



WARRINGAH  
COUNCIL

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 26 AUGUST 2014**

(2014/8)



## Minutes of an Ordinary Meeting of Council

held on Tuesday 26 August 2014

at the Civic Centre, Dee Why

Commencing at 6:03pm

### ATTENDANCE:

#### Members

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

#### Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Anna Moore	Governance Manager
Trish Chaney	Coordinator Governance
Nicki Adams	Coordinator Office of the Mayor and Councillors
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
Campbell Pfeiffer	Group Manager Building Property & Spatial Information
David Kerr	Group Manager Development Assessment & Compliance
Melodie Whiting	Group Manager Human Resources
Graham Middleton	Group Manager Marketing & Communications
Damian Ham	Acting Group Manager Parks, Reserves and Foreshores
Boris Bolgoff	Group Manager Roads, Traffic and Waste
Peter Robinson	Group Manager Strategic Planning
Andrew Patterson	Internal Ombudsman
Belinda Noble	Media and Content Manager

### NOTES

The meeting commenced at 6:03pm, adjourned at 8:07pm, resumed at 8:12pm and concluded at 9:02pm

## 1.0 APOLOGIES

Nil

## 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 24 JUNE 2014

519/14 **RESOLVED**

***Cr Harrison / Cr Giltinan***

That the Minutes of the Ordinary Council Meeting held 24 June 2014, 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 5 AUGUST 2014

520/14 **RESOLVED**

***Cr Gobert / Cr De Luca***

That the Minutes of the Extraordinary Council Meeting held 5 August 2014, 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 Menano-Pires declared a less than significant, non-pecuniary interest in relation to Item 8.1, as office holders of Warringah Urban Fringe Association attended the Local Government Campaign launch of the Warringah First Group which he was a part of.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 8.1, as office holders of Warringah Urban Fringe Association attended the Local Government Campaign launch of the Warringah First Group which he was a part of.

Councillor De Luca declared a less than significant, non-pecuniary interest in relation to Item 8.1, as a member of Warringah Urban Fringe Association may have attended his campaign launch in 2011, he stated that no further action was required as his impartiality was not breached in any way.

## PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

521/14 RESOLVED

***Cr Regan / Cr Menano-Pires***

That Council:

- A. Extend the public forum period beyond the thirty minutes as provided for in Clause 12.1 (ii) of the Code of Meeting Practice and grant permission to address Council to the 9 speakers on Item 8.11 Curl Curl Beach Masterplan, 10 speakers on Item 8.1 Oxford Falls Valley and Belrose North Strategic Review – Stage 1 and the 2 speakers on other Council matters.
- B. Change the Order of Business to the following:
  1. Public Forum in relation to Item 8.11 Curl Curl Beach Masterplan
  2. Consideration of Item 8.11 Curl Curl Beach Masterplan
  3. Public Forum in relation to Item 8.1 Oxford Falls Valley and Belrose North Strategic Review – Stage 1
  4. Consideration of Item 8.1 Oxford Falls Valley and Belrose North Strategic Review – Stage 1
  5. Conclusion of Public Forumafter which the normal Order of Business will resume.

## VOTING

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

**Against the resolution:** Nil

**CARRIED**

## 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 Geoff Mallinson addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.**
- 4.2 **Ms Marianne Gould addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.**
- 4.3 **Mr Shaun Brown addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.**
- 4.4 **Mr Hamish Bracey addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.**

- 4.5 Ms Baiba Neimanis addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.
- 4.6 Mr Ray Cox representing Curl Curl Lagoon Friends addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.
- 4.7 Mr Harry Eliffe representing Curl Curl Lagoon Friends addressed Item 8.11, Adoption of Curl Curl Beach Masterplan.

**8.11 ADOPTION OF CURL CURL BEACH MASTERPLAN**

***Cr Heins / Cr Gobert***

That the Curl Curl Beach Masterplan be adopted.

**AMENDMENT**

***Cr Daley / Cr De Luca***

That the Curl Curl Beach Masterplan be adopted with the exception that the entire pathway be concrete as it was in Plan A.

**VOTING**

**For the amendment:** Cr Daley

**Against the amendment:** Crs De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**LOST**

**522/14 RESOLVED**

***Cr Heins / Cr Gobert***

That the Curl Curl Beach Masterplan be adopted.

**VOTING**

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

**Against the resolution:** Nil

**CARRIED**

- 4.8 Mr John Holman representing Warringah Urban Fringe Association addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.9 Mr Barry Condon addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.10 Ms Glynnis Condon addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.

- 4.11 Dr James Linklater representing Warringah Urban Fringe Association addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.12 Mr Tony Moylan representing Warringah Urban Fringe Association addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.13 Dr Anthony Harris representing Garigal Landcare Group addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.14 Ms Mary Armstrong representing Belrose Rural Community Association addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.15 Mr Ron Patton representing Belrose Rural Community Association addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.
- 4.16 Ms Ann Sharp representing Friends of Narrabeen Lagoon addressed Item 8.1, Oxford Falls Valley and Belrose North Strategic Review - Stage 1.

