

MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 AUGUST 2012

(2012/11)

warringah.nsw.gov.au



Warringah Council

**Minutes of the an Ordinary Meeting of Council
held on Tuesday 28 August 2012
at the Civic Centre, Dee Why
Commencing at 6.00pm**

ATTENDANCE:

Members

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

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Corporate Lawyer
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Adam Vine	Group Manager Business & Risk
Peter Robinson	Group Manager Development Assessment & Compliance
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
Don McQueen	A/Group Manager Building Property & Spatial Information
Michael Keelan	Group Manager Parks, Reserves & Foreshores
Boris Bolgoff	Group Manager Roads, Traffic and Waste
David Kerr	Group Manager Strategic Planning
Andrew Patterson	Internal Ombudsman
Belinda Noble	Media and Content Manager
Michael McDermid	Corporate Planning Manager
Craig Sawyer	Manager Warringah Projects

NOTES

The meeting commenced at 6:00pm, adjourned at 8:15pm, resumed at 8:20pm and concluded at 9:50pm

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 JULY 2012

267/12 **RESOLVED**

Cr Sutton / Cr Falinski

That the Minutes of the Ordinary Meeting of Council of 24 July 2012, copies of which were previously circulated to all Councillors, are hereby confirmed as a true and correct record of the proceedings of that meeting.

VOTING

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

Against the resolution: Crs Ray and Laugesen

CARRIED

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Councillor Harris declared a less than significant, non pecuniary interest in relation to Item 7.2, as she is unable to access the internet from her home.

Councillor Regan declared a significant, non pecuniary interest in relation to Item 13.1, as he is both a patron, member and player for the Manly Cricket Club Association and would take no part in debate or voting on the Item.

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.

PROCEDURAL MOTION – EXTENSION OF PUBLIC FORUM PERIOD

268/12 **RESOLVED**

Cr Regan / Cr Ray

That Council extend the public forum period beyond the thirty minutes as provided for in Clause 12.1 (ii) of the Code of Meeting Practice and that Mr Thyer, Ms Frack and Mr Stewart be permitted to address Council.

VOTING

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

Against the resolution: Crs Falinski and Wilkins

CARRIED

- 4.1 Ms Simone Selinas made a statement regarding Allambie Heights neighbourhood playgrounds namely Canea Reserve upgrade and petition.**

PROCEDURAL MOTION - EXTENSION OF TIME

269/12 **RESOLVED**

Cr Dr Kirsch / Cr De Luca

That Ms Selinas be granted an extension of 3 minutes to address the meeting.

VOTING

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

Against the resolution: Crs Falinski, Sutton and Regan

CARRIED

- 4.2 Mr Jack Tilburn asked the following question in relation to the costs for Code of Conduct Complaints by Councillors**

Councillor Laugesen left the chamber at 6:14pm

- a) Are councillors making too many complaints under the Code of Conduct complaint system of some 60 complaints against General Manager or councillors since September 2008 and which has cost ratepayers some \$135,850?
- b) Notice that perhaps only one complaint at Manly Council and none at Pittwater Council, so what has gone so very wrong and almost out of control at our council?
- c) Are our mediation resources or methods of mediation at fault and can they be improved to reduce complaints and confrontation?
- d) Are our councillors receiving in-house training and educational methods and lessons to overcome their complaints before lodging written complaints to the Internal Ombudsman?
- e) Would it be feasible and possible to impose a lodgement fee of say \$100 and it being non-refundable at the time of lodging a written complaint to the Internal Ombudsman?

Answer:

The Internal Ombudsman provided the following response:

- a) The figure has increased since the report was drafted 2 weeks ago and is now approximately \$145,000. There are too many complaints being made and the minority of 2 Councillors are responsible for a significant number of those complaints.
- b) Misuse of the complaint system is by a minority of 2 Councillors and some other people.
- c) Mediation has been used in some cases earlier in this Council term but parties that complain have to be willing to mediate and this has not been the case in most instances.
- d) All Councillors have received training in this issue.
- e) I would not support any complaint system having a lodgement fee. Any complaint system must be accessible to everyone on an equal basis.

