



WARRINGAH  
COUNCIL

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 26 APRIL 2016**

(2016/8)



**Minutes of an Ordinary Meeting of Council  
held on Tuesday 26 April 2016  
at the Civic Centre, Dee Why  
Commencing at 6:01pm**

**ATTENDANCE:**

**Members**

Councillors M Regan (Mayor), R Harrison (Deputy Mayor), P Daley, V De Luca OAM, B Giltinan, W Gobert OAM, J Menano-Pires, S Heins, D Kerr and V Moskal

**Officers**

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Boris Bolgoff	Acting Deputy General Manager
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Ximena Von Oven	Acting Coordinator Governance
Sam Smith	IM&T Support Officer
David Walsh	Chief Financial Officer
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Campbell Pfeiffer	Group Manager BPSI

**NOTES**

The meeting commenced at 6.01pm and concluded at 6.13pm

## 1.0 APOLOGIES

Nil

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 22 MARCH 2016

073/16 RESOLVED

***Cr Harrison / Cr Heins***

That the Minutes of the Ordinary Council Meeting held 22 March 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### VOTING

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

**Against the resolution:** Nil

**CARRIED**

### 2.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 7 APRIL 2016

074/16 RESOLVED

***Cr Kerr / Cr Moskal***

That the Minutes of the Extraordinary Council Meeting held 7 April 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### VOTING

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

**Against the resolution:** Nil

**CARRIED**

### 2.3 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 12 APRIL 2016

075/16 RESOLVED

***Cr Kerr / Cr Heins***

That the Minutes of the Extraordinary Council Meeting held 12 April 2016, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

#### VOTING

**For the resolution:** Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr,

Menano-Pires, Moskal and Regan

**Against the resolution:** Nil

**CARRIED**

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

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Items 7.2 and 8.4, as he owns two properties in Dee Why Parade.

### **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 Jack Tilburn asked the following questions regarding how Warringah Council spent some \$300,000 to \$400,000 on the proposal for one Northern Beaches Council.**

- A. What legal authority or Council resolutions were undertaken to achieve Council authority to spend so much money on the proposal for one northern beaches council?
- B. Who was responsible for the granting of the legal measures to spend this money?
- C. What geographic areas and or media outlets were used to spend this money on?
- D. What finally are the total costs of this advertising campaign and will it hurt the budget?
- E. Was there any feedback obtained either objectively or subjectively from this big advertising campaign?

#### **Answer:**

The Mayor, Councillor Regan provided the following responses:

- A. Council was the authority.
- B. Council was the legal authority for the granting of the legal measure to spend the money.
- C. Across the Northern Beaches by the Manly Daily.
- D. The total cost of the advertising campaign with regards to the Local Government Reform for 2016 is \$12,982.
- E. Objectively there was the final survey completed which stated that over 65% of the Northern Beaches residents wanted one united Council.

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

076/16 **RESOLVED**

**Cr Regan / Cr Harrison**

#### **VOTING**

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

**Against the resolution:** Nil

**CARRIED**

**ITEMS RESOLVED BY EXCEPTION:****6.1 MONTHLY FUNDS MANAGEMENT REPORT MARCH 2016**077/16 **RESOLVED***Cr Regan / Cr Harrison***DECISION**

That Council note:

- A. The report indicating Council's Funds Management position as at 31 March 2016.
- B. The Certificate of the Responsible Accounting Officer and that the report be adopted.

**RESOLVED BY EXCEPTION****6.2 QUARTERLY BUDGET REVIEW STATEMENT MARCH 2016**078/16 **RESOLVED***Cr Regan / Cr Harrison***DECISION**

That Council:

- A. Note the March 2016 Quarterly Budget Review Statement.
- B. Approve the following changes to the Current Forecast in the March 2016 Quarterly Business Review Statement:
  - a. The Surplus from Continuing Operations which includes Capital Grants and Contributions is forecast to increase by \$6,846,973 to \$25,482,804.
  - b. Decrease in capital expenditure by \$13,596,748.
- C. Allocate the available surplus, of \$367,000 to the Tramshed Community Centre and \$370,000 to the Killarney Heights Oval Masterplan Works.

**RESOLVED BY EXCEPTION****7.2 AGREEMENT TERMS FOR THE ESTABLISHMENT OF CAR PARKING FOR THE NORTHERN BEACHES BUS RAPID TRANSPORT**079/16 **RESOLVED***Cr Regan / Cr Harrison*

That Council:

- A. Endorse the Heads of Agreement for B Line Bus Rapid Transport commuter car parking in the new Dee Why car park under construction.
- B. Delegate to the General Manger the authority to execute all necessary documentation to give effect to this resolution.

**RESOLVED BY EXCEPTION**

**8.1 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 - DEVELOPMENT STANDARDS AND CLAUSE 4.6 OF WARRINGAH LOCAL ENVIRONMENT PLAN**

080/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council note this report which identifies development applications which were granted approval during the period 1 October 2015 to 31 December 2015, with variations to development standards.

**RESOLVED BY EXCEPTION**

**8.2 MINUTES OF WARRINGAH PITTWATER BUSH FIRE MANAGEMENT COMMITTEE MEETING HELD 1 DECEMBER 2015**

081/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council note the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 1 December 2015.