## 8.1 OXFORD FALLS VALLEY AND BELROSE NORTH STRATEGIC REVIEW - STAGE 1

### *Cr Menano-Pires / Cr Regan*

1. That Council notes:
  - A. That Council staff have consistently followed the methodology determined by the NSW Department of Planning and Environment.
  - B. The conflicting advice it has received from the NSW Department of Planning and Environment and from the former Minister.
  - C. The residents' concerns regarding the review of their individual parcels of land by the NSW Department of Planning and Environment led team.
  - D. That the previous Council was in favour of Stage 2 of the Planning and Assessment Commission recommended studies being carried out immediately.
  - E. That the E3 zone is being reviewed by the NSW Department of Planning and Environment.
2. That Council:
  - A. Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.
  - B. Recommends the renaming of the E3 zone to address public concern about the implications of having a zone entitled "Environmental Management".
  - C. Recommends that Stage 2 of the Planning and Assessment Commission recommended studies be carried out immediately by the State Government.
  - D. Expresses its concern to the State Government at the rising costs of unnecessarily administering two Local Environmental Plans.
  - E. Informs affected landowners of this resolution.

**AMENDMENT*****Cr De Luca / Cr Giltinan***

That Council adopt option 5 as printed on page 41 of Council's report.

**VOTING**

**For the amendment:** Crs De Luca and Giltinan

**Against the amendment:** Crs Daley, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**LOST****523/14 RESOLVED*****Cr Menano-Pires / Cr Regan***

1. That Council notes:
  - A. That Council staff have consistently followed the methodology determined by the NSW Department of Planning and Environment.
  - B. The conflicting advice it has received from the NSW Department of Planning and Environment and from the former Minister.
  - C. The residents' concerns regarding the review of their individual parcels of land by the NSW Department of Planning and Environment led team.
  - D. That the previous Council was in favour of Stage 2 of the Planning and Assessment Commission recommended studies being carried out immediately.
  - E. That the E3 zone is being reviewed by the NSW Department of Planning and Environment.
2. That Council:
  - A. Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.
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  - C. Recommends that Stage 2 of the Planning and Assessment Commission recommended studies be carried out immediately by the State Government.
  - D. Expresses its concern to the State Government at the rising costs of unnecessarily administering two Local Environmental Plans.
  - E. Informs affected landowners of this resolution.

**VOTING**

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

**Against the resolution:** Crs De Luca and Giltinan

**CARRIED**

*In accordance with clause 13.2 (ii) of Council's Code of Meeting Practice, the meeting was adjourned at 8:07pm. The meeting resumed at 8:12pm with the same Councillors with the exception of Councillor Menano-Pires.*

**4.20 Mr Jack Tilburn asked the following question regarding Council's Street Lighting Committee**

**Question:**

- A. a) What role is carried out by Council's Street Lighting Committee?
  - b) Has it a Charter?
- B. Is it pro-active in investigating on adequate and satisfactory
  - a) Street lighting
  - b) Pavement lighting and
  - c) Walking paths and
  - d) Reserves etc?
- C. a) Who is in charge and control of this Street Lighting Committee? and
  - b) How many staff employed? and
  - c) their qualifications etc?
- D. How much dollar funding did Council provide for the 2013 and 2014 financial years (July through June) for the Street Lighting Committee and also for
  - a) Yearly maintenance of existing capital works and
  - b) For actual improvement Capital Works approved by Council in the budget?
- E. a) Does the Council employ a committee secretary and her duties and
  - b) Is the Committee a proactive one for better lighting in the LGA?
- F. a) What capable methods does this committee undertake to uphold and upgrade modern and advance overall lighting standards for the 2014 current year NOT the 2000 year
  - b) And so do away with all pitch black and black holes environments

**Answer:**

The Deputy General Manager Environment provided the following response:

- A. a) The Street Lighting Committee is not a formal Council appointed Committee but an internal operational group that investigates requests for street lighting improvements
  - b) There is no formal charter and its only role is to investigate street lighting requests.
- B. Street Lighting Committee only deals with lighting issues on the road network including pathways. It does not deal with walking paths on reserves as this is considered by Council's Parks, Reserves and Foreshores.