Councillor Laugesen returned to the chamber at 6:17pm

4.3 Ms Vivienne Cresswell addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.

PROCEDURAL MOTION - EXTENSION OF TIME

270/12 **RESOLVED**

Cr Dr Harris / Cr Ray

That Ms Cresswell be granted an extension of 3 minutes to address the meeting.

VOTING

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

Against the resolution: Crs Falinski and Wilkins

CARRIED

4.4 Mr Michael Gleeson addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.

PROCEDURAL MOTION - EXTENSION OF TIME

271/12 **RESOLVED**

Cr Dr Kirsch / Cr Dr Harris

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

VOTING

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

Against the resolution: Crs Falinski, Wilkins and Sutton

CARRIED

4.5 Mr Neil Whittaker addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.

Councillor Sutton left the chamber at 6:31pm

Councillor Sutton returned to the chamber at 6:32pm

4.6 Ms Sheree Hurley addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.

4.7 Mr Craig Busch addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.

Councillor Sutton left the chamber at 6:38pm

PROCEDURAL MOTION - EXTENSION OF TIME

272/12 RESOLVED

Cr Dr Kirsch / Cr Ray

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

VOTING

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

Against the resolution: Crs Falinski and Wilkins

CARRIED

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

Councillor Sutton returned to the chamber at 6:41pm

- 4.8 Mr John Mullins addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.**

PROCEDURAL MOTION - EXTENSION OF TIME

273/12 RESOLVED

Cr Dr Kirsch / Cr Dr Harris

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

VOTING

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

Against the resolution: Crs Falinski and Wilkins

CARRIED

- 4.9 Mr Greg Millson representing The Sargood Centre addressed Item 8.11, Collaroy Accessibility Precinct - Results from Public Exhibition of Proposed Masterplan.**

PROCEDURAL MOTION - EXTENSION OF TIME

274/12 RESOLVED

Cr Dr Kirsch / Cr Dr Harris

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

VOTING

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

Against the resolution: Crs Falinski and Sutton

CARRIED

- 4.10 Mr Peter Thyer addressed Item 10.3, Notice of Motion No 29/2012 - Harbord Diggers Application for Seniors Living Site Compatibility Certificate.**

PROCEDURAL MOTION - EXTENSION OF TIME

275/12 RESOLVED

Cr Dr Kirsch / Cr Dr Harris

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

VOTING

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

Against the resolution: Crs Falinski, Sutton and Regan

CARRIED

Councillor Falinski left the chamber at 6:59pm

4.11 Ms Deborah Frack made a statement regarding Motion of Urgency - Acquisition of Unformed Road Reserve between Yanada and Joalah Roads, Duffys Forest.

Councillor Falinski returned to the chamber at 6:59pm

PROCEDURAL MOTION - EXTENSION OF TIME

276/12 RESOLVED

Cr Ray / Cr Dr Kirsch

That Ms Frack be granted an extension of 3 minutes to address the meeting.

VOTING

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

Against the resolution: Crs Falinski, Sutton and Regan

CARRIED

4.12 Mr Robbie Stewart representing Adjacent Residents of 116 Queenscliff Road addressed Item 10.1, Notice of Motion No 27/2012 - DA for Boarding House at 116 Queenscliff Road, Queenscliff .

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

277/12 RESOLVED

Cr Regan / Cr Falinski

That the Order of Business be changed so Items 8.11, 10.1 and 10.3 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Nil

CARRIED

8.11 COLLAROY ACCESSIBILITY PRECINCT - RESULTS FROM PUBLIC EXHIBITION OF PROPOSED MASTERPLAN

Cr Regan / Cr Falinski

That:

- A. The Master Plan for the Collaroy Accessibility Precinct proceed to the detailed design phase.
- B. The location of the proposed playground climbing wall and toilet facility be reviewed with the purpose of locating them so as to minimise the effect on views of the ocean from within the playground, grassed area west of the playground and from street level in Birdwood Avenue. Residents of Birdwood Avenue are to be consulted in the process.
- C. Other issues of concern and suggestions received in submissions during the exhibition period are considered during the detailed design phase, and where appropriate, suggestions incorporated and relevant respondents and stakeholders will be further consulted to overcome their concerns.
- D. Following preparation of detailed designs and associated cost estimates, that public tenders be called for construction of Stage 1 works, which are to include works able to be undertaken within the available funding, and which be commence late April 2013 and be finished before November 2013.

