)

105/11 RESOLVED

That the Minutes of the Warringah Traffic Committee Meeting held on 5 April 2011 and the recommendations 3.1 and 3.2 as reprinted below be ADOPTED.

3.1 Hall Avenue, Collaroy Plateau- Review of Proposed Roundabouts

- A. That the results of the public consultation process, the speed and volume surveys and the crash circumstances be noted.
- B. That Council install speed cushions in Hall Avenue east of Fuller Street, and west of Boomerang Road.

- C. That residents of Hall Avenue, including those who have made submissions be advised of Council's decision.

3.2 Smith Avenue, Allambie – Results of Resident Survey into Speed Cushions

- A. That the results of the resident survey into the proposal for speed cushions in Smith Avenue be noted.
- B. That the installation of Speed Cushions in Smith Avenue not be supported by the Committee.
- C. That it be noted that Council has applied to the Roads and Traffic Authority of NSW to apply a 40km/h speed limit on the local roads in the precinct bounded by Orara Road, Kentwell Road, Condamine Street and Old Pittwater Road.
- D. That the residents of the Allambie precinct be advised accordingly.

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

9.4 Increased Budget for Dee Why Town Centre Drainage Design

(BP REF 132)

116/11 **RESOLVED**

Cr Ray / Cr Wilkins

- A. That Council approve additional expenditure of \$ 86,800 to cover variations to the contract for Dee Why Town Centre Drainage Design.
- B. That Council delegate authority to the General Manager to authorise the variation payments for this Contract.
- C. That Council approve a revised budget of \$544,553 for the 2010/11 financial year and \$242,247 for the 2011/12 financial year.

VOTING

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

Against the resolution: Nil.

CR FALINSKI LEFT THE CHAMBER AT 8.38PM AND RETURNED AT 8.40PM.

9.5 Variations to Contract T2010/035 Stormwater Asset Data Collection for Manly Lagoon Flood Study

(BP REF 136)

117/11 **RESOLVED**

Cr Harris / Cr Regan

- A. That Council approves a reallocation of \$18,000 of ESSR funds towards the contract for Stormwater Asset Data Collection for Manly Lagoon Flood Study.
- B. That Council delegate authority to the General Manager to authorise payment of appropriately justified variations for this contract.

VOTING

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

Against the resolution: Nil.

9.6 Request to Waive Fee - NSW Police Rugby League Association

(BP REF 140)

118/11 **RESOLVED**

Cr Kirsch / Cr Regan

That Council waive the hire fee of \$411 for the NSW Police Rugby League Football Association's use of Brookvale Park for their charity game held on 23 February 2011 on the basis of the social good of supporting the Cancer Council of NSW.

VOTING

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

Against the resolution: Nil.

CR REGAN DECLARED A NON PECUNIARY INTEREST IN RELATION TO ITEM 9.6, AS HE ATTENDED THE FUNERAL OF THE DEE WHY POLICEMAN FOR WHOM THE CHARITY EVENT WAS IN HONOUR OF.

9.7 Variation to Contract T2010/137 - Nolan Reserve Sportsfield Lighting Construction - Stage 1

(BP REF 142)

119/11 **RESOLVED**

Cr Harris / Cr Regan

- A. That Council approves allocation of an additional \$38,188.84 to the original contract estimate of \$170,045 to cover the increased costs resulting from the revised footing design bringing total contract estimate to \$208,234.
- B. That Council approves 15% contingency, the new contract sum of \$208,234 and delegates authority to the General Manager to approve further contract variations up to a total contingency amount of \$31,235 (excluding GST), increasing the approved total for this contract from \$200,000 to \$239,469.

VOTING

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

Against the resolution: Nil.

9.8 Cost of Manly Vale Community Garden

(BP REF 145)

105/11 **RESOLVED**

That Council note the costs of the design and construction of the Manly Vale Playground and Community Garden, in particular noting that some of these costs are shared between the playground and community garden and as such it is not possible to separately cost just the Community Garden, however the above ground elements of the Community Garden cost \$81,454.

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

10.0 NOTICES OF RESCISSION

Nil.

11.0 NOTICES OF MOTION

11.1 Notice of Motion No 25/2011 Consultation with Sporting Associations Before Closure of Sports Grounds Due to Wet Weather

(BP REF 147)

AT THIS STAGE THE MOVER ADVISED THAT THE NOTICE OF MOTION HAD BEEN WITHDRAWN.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

120/11 **RESOLVED**

Cr De Luca / Cr Regan

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, Giltinan, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Crs Falinski and Harris.

PROCEDURAL MOTION – ITEMS BE MOVED BY EXCEPTION

121/11 **RESOLVED**

Cr De Luca / Cr Regan

That the recommendations of the Director in each of the following Items 14.2 and 14.3 be adopted.

VOTING

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

Against the resolution: Crs Falinski and Harris.