- C. The Street Lighting Committee is an informal committee under the Roads, Traffic and Waste Group. The staff dealing with street lighting investigations are the Traffic Engineers and occasionally staff from Road Assets Team. This only forms part of their role and responsibility. No formal qualifications are required for the role in Council as street lighting designs are generally carried out by Ausgrid.
- There is no specific funding allocation to the Street Lighting Committee. Street Lighting design costs for 2013/2014 were approximately \$20,000 which were generally carried out by Ausgrid for Council.
- D. a) Council's Street lighting budget is about \$2,625,000.00 and Council receives a subsidy of \$370,000 from Roads and Maritime Services to cover costs for traffic route lighting. Part of this budget we pay for electricity and associated network maintenance costs.
- b) Large capital expenditure projects are specifically funded and would be listed in the Community Strategic Plan. Minor improvements that arise from time to time may not incur an up-front capital expenditure where the works are undertaken by Ausgrid. The work would result in an increase in the street lighting charges for electricity and maintenance once the new installation is completed by Ausgrid.
- E. a) There is no position entitled Secretary of the Street Lighting Committee. A member of the Roads Traffic and Waste Administration team provides administrative support to the officers of the Traffic and Road Safety team. This officer also undertakes many other administrative duties for that group, which includes supporting the Warringah Traffic Committee.
- b) The matter of better lighting in the LGA is a Council-wide responsibility which involves Strategic Planning, RTW which as indicated mainly deals with requests from residents.
- Council is proactive in relation to Street Lighting and is a member of the Street Lighting Improvement program, which is made up of a number of Councils and is working with Ausgrid to advance technologies and improvements to lighting infrastructure.
- Council undertakes and investigates issues with street lighting. Council also reviews lighting in major capital works projects such as Dee Why Town Centre.
- F. a) The matter of better lighting in the LGA is a Council-wide responsibility which involves Strategic Planning, Roads Traffic and Waste which as indicated mainly deals with requests from residents.
- Council is proactive in relation to Street Lighting and is a member of the Street Lighting Improvement program, which is made up of a number of Councils and is working with Ausgrid to advance technologies and improvements to lighting infrastructure.
- b) Council undertakes and investigates issues with street lighting. Council also reviews lighting in major capital works projects such as Dee Why Town Centre.

*Councillor Menano-Pires returned to the chamber at 8:16pm*

**4.21 Mr Brian Halstead asked the following question regarding Corporate Support Expenses.****Question:**

The corporate support expenses budget is almost \$40 million which is greater than 50% of the rate revenue of the Council. It is now planned in the budget this year to increase these expenses by around 5% when the rates are increasing 3%.

This budget would clearly be made of up a number of activities like IT, marketing, communication, building costs, interest, finance and general management.

In the interests of openness and transparency on expenditure of 50% of the rates my question is in four parts:

- A. Could the Council provide in the quarterly budget review, details of how these activity elements of corporate support are tracking and likewise in the budget process show the split for the next four years across the activities?
- B. Could the Council always provide the previous year's actual expenditure in both the quarterly review and budget in order that growth can be tracked against last year.
- C. Could the Council ask the auditors to report in their budget review on the methodology of the internal charges and allocations of the \$20 million out of this corporate support budget to other costs areas? If not why not?
- D. Could the Council report in the budget process if there are any changes in the methodology of internal charges and allocations out of corporate support to other budgets.

**Answer:**

The Chief Financial Officer provided the following response:

- A. Individual commentaries are provided for each of Council's 16 Services of which Corporate Support is one. This commentary is detailed in terms of both actual and forecast performance where a significant variance occurs.  

Significant detail is already provided by the analysis of the 16 Services and a further breakdown would not add to the quality or meaningfulness of the information.
- B. Council's draft and final budgets are prepared before comparative information is available for the previous financial year. For this reason Council provides a comparison to the projected position from the previous year's Community Strategic Plan which provides a more than adequate point of comparison. Additionally Council also now provides historical information as part its commentary to the Annual Financial Statements from which growth can be identified.  

The provision of previous years comparatives within quarterly reviews are likely to lead to a need for a significant increase in the level of commentary to explain year on year timing differences which would be unlikely to add to the quality or meaningfulness of the information.
- C. The Auditors have concluded in their Assurance Report that the Budget has been appropriately prepared based on sound procedures and on a basis consistent with the accounting policies adopted in Council's audited financial reports.  

They already perform a range of procedures including test checking calculations and the application of assumptions incorporated in the Budget and to specifically report on individual elements of the budget be unlikely to add to the quality or meaningfulness of their report.

- D. Council recognises the need to report changes in methodology of any aspect of the budget process including those relating to internal charges and allocations and would do this as a matter of course.

## PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION

524/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Order of Business be changed so Items 5.2, 5.4, 6.2, 6.3, 6.4, 7.2, 7.3, 7.4, 7.5, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.12, 8.13, 8.14, 10.2, 13.1, 13.2 and 13.3 are dealt with by exception with the recommendations of the General Manager / Deputy General Managers being adopted.

## 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:

### 5.2 MAYORAL MINUTE NO 12/2014 - COMMUNITY DEMAND FOR HOUSING OPTIONS WITH THE CONSTRUCTION OF THE NORTHERN BEACHES HOSPITAL - FRENCHS FOREST AND FORESTVILLE

## BACKGROUND

The State Government has moved quickly into the final phases of the biggest infrastructure projects on the Northern Beaches for decades. The new Hospital has begun the first phase of construction with site preparation, clearing and services work ahead of the announcement at the end of the year of the successful tenderer.