Councillor Laugesen left the chamber at 7:12pm

AMENDMENT

Cr Dr Kirsch / Cr Dr Harris

That:

1. A 'Collaroy Accessibility Precinct Working Party' involving representatives of local residents, all relevant local community and stakeholder groups, including but not limited to Surfrider foundation, Collaroy surfers, DSA, and Sargood be established in order to review the Master Plan for the Collaroy Accessibility Precinct.
2. The revised Masterplan be taken to the Environmental Sustainability Strategic Reference Group and the Warringah Coastal Community Committee for feedback.
3. The Collaroy Accessibility Precinct Working Party be involved in the detailed design phase and asked to consider suggestions received in submissions during the exhibition period and collaborate in resolving issues of concern.
4. The Collaroy Accessibility Precinct Working Party be involved in the review of the location of the proposed playground climbing wall and toilet facility with the purpose of locating them so as to minimise the effect on views of the ocean from within the playground, grassed area west of the playground and from street level in Birdwood Avenue.
5. A response be provided to all those who have made a submission during the exhibition period, outlining how their concern has been addressed, or their suggestion been dealt with in the detailed design phase.
6. Council be provided with a comprehensive outline of all submissions received during the

consultation process, including the outcomes of the focus groups.

7. The detailed design and associated cost estimates be brought back to Council for approval.
8. Following Council approval, public tenders be called for construction of Stage 1 works, which are to include works able to be undertaken within the available funding, and which be commence late April 2013 and be finished before November 2013.

Councillor Laugesen returned to the chamber at 7:23pm

VOTING

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

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

There being an equal number of votes, the Mayor used his casting vote against the amendment, which was declared LOST.

AMENDMENT

Cr De Luca / Cr Ray

That:

- A. The Master Plan for the Collaroy Accessibility Precinct proceed to the detailed design phase however no parking spaces to be removed from the South East Area or Promenade Area.
- B. The location of the proposed playground climbing wall and toilet facility be reviewed with the purpose of locating them so as to minimise the effect on views of the ocean from within the playground, grassed area west of the playground and from street level in Birdwood Avenue. Residents of Birdwood Avenue are to be consulted in the process.
- C. Other issues of concern and suggestions received in submissions during the exhibition period are considered during the detailed design phase, and where appropriate, suggestions incorporated and relevant respondents and stakeholders will be further consulted to overcome their concerns.
- D. Following preparation of detailed designs and associated cost estimates, that public tenders be called for construction of Stage 1 works, which are to include works able to be undertaken within the available funding, and which be commence late April 2013 and be finished before November 2013.

VOTING

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

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

LOST

AMENDMENT

Cr Dr Kirsch / Cr Ray

That:

1. The Master Plan for the Collaroy Accessibility Precinct proceed to the detailed design phase.
2. A 'Collaroy Accessibility Precinct Working Party' involving representatives of local residents, all relevant local community and stakeholder groups, including but not limited to Surfrider foundation, Collaroy surfers, DSA, and Sargood be established to review the Masterplan and complete detailed design.
3. The Collaroy Accessibility Precinct Working Party be involved in the detailed design phase and asked to consider suggestions received in submissions during the exhibition period and collaborate in resolving issues of concern.
4. The Collaroy Accessibility Precinct Working Party be involved in the review of the location of the proposed playground climbing wall and toilet facility with the purpose of locating them so as to minimise the effect on views of the ocean from within the playground, grassed area west of the playground and from street level in Birdwood Avenue.
5. A response be provided to all those who have made a submission during the exhibition period, outlining how their concern has been addressed, or their suggestion been dealt with in the detailed design phase.
6. Council be provided with a comprehensive outline of all submissions received during the consultation process, including the outcomes of the focus groups.
7. The detailed design and associated cost estimates be brought back to Council for approval.
8. Following Council approval, that public tenders be called for construction of Stage 1 works, which are to include works able to be undertaken within the available funding, and which be commence late April 2013 and be finished before November 2013.

VOTING

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

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

There being an equal number of votes, the Mayor used his casting vote against the amendment, which was declared LOST.

AMENDMENT**Cr Dr Harris / Cr Dr Kirsch**

That the item be deferred to the next Council meeting.