14.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 152)

122/11 **RESOLVED**

Cr Sutton / Cr Kirsch

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

- Item 14.1 Extension of Contract 2010/128 Provision of Cleaning Services for Council's Community Centres
- Item 14.2 Tender RFT 2010/170 – Asphaltic Concrete Restoration Works and Asphaltic Concrete Repair Patching Works Panel Contract
- Item 14.3 Tender T2010/140 Provision of Mechanical Services for Plant and Trucks
- Item 14.4 RFT 2011/021 Supply and Implementation of Process Management Software
- Item 14.5 RFT 2011/019 – District Park Public Amenities Renewal Works

Matters to be Discussed During Closed Session - Section 10D

- Item 14.1 Extension of Contract 2010/128 Provision of Cleaning Services for Council's Community Centres
- Item 14.2 Tender RFT 2010/170 – Asphaltic Concrete Restoration Works and Asphaltic Concrete Repair Patching Works Panel Contract
- Item 14.3 Tender T2010/140 Provision of Mechanical Services for Plant and Trucks
- Item 14.4 RFT 2011/021 Supply and Implementation of Process Management Software
- Item 14.5 RFT 2011/019 – District Park Public Amenities Renewal Works

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

- Item 14.1 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it
- Item 14.2 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it
- Item 14.3 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it
- Item 14.4 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- Item 14.5 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or

- (iii) reveal a trade secret,

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 9.08PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.37PM.

15.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.



14.1 Extension of Contract 2010/128 Provision of Cleaning Services for Councils Community Centres

(BP REF C1)

123/11 **RESOLVED**

Cr Regan / Cr Harris

1. That pursuant to section 55(3) of the *Local Government Act* 1993, Council resolves that a satisfactory result would not be achieved by inviting tenders for the provision of cleaning services for Council's community centres because of extenuating circumstances, and in a case of emergency, by reason of the following:
 - the cleaning service is a critical service to Council which could have significant OHS and public safety implications if not provided;
 - following a variation of Contract 2009/094 in October 2010, an interim contract (Contract 2010/128) was entered into with Broadlex Services Pty Ltd, Daval Services Pty Ltd and Bond Services Pty Ltd for the provision of interim cleaning services for Council's community centres pending the issue of a request for tender for the provision of cleaning services;
 - the issue of the request for tender has been delayed due to unforeseen circumstances;
 - it is proposed that a request for tender for the provision of cleaning services will be issued by June 2011; and
 - the cleaning services must continue to be provided to Council pending completion of the request for tender process.
2. That Council extend Contract 2010/128 with Broadlex Services Pty Ltd, Daval Services Pty Ltd and Bond Services Pty Ltd for the provision of cleaning services for Council's community centres, for an additional period of five (5) months.
3. That Council delegate authority to the General Manager to negotiate and enter into the contract extension.

VOTING

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

Against the resolution: Nil.

14.2 Tender RFT 2010/170 - Asphaltic Concrete Restoration Works and Asphaltic Concrete Repair Patching Works Panel Contract

(BP REF C5)

121/11 RESOLVED

That Council accept the Tenders and delegate to the General Manager the authority to enter into a Schedule of Rates Panel Contract with the Recommended Tenderers to provide Asphaltic Concrete Restoration and Repair Patching Works consistent with the terms and period of the contract. It is noted that the initial contract period is two (2) years with the possibility at council's discretion of three (3) further twelve (12) months extensions subject to satisfactory performance.

Recommended Tenderers:

- c) For Sub-Panel 1 – Asphaltic Concrete Restorations
 - Stateline Asphalt Pty Ltd
 - Kizan Pty Ltd
 - Sydney Civil Pty Ltd; and
 - Asphalt Laying Services Pty Ltd

- d) For Sub-Panel 2 – Asphaltic Concrete Repair Patching Works
 - Kizan Pty Ltd
 - Stateline Asphalt Pty Ltd
 - Asphalt Laying Services Pty Ltd
 - Sydney Civil Pty Ltd; and
 - Downer Edi Works Pty Ltd

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

14.3 Tender T2010/140 Provision of Mechanical Services for Plant and Trucks

(BP REF C11)

121/11 RESOLVED

That Council accept the tender from Northside Truck & Tractor Repairs Pty. Ltd and that Council delegates to the Director Corporate Services the authority to enter into contract with the aforementioned successful tenderer.