The Roads and Maritime Services have announced the road upgrades in two stages and is currently working through the proposal through direct consultation with the community/stakeholders/ Council. Transport NSW is also being asked to respond to the challenges for additional bus services that will be required.

Many people living alongside, opposite or even further down towards the Roseville Bridge will be directly affected by this development. At this point in time, the changes proposed for the Starkey Street/ Warringah Road, Forestville are not yet known however they have been discussed at various public forums as being quite substantial.

Council has in the past prepared a Housing Strategy which is available but is not in a prominent position on Council's website. It is timely now to discuss the future housing options around the Hospital and Road Upgrades from Frenchs Forest to Forestville. This document is a good starting point for that discussion and should be promoted as that, a starting point.

Council has commenced planning for the precinct immediately around the hospital and wrote to all residents and businesses in the study area in early June advising of the commencement of the project. Community and stakeholder engagement opportunities are planned for October and November. These will provide information about the scope of the project and will seek input about the community vision for the area and the issues that need to be addressed. Engagement will

include workshops to assist the development of structure plan options. It is anticipated that by February 2015, exhibition of options and development of a preferred option will occur. I now seek that those potentially affected as outlined above in Frenchs Forest and Forestville, be notified directly and be encouraged to participate in the Precinct Structure Plan.

Recently, a Development Application for Seniors Living in Bernie Ave, Forestville has been approved for 12 units on what was previously three blocks of land in a cul-de-sac. Change is inevitable and the demand for downsizing and affordability is well recognised. Our recent forum certainly highlighted this and so we need to plan more effectively for the future growth in our local community. I believe we need to do this by developing a complete strategy so it doesn't allow for ad-hoc seniors living developments to just pop-up in quiet streets and cul-de-sacs as they alone do not serve to meet the current and future needs of our community.

We need to provide a choice for existing residents (especially those directly impacted by the hospital and road upgrades) to have the option of staying or going yet the ability to still be able to afford to live in their chosen area. I have been approached by many residents/business owners seeking Council's position on our future plans for housing in Warringah now that the hospital and road works have been announced by the State Government.

Obviously, we want to see any changes incorporating clever, smart and interesting design concepts. Councillors may recall that Freshwater sort a specific DCP for the local area around the development of the shopping village. With this in mind, I seek Council's support for a Design Competition to be set up to engage the community and to ultimately complement any future changes that Council identifies in our planning. We have many talented, design and planning professionals in our local area who can help partner with us to create a new community in Frenchs Forest / Forestville area.

#### 525/14 **RESOLVED**

#### ***Cr Regan / Cr Harrison***

That Council:

- A. Write to residents in Frenchs Forest and Forestville who are directly affected by the Northern Beaches hospital plans to encourage them to participate in the Structure Planning process that Council is running.
- B. When the structure plan is adopted by Council that the Community be engaged in developing changes to Warringah's current Development Control Plan with the aim to incorporate flexibility for creativity and innovation to encourage better design in the future development of Warringah by undertaking a design competition.
- C. Identify possible funding sources to allow prize monies to be awarded such as existing operational funding or future unidentified surplus funding allocations?

#### **RESOLVED BY EXCEPTION**

### **5.4 MAYORAL MINUTE NO 14/2014 - EXPECTATIONS AND RESPONSIBILITIES IN REGARD TO BUILDING DEVELOPMENT SUCH AS FRAZER STREET, COLLAROY**

#### **BACKGROUND**

Following the incident on Tuesday 19 August 2014 which saw the collapse of a driveway at a building site in Frazer Street, Collaroy, and Council immediately issued an Emergency Order to force the owner to carry out works to make the site safe.

There has been much debate within the community and in the media as to where the responsibility lies when situations such as this occur. I believe the public has unrealistic expectations of

Council's responsibilities and under the current system there is no clarity as to who is ultimately in charge of a site under development. It is easy to point the finger at local government but we must remember that we are governed by State Government legislation and ultimately, it is the land owner's responsibility to ensure the site is safe.

The concerns I have following this recent incident relate to the overall role and responsibilities of both Council and the Private Certifiers appointed in these circumstances. Council staff as I understand have issued the emergency order and have been working with the Private Certifier and other stakeholders in ensuring the site is safe and that appropriate action is undertaken. But who is ultimately responsible for ensuring the safe site. I would like Council to provide a report that outlines our actions and responsibilities in this case so the matter can be further considered by Council. I would also like Council staff to outline their suggestions to improve the development system we are currently working under.

I believe there needs to be absolute clarity of the roles of all the stakeholders including the builders, certifiers and Council and I think this is a very good example of how the system is currently flawed. The community also needs to know exactly where to go in such situations and who is responsible – the lines of accountability are vague to say the least.