VOTING

For the amendment: Crs Kirsch and Harris

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

LOST

278/12 RESOLVED**Cr Regan / Cr Falinski**

That:

- A. The Master Plan for the Collaroy Accessibility Precinct proceed to the detailed design phase.
- B. The location of the proposed playground climbing wall and toilet facility be reviewed with the purpose of locating them so as to minimise the effect on views of the ocean from within the playground, grassed area west of the playground and from street level in Birdwood Avenue. Residents of Birdwood Avenue are to be consulted in the process.
- C. Other issues of concern and suggestions received in submissions during the exhibition period are considered during the detailed design phase, and where appropriate, suggestions incorporated and relevant respondents and stakeholders (Sargood, Disabled Surfers Association, Michael Gleeson and Vivienne Cresswell for example) will be further consulted to overcome their concerns.
- D. Following preparation of detailed designs and associated cost estimates, that public tenders be called for construction of Stage 1 works, which are to include works able to be undertaken within the available funding, and which be commence late April 2013 and be finished before November 2013.

VOTING**For the resolution:** Crs Falinski, Giltinan, Wilkins, Ray, Sutton and Regan**Against the resolution:** Crs De Luca, Kirsch, Harris and Laugesen**CARRIED**

In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:15pm. The meeting resumed at 8:20pm with the same Councillors present.

10.1 NOTICE OF MOTION NO 27/2012**DA FOR BOARDING HOUSE AT 116 QUEENSCLIFF ROAD, QUEENSCLIFF****279/12 RESOLVED****Cr Falinski / Cr Dr Wilkins**

That this Council resolves to:

1. Note with concern:
 - a. That on 22 September 2011 a fire broke out at 116 Queenscliff Road, Queenscliff and 13 backpackers ran for their lives from the unauthorised backpackers building.
 - b. That residents for years have had to unfairly endure excessive noise and disturbances from backpackers using the establishments, out of control parties, people urinating and entering their properties from the backpackers and people fighting outside their properties from the backpackers.

2. Present the following concerns as a submission to WDAP for consideration of the DA:
 - a. the past behaviour at the site, and
 - b. that the proposal is not in the public interest.

VOTING

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

Against the resolution: Cr Wilkins

CARRIED

**10.3 NOTICE OF MOTION NO 29/2012
HARBORD DIGGERS APPLICATION FOR SENIORS LIVING SITE COMPATIBILITY
CERTIFICATE**

280/12 **RESOLVED**

Cr Dr Kirsch / Cr Regan

That Council object to the application by Harbord Diggers for Seniors Living Site Compatibility Certificate at the Harbord Diggers Club (HDC) site, Freshwater and make a formal submission in that regard to the Director General of the Department of Planning and ask that the application be refused and no Site Compatibility Certificate be issued.

Councillor De Luca left the chamber at 8:22pm

Councillor Laugesen left the chamber at 8:22pm

VOTING

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

Against the resolution: Nil

CARRIED

NOTE: Councillors De Luca and Laugesen were not present for voting on this item

Councillor Laugesen returned to the chamber at 8:23pm

Councillor De Luca returned to the chamber at 8:24pm

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION**281/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That the Order of Business be changed so Items 6.1, 6.3, 6.4, 6.5, 7.1, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.13, 8.14, 8.15, 8.16, 13.1, 13.2 are dealt with by exception with the recommendations of the General Manager/ Deputy General Managers being adopted.

The Mayor, Councillor Regan left the chamber at 8:26pm, due to a declared significant, non pecuniary interest in Item 13.1. The Deputy Mayor, Councillor Sutton took the Chair.

VOTING

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

Against the resolution: Nil

CARRIED

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

The Mayor, Councillor Regan returned to the chamber at 8:27pm and resumed the Chair.

ITEMS RESOLVED BY EXCEPTION:**6.1 CONSIDERATION OF CODE OF CONDUCT MATTERS PRIOR TO THE SEPTEMBER 2012 ELECTIONS****282/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That the report be noted.

RESOLVED BY EXCEPTION**6.3 ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY****283/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That Investment Policy FIN-PL 215 be noted.