**RESOLVED BY EXCEPTION**

**8.3 DRAFT WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (AMENDMENT 7) - 20-24 TRALEE AVENUE, KILLARNEY HEIGHTS**

082/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council adopt the Warringah Development Control Plan 2011 (Amendment 7).

**RESOLVED BY EXCEPTION**

**8.4 REPORT OF THE WARRINGAH TRAFFIC COMMITTEE MEETING HELD 5 APRIL 2016 - HOWARD AVENUE, DEE WHY - PROPOSED SHARED PATH**

083/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That the recommendations of the Warringah Traffic Committee held on 5 April 2016 in respect to Item 3.1 Howard Avenue, Dee Why proposed share path be adopted:

- A That the concept plans showing the typical arrangement for a separate 1.5m wide pedestrian path and 2.1m wide bicycle lane, as shown on Howard Avenue, Dee Why – Concept Plan Shared Path be supported, and Council proceeds with preparing detailed design plans and community consultation.
- B That the detailed design plans for the shared path be brought back to the Traffic Committee for final approval.

**RESOLVED BY EXCEPTION**

**8.5 COUNCILLOR REQUESTS AND RELATED INFORMATION - OCTOBER 2014 TO SEPTEMBER 2015**

084/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Councillor Requests and information on Councillor Briefings from October 2014 to September 2015 be noted.

***RESOLVED BY EXCEPTION***

**8.6 COUNCILLOR REQUESTS AND RELATED INFORMATION - OCTOBER 2015 TO MARCH 2016**

085/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Councillor Requests and information on Councillor Briefings from October 2015 to March 2016 be noted.

***RESOLVED BY EXCEPTION***

**8.7 COUNCILLOR HEINS - REPORT ON AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION 2016 CONFERENCE**

086/16 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council note the conference report on Australian Local Government Women's Association 2016.

***RESOLVED BY EXCEPTION***

**5.0 MAYORAL MINUTES**

Nil

**7.0 COMMUNITY DIVISION REPORTS**

**7.1 APPLICATION FOR DEVELOPMENT AND ARCHITECTURAL SERVICES GRANTS PROGRAM - FRESHWATER SURF LIFE SAVING CLUB**

087/16 **RESOLVED**

***Cr Regan / Cr De Luca***

That:

1. Council accepts the Freshwater Surf Life Saving Clubs application for an architectural Development Services Grant to the maximum amount of \$5000.
2. As part of the acquittal process Freshwater SLSC demonstrate to council the expenses

incurred and the quality of their architectural design

3. The development application fees be waived for this project.

#### **VOTING**

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

**Against the resolution:** Nil

**CARRIED**

## **9.0 NOTICES OF RESCISSION**

Nil

## **10.0 NOTICES OF MOTION**

Nil

## **11.0 QUESTIONS ON NOTICE**

### **11.1 QUESTION ON NOTICE NO 7/2016 - FAILURE TO PROVIDE BUSINESS PAPERS AND DOCUMENTS ON SUBMISSIONS REGARDING WARRINGAH COUNCIL AMALGAMATION ISSUES**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

### **11.2 QUESTION ON NOTICE NO 8/2016 - CONTINUING EXPENDITURE BY WARRINGAH COUNCIL ON ONE NORTHERN BEACHES COUNCIL CAMPAIGN AND OPPOSING THE TWO COUNCIL PROPOSAL**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.

### **11.3 QUESTION ON NOTICE NO 9/2016 - CONTINUING EXPENDITURE BY WARRINGAH COUNCIL ADVERTISING IN THE MANLY DAILY FOR THE ONE NORTHERN BEACHES CAMPAIGN AND OPPOSING THE TWO COUNCIL PROPOSAL**

In accordance with Council's Code of Meeting Practice Clause 24(5) the question was deemed in order.



## **12.0 RESPONSES TO QUESTIONS ON NOTICE**

### **12.1 RESPONSE TO QUESTION ON NOTICE NO 4/2016 - PAYMENTS BY WARRINGAH COUNCIL TO COUNCILLOR SUE HEINS' PRIVATE COMPANY**

A response to the Question on Notice was provided in the business papers.

### **12.2 RESPONSE TO QUESTION ON NOTICE NO 5/2016 - WARRINGAH COUNCIL MAILOUTS REGARDING AMALGAMATION**

A response to the Question on Notice was provided in the business papers.

### **12.3 RESPONSE TO QUESTION ON NOTICE NO 6/2016 - WARRINGAH COUNCIL ADVERTISING IN MANLY DAILY REGARDING AMALGAMATION**

A response to the Question on Notice was provided in the business papers.

NOTE: Item 9.1 (Notice of Rescission Motion 02/2016 – Item Number 12.1 – Council Boundary Review Submissions – Merger Proposal: Manly, Pittwater and Warringah Councils and Merger Proposal: Mosman, Willoughby and North Sydney Councils from the Extraordinary Council Meeting held 7 April 2016 was withdrawn by Councillors De Luca and Daley subsequently ruled out of order and removed from the Agenda.

*The meeting concluded at 6:13pm*

This is the final page of the minutes comprising 9 pages  
numbered 1 to 9 of the Ordinary Council Meeting  
held on Tuesday 26 April 2016 and confirmed on Tuesday 24 May 2016

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Mayor

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General Manager