This is an opportunity to highlight the concerns we have and raise these issues with the Building Professionals Board and the State Government to ensure there are more effective guidelines in relation to the powers and responsibilities of Councils, Private Certifiers, builders and all the stakeholders.

I understand such work can be undertaken within existing operational budgets.

#### 526/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That Council staff:

- A. Provide a report to Council that outlines our actions and responsibilities in relation to the incident at Frazer Street, Collaroy prior to the actual incident on 19 August and our responsibilities moving forward.
- B. Provide recommendations on how to improve the building management system we are currently working within that can be considered by Councillors and communicated to the State Government.

#### **RESOLVED BY EXCEPTION**

### 6.2 MINUTES OF THE SHOROC INC BOARD MEETING HELD 6 AUGUST 2014

#### 527/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the Minutes of the SHOROC Incorporated Board Meeting held 6 August 2014 be noted.

#### **RESOLVED BY EXCEPTION**

### 6.3 MONTHLY FUNDS MANAGEMENT REPORT JULY 2014

#### 528/14 **RESOLVED**

***Cr Regan / Cr Harrison***

That the:

- A. Report indicating Council's Funds Management position as at 31 July be noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

**RESOLVED BY EXCEPTION**

#### **6.4 AUDITED GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014 AND AUDITORS REPORTS**

529/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That:

- A. In accordance with Section 419 (1) if the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for 2013/2014 are hereby received and noted.
- B. A further report be presented to Council on 23 September 2014 detailing any submissions received in respect of Council's audited Financial Statements if applicable.

**RESOLVED BY EXCEPTION**

#### **7.2 ANNUAL COMMUNITY SATISFACTION SURVEY RESULTS 2014**

530/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the results of the 2014 Warringah Community Survey are included in the Annual Report and are considered as part of Council's ongoing strategic planning and quality improvement processes.

**RESOLVED BY EXCEPTION**

#### **7.3 ADOPTION OF THE REVISED PUBLIC ART POLICY**

531/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Adopt the revised Public Art Policy
- B. Rescind the Cultural Policy 2007 (CCS-PL 210)

**RESOLVED BY EXCEPTION**



**7.4 ADOPTION OF CREATIVE WARRINGAH STRATEGY**532/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council adopt the Creative Warringah Strategy.

**RESOLVED BY EXCEPTION****7.5 KIMBRIKI RESOURCE RECOVERY CENTRE - PROPOSED EASEMENT FOR WATER SUPPLY, AND RESTRICTION ON USE OF LAND, OVER COUNCIL COMMUNITY LAND (LOT 2 DP255466)**533/14 **RESOLVED****Cr Regan / Cr Harrison**

That:

- A. Council grant an easement for water supply benefiting the Kimbriki Resource Recovery Centre land (proposed Lot 301), and a restriction on the use of land benefiting Sydney Water Corporation, over an existing line of pipes located within existing Lot 2 DP255466 (proposed Lot 300) Mona Vale Road, Terrey Hills.
- B. Council delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.
- C. All costs associated with the granting of the proposed easement and restriction on use of land, including but not limited to, survey costs, Council's legal costs, GST if applicable, document registration and any associated tasks, be funded by Kimbriki Environmental Enterprises Pty Ltd.

**RESOLVED BY EXCEPTION****8.2 DRAFT VOLUNTARY PLANNING AGREEMENTS POLICY**534/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council adopt the draft Voluntary Planning Agreements Policy.

**RESOLVED BY EXCEPTION****8.3 DRAFT ASBESTOS MANAGEMENT POLICY**535/14 **RESOLVED****Cr Regan / Cr Harrison**

That:

- A. The draft Asbestos Management Policy be placed on public exhibition for a minimum of 28 days and the results reported back to Council.

B. Should no submissions be received the Policy be adopted as per the draft.

**RESOLVED BY EXCEPTION**

**8.4 SELECTION OF COMMUNITY MEMBER TO VACANT POSITION ON FORESTVILLE RSL WAR MEMORIAL PLAYING FIELDS COMMUNITY COMMITTEE**

536/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council appoint Mr Brian Malligan to the Forestville RSL War Memorial Playing Fields Community Committee.

**RESOLVED BY EXCEPTION**

**8.5 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP MEETING HELD 8 MAY 2014**

537/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Minutes of the Dee Why South Catchment Flood Study Working Group meetings held 8 May 2014 be noted.

**RESOLVED BY EXCEPTION**

**8.6 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP HELD 14 JUNE 2014**

538/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Minutes of the Sydney Coastal Councils Group meeting held 14 June 2014 and the resolutions contained therein be noted.