RESOLVED BY EXCEPTION

6.4 MONTHLY FUNDS MANAGEMENT REPORT JULY 2012284/12 **RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That:

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

RESOLVED BY EXCEPTION**6.5 RATES AND ANNUAL CHARGES RECOVERY ACTION AND HARDSHIP POLICY**285/12 **RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That

- A. The Rates and Annual Charges Recovery Action and Hardship Policy be adopted.
- B. FIN – PL 510 Rates & Charges Recovery Action and FIN – PL 515 Hardship Resulting from Land Valuation Changes policies be rescinded.

RESOLVED BY EXCEPTION**7.1 CONSIDER AN APPLICATION TO INCREASE OF SOCIAL GREEN FEES FOR WARRINGAH GOLF CLUB**286/12 **RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That

- A. Council approves the green fee increases for Warringah Golf Club Limited.
- B. Warringah Golf Club Limited is required to provide reasonable and appropriate notification of any approved increase to golf course users.

RESOLVED BY EXCEPTION**8.1 ANNUAL REPORT 2011-2012**287/12 **RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That:

- A. The Annual Report 2011–2012, sections 1 to 5 be received and noted.

- B. The State of the Environment Report 2010–2012 (appended to the Annual Report) be received and noted.

RESOLVED BY EXCEPTION

8.2 END OF TERM REPORT 2010-2012

288/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That the End of Term Report 2010-2012 be received and noted.

RESOLVED BY EXCEPTION

8.3 COMMUNITY STRATEGIC PLAN - COMMUNITY ENGAGEMENT STRATEGY

289/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That the proposed Community Engagement Strategy be adopted.

RESOLVED BY EXCEPTION

8.4 EXHIBITION OF ADDITIONAL FEES 2012-2013

290/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That the following fees be adopted for 2012-2013:

- A. Fee reduction for financial hardship – \$0.00
- B. One-off venue hire for event that deliver broad community benefit - \$0.00
- C. Provision of services to one-off event that deliver broad community benefit - \$0.00

RESOLVED BY EXCEPTION

8.5 PLANNING PROPOSAL TO AMEND WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

291/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That Council:

- A. Prepare a Planning Proposal for amending WLEP 2011 and refer this to the Minister for Planning and Infrastructure (Minister) that will:

- a. Permit boat building and repair facilities in the IN1 General Industrial zone.
 - b. Delete “registered clubs” as a permitted use in the RE2 Private Recreation zone and
 - i. Zone Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club RE1 Public Recreation.
 - ii. Add Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club to Schedule 1 Additional Permitted Uses, making “registered clubs” a permitted use on these sites.
 - c. Reduce the maximum building height for land in Narrabeen that is bound by Pittwater Road and Narrabeen, Ocean and Albert Streets (see attachment 1), from 11 metres to 8.5 metres.
 - d. Omit Lot 1 DP960506 from the Land Reservation Acquisition Map.
 - e. Map all properties listed within Schedule 1 Additional Permitted Uses of WLEP 2011.
 - f. Omit clause 6.1 Acid Sulfate Soils and insert the latest Model Local Provision 7.1 Acid Sulfate Soils.
 - g. Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area.
- B. Should the Minister require additional information to enable the amending WLEP 2011 to proceed, endorses Council staff to respond as required.
- C. Upon receipt of the NSW Minister for Planning and Infrastructure Gateway Determination, and in accordance with any directions contained therein, authorises the public exhibition and consultation requirements to progress the Planning Proposal.
- D. If the Minister supports the Planning Proposal, endorses Council staff to review and if required prepare amendments to the WDCP.

RESOLVED BY EXCEPTION**8.6 ASSET MANAGEMENT POLICY****292/12 RESOLVED****Cr Dr Kirsch / Cr Falinski**

That Council adopt the revised Asset Management Policy.

RESOLVED BY EXCEPTION**8.7 REQUEST TO REVOKE DANGEROUS DOG ORDER****293/12 RESOLVED****Cr Dr Kirsch / Cr Falinski**

That Council revokes the Dangerous Dog Order on the dog ‘De Beer’, Microchip No. 985100005413933.

RESOLVED BY EXCEPTION

8.8 MINUTES OF THE NARRABEEN LAGOON FLOODPLAIN RISK MANAGEMENT WORKING GROUP HELD 7 JUNE 2012**294/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held at Warringah Council on 7 June 2012 be noted.