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

14.4 RFT 2011/021 - Supply and Implementation of Process Management Software

(BP REF C15)

124/11 **RESOLVED**

Cr Regan / Cr Sutton

1. That Council decline to accept any of the tenders.
2. That Council:
 - a) enter into negotiations with Promapp Solutions Ltd with a view to entering into a contract in relation to the supply and implementation of Process Management Software; and
 - b) decline to:
 - i. invite fresh tenders based on the same or different details;
 - ii. invite fresh applications from persons interested in tendering for the proposed contract; and
 - iii. invite fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,

because:

- the tender submitted by Promapp Solutions Ltd achieved the highest score for compliance with Council's requirements and was ranked best value for money of the tenders received;
 - subject to the negotiation of appropriate contractual terms, Promapp Solutions Ltd's tender would satisfactorily meet Council's requirements; and
 - in the circumstances, there would be no utility in inviting fresh tenders or applications at this stage.
3. That Council delegate authority to the General Manager to enter into negotiations with Promapp Solutions Ltd with a view to Council entering into a contract in relation to the supply and implementation of Process Management Software.
 4. That Council delegate authority to the General Manager to execute a negotiated contract on behalf of Council with Promapp Solutions Ltd in relation to the supply and implementation of Process Management Software.

VOTING

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

Against the resolution: Cr Ray.

14.5 RFT 2011 / 019 - District Park Public Amenities Renewal Works

(BP REF C21)

125/11 **RESOLVED**

Cr Regan / Cr Wilkins

- A. That the budget allocated in the Strategic Community Plan 2010 to undertake the Nolan's 2 Public Amenity Renewal Project (CR4144) be reallocated to the Miller's Reserve (CR4142) and Passmore Reserve (CR4139) Public Amenity Renewal Projects as a priority, and that the Nolan's 2 Public Amenity Renewal Project be postponed to a future year, in conjunction with comments received from the Draft Strategic Community Plan 2011 which is currently out on public exhibition.
- B. That Council accept the Tender and delegate to the General Manager the authority to enter into a contract with **Sudiro Constructions Pty Ltd** to renew the existing Miller's Reserve and Passmore Reserve public amenity buildings at District Park, as specified in RFT 2011/019, for the sum of \$689,969.28 ex GST.
- C. This amount equates to \$641,069.28 ex GST for the contract sum, and a 7.6% contingency amount (\$48,900.00 ex GST).

VOTING

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

Against the resolution: Nil.

The meeting concluded at 9.39pm.

This is the final page of the Minutes comprising (29) pages numbered (1) to (29) of meeting 2011/6 of Warringah Council held on 2 May 2010 and confirmed on 24 May 2011.

Mayor

General Manager

COUNCIL MEETING

2011/06

2 MAY 2011

REPORTS NOT CONTAINED IN THE AGENDA

Item		<u>MP Ref</u>
5.3	Mayoral Minute No 7/2011 Long Reef SLSC Renewal Design Guidelines	31-32



5.3**Mayoral Minute 7/2011
Long Reef SLSC Renewal Design Guidelines**

Warringah Council is a step closer to rebuilding the Long Reef Surf Life Saving Club building. Long Reef SLSC provides an invaluable volunteer service to the community, having saved many lives over their 61 year history and trained many successful and healthy community members. The building they currently occupy is no longer fit for purpose, is in a poor condition, and is at the end of its useful life.

After undertaking a community engagement process that successfully engaged the community (over 600 submissions were received, and 90% of them were in favour of the concept design), Council recently resolved to select the location, basic constraints and core functions required for the new building. The location of the building has been selected to comply with the requirements of coastal processes planning (such as wave impact zone boundaries), relevant flooding levels (1:20 year predictions), and minimise impacts on nearby native habitat. The height and footprint has been a compromise between ensuring adequate space and facilities whilst ensuring that the building size in the reserve is kept to a minimum while still meeting the Club's and Council's operational needs for life saving.

As I mentioned many times during recent Council meetings where we discussed this project, further community engagement is included in the next phase – detailed design. I note that Council's Community Engagement Policy was still in draft the when the Public Display period for the building concept started in 2010, and the prior policy did not consider the term 'collaborate'. However the substantial engagement process undertaken generated such a large community response rate, and was consistent with that of a 'High Impact – Local' nature under this previous Policy.

However, the current Community Engagement Policy identifies 'collaborate' as a specific method of engagement. I have discussed this with the Director Corporate Services and he has advised that engaging with the community in this 'collaborative' sense now, at the beginning of this detailed design phase, will ensure the best outcome. A community engagement professional from the Local Government Procurement Panel has been appointed to undertake this process.

This approach will ensure that appropriate 'design guidelines' are developed now, and will ensure the facilities will be determined in consultation with all interested stakeholders and community groups.

Councillors and members of the community will be aware that in March 2011 I called for the community to provide their contributions towards the use of the community space/s within the proposed building, and funded this process from my discretionary fund. My office received some detailed submissions that were full of fantastic ideas for this space. I will supply the results of my own process to the engagement professional to be included in their deliberations. This will ensure that there is strong collaboration between Council and the community to rebuild this important community asset.

The detailed design that follows this community engagement stage will determine the final form of the building. Following this consultation process, Council will tender for an appropriately qualified architect to prepare the detailed design documentation.

RECOMMENDATION

That the design guidelines that result from the community engagement process and the submissions I received from my own ideas process be supplied to the successful community engagement professional and detailed design architect.



Michael Regan

MAYOR