**RESOLVED BY EXCEPTION**

**8.7 PLANNING PROPOSAL FOR 154-158 PACIFIC PARADE, DEE WHY**

539/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Forward a Planning Proposal to amend Schedule 1 of Warringah Local Environmental Plan 2011 (by adding 'commercial premises' as an additional permitted use for Property No.154-158 Pacific Parade, Dee Why (Lot 1 DP 34753), to the Department of Planning and Environment seeking a Gateway Determination.
- B. Seek delegation from the Department of Planning and Environment to liaise directly with Parliamentary Counsel's Office in the making of the (amending) local environmental plan.

**RESOLVED BY EXCEPTION**



**8.8 GARAGE SALE TRAIL**540/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council:

- A. Participate in the 2014 Garage Sale Trail at a cost of \$6,000
- B. Continue to run the Second Hand Saturday program.

**RESOLVED BY EXCEPTION****8.9 BUILDING FIRE SAFETY REPORT BY FIRE & RESCUE NSW - 3 MITCHELL ROAD BROOKVALE**541/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council:

- A. Issue Emergency Order 10 under Section 121B of the Environmental Planning and Assessment Act, 1979 on Conrad Vincent Jorey and on Leigh Jorey to evacuate the premises at 3 Mitchell Road, Brookvale within 60 days.
- B. Write to Fire and Rescue NSW and provide a copy of this determination.

**RESOLVED BY EXCEPTION****8.12 FUNDING OFFER FROM TRANSPORT FOR NEW SOUTH WALES (TFNSW)**542/14 **RESOLVED****Cr Regan / Cr Harrison**

That Council:

- A. Accept the funding of \$520,000 offered by Transport for NSW for the construction of the footpaths and shared paths at the agreed locations in Brookvale and Dee Why.
- B. Authorise the General Manager to enter into a deed of agreement with Transport for NSW for the infrastructure works in Dee Why and Brookvale.

**RESOLVED BY EXCEPTION****8.13 2014/15 SPORTING GROUP CAPITAL ASSISTANCE GRANTS PROGRAM - ROUND 2**543/14 **RESOLVED****Cr Regan / Cr Harrison**

- A. That Council approve these grants from the 2014/2015 Sporting Groups Capital Assistance Grants, Round 2;

1. Forest District Rugby Club to establish a new warm up area at the rugby field at the Forestville War Memorial Playing Fields, \$9,000.
  2. Manly Warringah Kayak Club for a new pathway from the Manly Warringah Kayak Club clubhouse at Berry Reserve to the edge of Narrabeen lagoon, \$10,000.
  3. Manly Warringah Softball Association for four new seats at the Abbott Road Softball ground, John Fisher Park, \$7,762.
- B. That the balance of funds from the 2014/2015 Sporting Groups Capital Assistance Grants, Round 2 of \$73,520 be allocated as follows;
1. Griffith Park sports field new irrigation \$50,000.
  2. 2015/2016 Sporting Groups Capital Assistance Grants \$23,520.

**RESOLVED BY EXCEPTION****8.14 ANNUAL REPORT 2013/14**544/14 **RESOLVED****Cr Regan / Cr Harrison**

That the Annual Report 2012-2013 be noted

**RESOLVED BY EXCEPTION****10.2 NOTICE OF MOTION NO 12/2014 - 50TH ANNIVERSARY OF THE 1ST COLLAROY PLATEAU SCOUT GROUP**545/14 **RESOLVED****Cr Regan / Cr Harrison**

1. That this Council notes that:
  - a. The 1st Collaroy Plateau Scout Group celebrated its 50<sup>th</sup> Anniversary on Sunday 17 August 2014.
  - b. The 1st Collaroy Scout Group was founded in 1964 and has been operating continuously since then from its Scout Hall on the corner of Lakeside Road and Goodwin Street, Narrabeen.
2. That this Council acknowledges and congratulates the 1<sup>st</sup> Collaroy Plateau Scout Group on its 50<sup>th</sup> Anniversary and commends all those involved in the Group who have made a contribution to our community over the last 50 years.

**RESOLVED BY EXCEPTION**

**NOTE:** The General Manager reported the resolutions on confidential matters passed by exception:

**13.1 RFT 2014/051 - CIVIC CENTRE FIRE HYDRANTS & HOSE REELS UPGRADES**546/14 **RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council accepts the tender of RFT 2014/051 - Lawson Bros Pty Ltd for the sum of \$351,080.00 excluding GST.
- B. The General Manager be delegated authority to enter into a contract with Lawson Bros Pty Ltd and to approve contract variations up to the amount of \$98,920.00 to allow for unforeseen and latent conditions. This brings the total amount which can be committed under the delegation to \$450,000.00 excluding GST.

**RESOLVED BY EXCEPTION****13.2 RFT 2014/048 - SERVICES FOR PROVISION OF TRAINEESHIP PROGRAM**547/14 **RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council accepts the tender of MEGT (Australia) Ltd for RFT 2014/048 Provision of a Traineeship Program for the sum of up to \$800,000 per annum (including GST) for a period of up to five years. This sum is for a maximum of twenty five trainees.
- B. The General Manager be delegated authority to execute a contract with MEGT (Australia) Ltd.