RESOLVED BY EXCEPTION**8.9 NOTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 5 JULY 2012****295/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That the Notes of the Manly Lagoon Catchment Coordinating Committee meeting held on 5 July 2012 be noted.

RESOLVED BY EXCEPTION**8.13 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES****296/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

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

RESOLVED BY EXCEPTION**8.14 REPORTING OF STRATEGIC REFERENCE GROUP END OF TERM REPORT****297/12 RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That the end of term reports from the Strategic Reference Groups be noted.

RESOLVED BY EXCEPTION

8.15 REVIEW OF THE STRATEGIC ENGAGEMENT FRAMEWORK COMPRISING OF THE STRATEGIC REFERENCE GROUPS AND COMMUNITY COMMITTEES298/12 **RESOLVED*****Cr Dr Kirsch / Cr Falinski***

That:

- A. The term of all Strategic Reference Groups and Community Committees, with the exception of the Community and Culture Strategic Reference Group and the Sister Cities Community Committee be extended until August 2013 (with the exception of Councillor changes as a direct result of the results of the 8 September 2012 Local Government Elections).
- B. Staff work with the current members of the Community and Culture Strategic Reference Group on a model for this Group going forward and that a report be brought back to Council in mid 2013 with a recommendation for the future of this group.
- C. That the following amendments to the Strategic Reference Group Guidelines be endorsed:
- a. The Tenure Clause within the Strategic Reference Group Guidelines be amended to read as follows:
- Community representatives shall be appointed to Strategic Reference Groups for a period of up to four (4) years. Where a community representative is replaced in accordance with Council's policy, equal representation from the three (3) Wards of Warringah shall be maintained where possible.
- b. The Membership, Roles and Responsibilities Clause within the Strategic Reference Group Guidelines be amended to read as follows under Community:
- Community - Nine (9) community members shall be appointed to each Strategic Reference Group in accordance with Council policy. Community representation is to be spread equally across the three (3) wards of Warringah with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.
- c. The Frequency, Timing and Duration of Meetings Clause within the Strategic Reference Group Guidelines be amended to read as follows:
- Strategic Reference Groups will meet bi-monthly.
- There will be flexibility in the start time of the Strategic Reference Group Meetings, whereby a meeting may start between 6pm and 7pm as determined by a majority of members. Meetings are to be no longer than two (2) hours in length, unless the closing time is extended by a majority decision by up to thirty (30) minutes. Any business not dealt with at the close of a meeting is to be carried forward to the next meeting of the Strategic Reference Group.
- d. An additional line be added to paragraph two of the Quorum and voting clause as follows:
- If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.
- e. The Notice of Meetings and Agenda Distribution Clause within the Strategic Reference Group Guidelines be amended to read as follows:
- Notice of meetings of Strategic Reference Groups, including the Agenda, is to be provided to members by Council officers not less than seven (7) days prior to the meeting. Wherever possible, the meeting notice and Agenda should be distributed electronically.

D. The following amendment to the Strategic Reference Group Charters be endorsed:

That Clause 3, Membership within all Strategic Reference Group Charters, be amended to read as follows under Community:

Community - Nine (9) community members, with representation spread equally across the three (3) wards of Warringah, with the exception being when a vacancy occurs within the term of the Strategic Reference Group, and this vacancy is unable to be filled through the normal recruitment process, this will not be part of considerations.

E. The following amendment to the Community Committee Guidelines be endorsed:

That an additional paragraph be added to the Quorum and Voting Clause as follows:

No member should be absent for more than two (2) consecutive meetings of a Community Committee without first seeking, and being granted, leave by the relevant Committee. If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated.

RESOLVED BY EXCEPTION

8.16 REPORTING OF COMMUNITY COMMITTEE ANNUAL REPORTS

299/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That the reports of the Beacon Hill War Memorial Hall, Curl Curl Sports Centre, Curl Curl Youth & Community Centre, Dee Why and Curl Curl Lagoon, Forestville RSL War Memorial Playing Fields, Harbord Literary Institute, Heritage, John Fisher Park and Stony Range Botanic Garden Community Committees be noted.

