

MINUTES

WARRINGAH COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 MAY 2013

(2013/7)

warringah.nsw.gov.au



Warringah Council

Minutes of an Ordinary Meeting of Council**held on Tuesday 28 May 2013****at the Civic Centre, Dee Why****Commencing at 6:01pm****ATTENDANCE:****Members**

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

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Anna Moore	Coordinator Governance
David Walsh	Chief Financial Officer
Richard McManus	Chief Information Officer
Graham Middleton	Group Manager Marketing & Communications
Todd Dickinson	Group Manager Natural Environment
David Kerr	Group Manager Strategic Planning
Michael Keelan	Group Manager Parks, Reserves and Foreshores
Andrew Patterson	Internal Ombudsman
Belinda Noble	Media and Content Manager

NOTES

The meeting commenced at 6:01pm and concluded at 8:19pm

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 23 APRIL 2013

095/13 **RESOLVED**

Cr Regan / Cr Kerr

That the Minutes of the Ordinary Meeting of Council held 23 April 2013, 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 MEETING OF COUNCIL HELD 30 APRIL 2013

096/13 **RESOLVED**

Cr Kerr / Cr Menano-Pires

That the Minutes of the Extraordinary Meeting of Council held 30 April 2013, 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, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Crs De Luca and Giltinan

CARRIED

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Councillor Regan declared a pecuniary interest in relation to Item 13.2, as he is a patron of Long Reef Golf Course which gives membership and playing rights and therefore would take no part in debate or voting on the Item.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 8.9, as he owns two units in Dee Why Parade.

Councillor Daley declared a less than significant, non-pecuniary interest in relation to Item 13.2, as he is a non playing social member of Long Reef Golf Club.

Councillor De Luca declared a less than significant, non-pecuniary interest in relation to Item 8.7, as he served on the Curl Curl Youth and Community Centre Committee with Mrs Isa Wye MBE OBE and a member of his family served with her on a sporting organisation. He stated that no further action was required as this did not affect his impartiality.

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 Jack Butler, representing Sydney Northern Beaches Woodturners Inc, addressed Item 10.1, Notice of Motion No 11/2013 - Woodturners Use of Griffith Park Multi-use Amenity.

PROCEDURAL MOTION - EXTENSION OF TIME

097/13 **RESOLVED**

Cr Daley / Cr Moskal

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

VOTING

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

Against the resolution: Cr Harrison

CARRIED

4.2 Mr Jack Tilburn asked the following question regarding New Style Local Community-Precinct Groups for Warringah LGA:

- a) Will the ten councillors remove their opposition to the forming up of new style collaborative local community-precinct groups for the Warringah LGA? And if not, then why not?
- b) Will the ten councillors base their reform movement on what Manly Council precincts achieve over the past 20 years for its citizens plus the latest reform movements for collaborative relationships by the Bundanoon Community Association working harmoniously with the Wingecarribee Shire Council?
- c) Will the Warringah Council step up to a necessary reform movement so as to secure empowerment of its 100,000 citizens?
- d) Will the Warringah Council seek a new reform development to embrace very wide social enterprise development for necessary art, industry, economic development, environment, transport and housing, etcetera? And if not, then why not?

PROCEDURAL MOTION - ITEMS MOVED BY EXCEPTION098/13 **RESOLVED****Cr Heins / Cr Gobert**

That the Order of Business be changed so Items 6.3, 6.4, 6.5, 7.2, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.8, 8.10, 13.1 and 13.2 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:****6.3 ADOPTION OF NEW WARRINGAH COUNCIL CODE OF CONDUCT**099/13 **RESOLVED****Cr Heins / Cr Gobert**

That Council ratify its 12 February 2013 decision to adopt the new Warringah Council Code of Conduct – February 2013 (2013, v.1), and the new Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (March 2013 version).

RESOLVED BY EXCEPTION**6.4 MINUTES OF THE SHOROC INC BOARD MEETING HELD 1 MAY 2013**100/13 **RESOLVED****Cr Heins / Cr Gobert**

That the Minutes of the SHOROC Incorporated Board Meeting held 1 May 2013 be noted.