**RESOLVED BY EXCEPTION****13.3 RFT 2013/116 - RECEIVE, PROCESS AND/OR DISPOSE OF MUNICIPAL SOLID WASTE FROM THE SHOROC COUNCILS**548/14 **RESOLVED*****Cr Regan / Cr Harrison***

That:

- A. Council accept the tender for RFT 2013/116 Receive, Process &/or Dispose of Municipal Solid Waste (MSW) from the SHOROC Councils in accordance with the recommendation in the confidential report.
- B. The name of the successful tenderer be reported to the next practicable Council Meeting once each SHOROC Council has accepted the tender for *RFT 2013/116 Receive, Process &/or Dispose of Municipal Solid Waste (MSW) from the SHOROC Councils*.

**RESOLVED BY EXCEPTION**

## 5.0 MAYORAL MINUTES

### 5.1 MAYORAL MINUTE NO 11/2014 - PUBLIC SAFETY - STREET LIGHTING UPGRADES

549/14 **RESOLVED**

#### ***Cr Regan***

That Council

- A. Provide a report outlining Council's proposed street lighting plans for the Dee Why Town Centre and Narrabeen area upgrades;
- B. Include in the report a timeframe for the completion of these works;
- C. Include in the report the estimated costs for the installation/upgrades and the ongoing costs to maintain such infrastructure
- D. Investigate the use of solar power lighting on popular paths where appropriate; and
- E. Identify works within the report that can be expedited including any additional costs to bring those works forward.

*Councillor Gobert left the chamber at 8:28pm*

#### **VOTING**

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

**Against the resolution:** Nil

#### **CARRIED**

NOTE: Councillor Gobert was not present for the voting on this item

*Councillor Gobert returned to the chamber at 8:31pm*

### 5.3 MAYORAL MINUTE NO 13/2014 - VALE - MS PATRICIA 'PAT' BOYDELL

#### **BACKGROUND**

It was with a great sense of shock and sadness that I learnt last Wednesday of the sudden passing of Patricia (Pat) Boydell. Pat was a truly an outstanding individual and it is fitting that tonight, we as her Council, recognise her incredible contribution to our community.

Pat will be remembered for her boundless energy, her passion and her genuine commitment to help others in need. She was an active member of the community working with a wide range of groups including the Harbord Diggers Memorial Club, the Manly Community Centre, the Lone Parents Association, the Steering Committee Carers NSW (Northern Beaches Branch) and the Curl Curl Lagoon Committee, just to name but a few. But it was her incredible dedication and tireless efforts advocating for better mental health services, particularly here on the Northern Beaches, that she will be remembered most fondly for.

She was the President and Secretary of the Northern Beaches Mental Health Support Group for well over 20 years, arranging monthly meetings, writing newsletters and running education stalls to ensure people had access to information and support to assist them in dealing with the traumatic impact of mental health issues.

Her commitment to better mental health services saw her serve on the Board of the Schizophrenia

Fellowship NSW and she played an important role in the establishment and running of the wonderful Pioneer Clubhouse in Balgowlah. She raised much needed funding for local services and provided personal support to individuals in need. Pat never held back from lobbying politicians on mental health reform, taking any opportunity she could to promote this worthy cause.

I distinctly recall a moment on Australia Day 2011 when along with a number of other dedicated members of the Warringah community, Pat was named as an Outstanding Community Service Award. Recipients quietly came up to the stage one by one, collected their certificate, posed for the camera then exited stage left. But not Pat. Her name was called, she came up to the stage, asked if it was ok to say a few words, promptly took the microphone and spent 5 minutes advocating passionately for better mental health services for our community. That was Pat through and through. Never one to miss an opportunity and done so with respect to her whole audience.

I will miss seeing her at community events when she would offer her feedback and her views. I can honestly say I have learnt a great deal from her over the years, both about the important issues of mental health but also about our wonderful community here in Warringah.

Her work in mental health will not be forgotten and I hope it brings some comfort to her family to see the many wonderful letters and words of support offered up by everyone from the Premier to the individuals she spent so much time helping every day.

Pat was truly a remarkable and generous human being; she will always be remembered as an incredible advocate for the forgotten, and a greatly respected member of our community.

#### 550/14 RESOLVED

##### *Cr Regan*

That Council note the sad passing of Ms Patricia Boydell and that the Mayor write to Ms Boydell's family expressing the Council's condolences and gratitude for her tireless service and dedication to the community in particular in the area of Mental Health

#### VOTING

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

**Against the resolution:** Nil

#### CARRIED

## 6.0 GENERAL MANAGER'S REPORTS

### 6.1 OFFICE OF THE INTERNAL OMBUDSMAN ANNUAL REPORT 2013 - 2014

#### 551/14 RESOLVED

##### *Cr Menano-Pires / Cr Regan*

That Council notes the Office of the Internal Ombudsman's Annual Report 2013 - 2014.