RESOLVED BY EXCEPTION

by exception:

13.1 RFT 2012/031 - LINE MARKING OF SPORTS FIELDS

300/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That Council accept the Tender from Green Options to undertake the Line Marking of Sports Fields for the total fee of \$27,980.00 per year (excluding GST) for 3 years with 2 x 1 year options to extend the term at Council's sole discretion and delegate to the General Manager authority to enter into a contract.

RESOLVED BY EXCEPTION

13.2 RFT 2012/038 - SHOROC - SERVICES FOR AIR QUALITY, AIR CONDITIONING SERVICES AND MAINTENANCE

301/12 **RESOLVED**

Cr Dr Kirsch / Cr Falinski

That Council accepts the tender from Beaver Air-Conditioning Service Pty Ltd for Services for Air Quality, Air Conditioning Services and Maintenance consistent with the terms of the contract for a period of two (2) years with 3 x 1 year options in accordance of subclauses 178 (1)(a) of the *Local Government (General) Regulation 2005*.

RESOLVED BY EXCEPTION**5.0 Mayoral Minutes****5.1 MAYORAL MINUTE NO 8/2012
LAST MEETING OF THE CURRENTLY ELECTED COUNCILLORS****302/12 RESOLVED****Cr Regan**

That Council acknowledge the services of Councillors, Council staff and note the retirement of Councillor Julie Sutton.

VOTING

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

Against the resolution: Nil

CARRIED**6.0 GENERAL MANAGER'S REPORTS****6.2 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012****303/12 RESOLVED****Cr Regan / Cr Dr Kirsch**

That

- A. The Annual Financial Statements for the year ended 30 June 2012 be adopted by the Council.
- B. The Mayor, Councillor Falinski, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
- C. The Annual Financial Statements for the year ended 30 June 2012 be referred to the Council's Auditor for audit.
- D. The Council hereby delegate to the General Manager authority, upon receipt of the Auditor's report of the Council, to:
 - a) Forward a copy to the Division of Local Government and Australian Bureau of

Statistics.

- b) Arrange for the public notice of the Council Meeting for presentation to the public, in the required format be placed in the Manly Daily.
- c) Arrange for the Council's audited financial reports and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format at the Council's Civic Centre and Libraries at Belrose, Dee Why, Forestville and Warringah Mall.
- d) List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.
- e) That Council rolls over \$386,972 in Capital Works Projects to 2012-13.

VOTING

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

Against the resolution: Nil

CARRIED

MOTION OF URGENCY - ACQUISITION OF UNFORMED ROAD RESERVE BETWEEN YANADA AND JOALAH ROADS, DUFFYS FOREST

304/12 **RESOLVED**

Cr Laugesen / Cr Dr Harris

That as a matter of urgency, Council considers the following motion in relation to the acquisition of an unformed road reserve:

That:

- a) Council delegates to the General Manager to lodge an expression of interest to Department of Primary Industries, Crown Lands Division to acquire the section of unformed road reserve known as Joalah Road, between Yanada Road and Joalah Road Duffys Forest and;
- b) The acquisition of this section of unmade road reserve be facilitated through land transfer and at no charge to Council and;
- c) The unformed road remain a reserve and be used for the purpose of providing the community with public access between Joalah and Yanada Roads Duffys Forest.

NOTE: The Chair subsequently ruled that the matter was one of urgency and would be included on the Agenda as Item 10.4, the last item on the agenda.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

305/12 RESOLVED***Cr De Luca / Cr Giltinan***

That the Order of Business be changed so Item 10.4, Matter of Urgency - Acquisition of Unformed Road Reserve Between Yanada And Joalah Roads, Duffys Forest be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Crs Falinski, Sutton and Regan

CARRIED**12.4 MATTER OF URGENCY- ACQUISITION OF UNFORMED ROAD RESERVE BETWEEN YANADA AND JOALAH ROADS, DUFFYS FOREST****306/12 RESOLVED*****Cr Laugesen / Cr Dr Harris***

That:

- a) Council delegates to the General Manager to lodge an expression of interest to Department of Primary Industries, Crown Lands Division to acquire the section of unformed road reserve known as Joalah Road, between Yanada Road and Joalah Road Duffys Forest and;
- b) The acquisition of this section of unmade road reserve be facilitated through land transfer and at no charge to Council and;
- c) The unformed road becomes a public reserve and be used for the purpose of providing the community with public access between Joalah and Yanada Roads Duffys Forest.