RESOLVED BY EXCEPTION**6.5 DETERMINATION OF CURRENT ORGANISATION STRUCTURE**101/13 **RESOLVED****Cr Heins / Cr Gobert**

That Council, in accordance with Sections 332 and 333 of the Local Government Act 1993 approve:

- A. The organisation structure as at 21 May 2013
- B. The following positions as senior staff positions
 - a. General Manager
 - b. Deputy General Manager Environment
 - c. Deputy General Manager Community

RESOLVED BY EXCEPTION

7.2 ADOPTION OF MEDIA POLICY GOV-PL 520

102/13 **RESOLVED**

Cr Heins / Cr Gobert

That the updated Media Policy GOV – PL 520 be adopted

RESOLVED BY EXCEPTION

8.1 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

103/13 **RESOLVED**

Cr Heins / Cr Gobert

- A. That all previous delegations of authority to the General Manager, the position or office of the General Manager, and to any person appointed or otherwise acting in that position or office be revoked.
- B. That pursuant to the provisions of Sections 22, 377 and 381 of the Local Government Act 1993 (the Act) Council delegates to the General Manager, and to the person acting in the position of General Manager during any period of vacancy in the office or absence from duty of the General Manager, the functions set out in a), b) and c) below, subject to the limitations, conditions and restrictions set out in paragraph d) below:
 - a. All those functions of the Council under the Act and the Regulations made thereunder, and any other Act, statutory instrument and law, except those functions that are declared to be non-delegable pursuant to Section 377(1) of the Act.
 - b. To write off, by order in writing, debts to the Council up to \$10,000 subject to compliance with the provisions of Clause 213 of the Local Government (General) Regulation 2005.
 - c. To write off, by order in writing, rates and charges and interest accrued on unpaid rates and charges owing to the Council up to an amount of \$1,000 subject to compliance with the provisions of Clause 131 of the Local Government (General) Regulation 2005.
 - d. The exercise of any function under paragraph (a), (b) or (c) is subject to the following:
 - i. The General Manager or the holder of any sub-delegation from the General Manager, exercising such delegations in accordance with the policies of the Council as may be adopted by the Council from time to time;
 - ii. Any restrictions or conditions imposed upon any delegation by a policy or

decision of the Council, being similarly restricted and/ or imposed by the General Manager in any sub-delegation under Section 378(2) of the Act;

- iii. The Council or the Mayor may direct, or a Councillor may request, at any time, that any specific matter which may be dealt with by the General Manager under this delegation or by the holder of any sub-delegation from the General Manager under section 378(2) of the Act, be referred to the Council for determination or to be dealt with by the Council and;
- iv. The General Manager is not delegated the functions that have been delegated to the Warringah Development Assessment Panel and the Warringah Development Review Panel.

RESOLVED BY EXCEPTION

8.2 ANNUAL FEE FOR THE MAYOR AND COUNCILLORS

104/13 **RESOLVED**

Cr Heins / Cr Gobert

- A. That, pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for Councillors for the period 1 July 2013 to 30 June 2014 at \$22,240 payable monthly in arrears and;
- B. That, pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for the Mayor for the period 1 July 2013 to 30 June 2014 at \$59,100 payable monthly in arrears.

RESOLVED BY EXCEPTION

8.3 6TH INTERNATIONAL URBAN DESIGN CONFERENCE

105/13 **RESOLVED**

Cr Heins / Cr Gobert

That Council authorises Councillors Heins and Moskal to attend the 6th International Urban Design Conference – UrbanAgiNation to be held in Sydney from 9 to 11 September 2013.

RESOLVED BY EXCEPTION

8.4 METROPOLITAN PLAN FOR SYDNEY 2031

106/13 **RESOLVED**

Cr Heins / Cr Gobert

That Council endorse the submission on the Metropolitan Strategy to be sent to the Department of Planning and Infrastructure.

RESOLVED BY EXCEPTION

8.5 REVIEW OF ENVIRONMENTAL SUSTAINABILITY POLICY STR-PL 830107/13 **RESOLVED****Cr Heins / Cr Gobert**

That Council adopt the amended Environmental Sustainability Policy STR-PL 830.

RESOLVED BY EXCEPTION**8.6 SPORTS GROUND LIGHTING FEES 2013-2014**108/13 **RESOLVED****Cr Heins / Cr Gobert**

That the draft Sports ground lighting fees for 2013-2014 be placed on public exhibition for 28 days and reported back to the July Council meeting.