#### VOTING

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

**Against the resolution:** Nil

#### CARRIED

## 7.0 COMMUNITY DIVISION REPORTS

### 7.1 WARRINGAH FESTIVAL CONCEPT REPORT

552/14 **RESOLVED**

**Cr Gobert / Cr Harrison**

That:

- A. Given the recent IPART decision not to approve a rate rise to improve services which included an enhanced events portfolio, Council not proceed with establishing a dedicated festival at this stage.
- B. Council note the creation of a Cabaret Festival at Glen Street Theatre further establishing the recently renovated centre as a cultural hub for Warringah. The Festival would run from 26 September to 9 October 2016. If successful Council could look to hold this every two years.

#### VOTING

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

**Against the resolution:** Nil

**CARRIED**

### 7.6 2013/14 PERFORMANCE REPORT ON THE WARRINGAH RECREATION CENTRE

553/14 **RESOLVED**

**Cr Gobert / Cr Kerr**

That Council note this report.

#### VOTING

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

**Against the resolution:** Nil

**CARRIED**

## 8.0 ENVIRONMENT DIVISION REPORTS

### 8.10 COUNCILLOR DE LUCA - REPORT ON 2014 NATIONAL SUICIDE PREVENTION CONFERENCE

**Cr De Luca / Cr Harrison**

That Council:

- A. Notes the conference report.
- B. Requests the General Manager to ensure that posters and resources on suicide prevention are displayed in all Council buildings.

C. Commends Suicide Prevention Australia on its efforts to prevent suicide in Australia.

**EXTENSION OF TIME**

***Cr Daley / Cr Giltinan***

That Cr De Luca be granted an extension of 3 minutes to address the meeting.

**VOTING**

**For the motion:** Crs Daley, De Luca, Giltinan, Gobert and Moskal

**Against the motion:** Crs, Harrison, Heins, Kerr, Menano-Pires and Regan

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

*The Mayor, Councillor Regan left the chamber at 8:53pm and the Deputy Mayor, Councillor Heins took the chair, Councillor Regan returned at 8:54pm and resumed the chair.*

**554/14 RESOLVED**

***Cr De Luca / Cr Harrison***

That Council:

- A. Notes the conference report.
- B. Requests the General Manager to ensure that posters and resources on suicide prevention are displayed in all Council buildings.
- C. Commends Suicide Prevention Australia on its efforts to prevent suicide in Australia.

**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**

**10.1 NOTICE OF MOTION NO 11/2014 - PASSING OF MRS JOY LISTER, FOUNDATION PRESIDENT OF MANLY WARRINGAH NETBALL ASSOCIATION**

**555/14 RESOLVED**

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

That Council:

- 1. Notes with sadness the passing of Mrs Joy Lister who was the first President of the Manly

Warringah Netball Association in 1965/66, the first President of the Queenscliff Netball Club, and in honour of her outstanding service to netball was awarded Life Membership of the Manly Warringah Netball Association in 1971, Life Membership of Queenscliff Netball Club in 1969 and the NSW Netball Association's Anne Clark Outstanding Service to Netball Award in 1977.

2. Acknowledges and commends the outstanding community work of Mrs Joy Lister in helping to establish a netball association that has now become the second largest in the Country and is the home of numerous NSW and Australian netball representatives.

#### **VOTING**

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

**Against the resolution:** Nil

**CARRIED**

### **11.0 QUESTIONS ON NOTICE**

#### **11.1 QUESTION ON NOTICE NO 19/2014 - PERFORMANCE REVIEWS OF DEVELOPMENT ASSESMENT OFFICERS**

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

#### **11.2 QUESTION ON NOTICE NO 20/2014 - RENTS CHARGED ON COMMUNITY BUILDINGS**

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

#### **11.3 QUESTION ON NOTICE NO 21/2014 - WARRINGAH CREATIVE SPACE OVERRUN OF BUDGET FOR BUILDING WORKS**

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 16/2014 - FUNDS FROM PARKING FINES**

A response to the question on notice was provided in the business papers



**12.2 RESPONSE TO QUESTION ON NOTICE NO 17/2014 - COST OF COUNCIL  
WEBSITE/SOCIAL MEDIA**

A response to the question on notice was provided in the business papers

**12.3 RESPONSE TO QUESTION ON NOTICE NO 18/2014 - REDUCING STAFFING COSTS**

A response to the question on notice was provided in the business papers

*The meeting concluded at 9:02pm*

This is the final page of the minutes comprising 25 pages  
numbered 1 to 25 of meeting 2014/8 of Warringah Council  
held on Tuesday 26 August 2014 and confirmed on Tuesday 23 September 2014

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Mayor

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General Manager