VOTING

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

Against the resolution: Cr Falinski

CARRIED**6.6 INTERNAL OMBUDSMAN ANNUAL REPORT 2011-2012*****Cr Falinski / Cr Dr Wilkins***

That Council note the report and requests to receive a further breakdown as to when and what sort of complaints were received as to better their understanding regarding possible relationships between events that occurred and to be able to be more proactive in the future.

PROCEDURAL MOTION - MOTION BE PUT**Cr Ray / Cr Dr Kirsch**

That the motion be now put.

VOTING

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

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

There being an equal number of votes, the Mayor used his casting vote against the motion, which was declared LOST.

Councillor Ray left the chamber at 9.22pm

Councillor Laugesen left the chamber at 9.23pm

Councillor Ray returned to the chamber at 9.26pm

307/12 RESOLVED**Cr Falinski / Cr Dr Wilkins**

That Council note the report and requests to receive a further breakdown as to when and what sort of complaints were received as to better their understanding regarding possible relationships between events that occurred and to be able to be more proactive in the future.

VOTING

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

Against the resolution: Cr Ray

CARRIED

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

Councillor Wilkins left the chamber at 9:32pm

Councillor Laugesen returned to the chamber at 9:32pm

Councillor Wilkins returned to the chamber at 9:32pm

Councillor Wilkins left the chamber at 9:33pm

Councillor Wilkins returned to the chamber at 9:33pm

7.0 COMMUNITY DIVISION REPORTS

7.2 ADVISING NOTICES ONLINE

308/12 **RESOLVED**

Cr Dr Harris / Cr Regan

That the General Manager to write to the Premier, Hon Barry O'Farrell, the Minister for Planning and Infrastructure, Hon Brad Hazzard MP and the Minister for Local Government, Hon Don Page MP stating that:

- A. Council respectfully requests that in the review of the Local Government Act and EPA Act, the State Government give consideration to amending the Acts to give Councils the option of using either electronic means on the consent authorities websites or a newspaper to place post notices/advertisements.
- B. If changes occurred Council would commit for an interim time period require a small notice to be placed in the paper stipulating how to look for the consents (i.e. refer to Council's website / go to Customer Service Centre).
- C. Council supports other NSW Councils requesting the elimination of mandatory print advertising.
- D. Council would continue to commit to other existing notification and consultation requirements.

VOTING

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

Against the resolution: Crs De Luca and Laugesen

CARRIED

7.3 COUNCIL COMMUNITY ELECTRICITY OFFER

309/12 **RESOLVED**

Cr Ray / Cr Regan

That Council:

- A. Pursuant to Clause 168(4) (b) of the Local Government (General) Regulation 2005 declines to accept any of the expressions of interest received.
- B. Terminates the tender process and decline to invite tenders from any of the applicants.
- C. Uses the information obtained to date to provided assistance to the community on how they can reduce their energy costs and implement energy consumption sustainability measures.

VOTING

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

Against the resolution: Cr Laugesen

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS

8.10 FRESHWATER PLAZA SHADE STRUCTURE - CONSULTATION RESULTS

310/12 **RESOLVED**

Cr Falinski / Cr Dr Wilkins

That Council note the consultation results and that Council proceeds with the detailed design and installation of the proposed shade structure in the Freshwater Village Plaza as amended.

VOTING

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

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

CARRIED

8.12 COUNCILLOR REQUESTS - MARCH TO JULY 2012

311/12 **RESOLVED**

Cr Dr Harris / Cr Regan

That the report be noted.

VOTING

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

Against the resolution: Nil

CARRIED

10.0 NOTICES OF MOTION

10.2 NOTICE OF MOTION NO 28/2012 GREEN PAPER

312/12 **RESOLVED**

Cr Dr Kirsch / Cr Dr Harris

That Council request a further extension of time to respond to the NSW Government Green Paper on reforms to the NSW Planning System.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

The meeting concluded at 9:50pm

This is the final page of the Minutes comprising 27 pages numbered 1 to 27 of meeting 2012/11 of Warringah Council held on 28 August 2012 and confirmed on 24 October 2012.

Mayor

General Manager