RESOLVED BY EXCEPTION**8.8 PUBLIC EXHIBITION OF THE DRAFT DEE WHY SOUTH CATCHMENT FLOOD STUDY**109/13 **RESOLVED****Cr Heins / Cr Gobert**

That the Draft Dee Why South Catchment Flood Study (April 2013) be placed on public exhibition for a period of 21 days.

RESOLVED BY EXCEPTION**8.10 VARIATIONS TO DEVELOPMENT STANDARDS - STATE ENVIRONMENTAL PLANNING POLICY NO.1 AND CLAUSE 4.6 OF WLEP**110/13 **RESOLVED****Cr Heins / Cr Gobert**

That this report identifying all Development Consents which contain variations to Principal Development Standards between 1 July 2011 and 31 March 2013 be noted.

RESOLVED BY EXCEPTION

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

13.1 RFT 2013/001 - PARKS, RESERVES AND ROAD VERGE GRASS MAINTENANCE

111/13 **RESOLVED**

Cr Heins / Cr Gobert

That:

- A. Council accept the tenders from Image Property Detailing, Marsupial Landscape Management and Skyline Landscape Services for RFT 2013/001 to form the panel of contractors providing parks, reserve and road verge grass maintenance services for three (3) years plus two (2) one (1) year options for the total sum of \$484,660 excluding GST per annum.
- B. The General Manager be delegated authority to execute contracts with Image Property Detailing, Marsupial Landscape Management, Skyline Landscape Services and to approve contract variations up to the amount of \$72,700 excluding GST which represents a 15% contingency. This brings the total amount which can be committed under the delegation to \$557,360 excluding GST.

RESOLVED BY EXCEPTION

13.2 LONG REEF GOLF CLUB RENT REVIEW

112/13 **RESOLVED**

Cr Heins / Cr Gobert

- A. That the General Manager be delegated authority to write to Long Reef Golf Club in accordance with the Lease Agreement to amend the Annual Rent payable by up to \$100,000 per annum for a maximum of 3 years
- B. That the General Manager review the financial statements of Long Reef Golf Club on a monthly basis and report back to Council on any significant changes in their financial position.

RESOLVED BY EXCEPTION

5.0 MAYORAL MINUTES

5.1 MAYORAL MINUTE NO 11/2013 - NARRABEEN LAGOON BRIDGE - SAFETY ISSUES

113/13 **RESOLVED**

Cr Regan

That Council

- A Write to the Minister for Roads and Ports, the Hon. Duncan Gay, MP seeking his approval for the Roads and Maritime Services to undertake a feasibility study into constructing safety fencing as an immediate preventative measure and to consult with staff from both Warringah and Pittwater Councils on a long term strategy including widening and constructing a new footpath suitable for both cyclists and pedestrians.
- B Write to Pittwater Council and Local Members asking them to support the request for the Feasibility Study to the Minister for Roads and Ports and to also make their own representations to the Minister.

VOTING

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

Against the resolution: Nil

CARRIED

5.2 MAYORAL MINUTE NO 12/2013 - RECREATIONAL EVENT

114/13 **RESOLVED**

Cr Regan

That:

- A. Staff explore with the private sector an annual signature event which promotes the recreational assets of Warringah, such as Manly Dam.
- B. Consideration is given to the timing of the launch of the Narrabeen Lagoon Multi-use Trail and the potential to incorporate the connectivity to a network of open spaces surrounding the lagoon, as well as open spaces identified in Warringah's Regional Trails Strategy.
- C. A report be prepared and presented to Council within three (3) months.

VOTING

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

Against the resolution: Nil

CARRIED

PROCEDURAL MOTION - MOTION OF URGENCY**115/13 RESOLVED****Cr De Luca / Cr Regan**

That as a matter of urgency, Council considers the following motion in relation to a submission to NSW Roads And Maritime Services on Boat And Trailer Parking:

1. That this Council notes:
 - a. On Tuesday 21 May 2013 the Minister for Roads and Maritime Services, The Honourable Duncan Gay MLC, announced that the Report and Discussion Paper from the Working Group into boat and trailer parking is now out for public consultation with the closing date comment being 28 June 2013.
 - b. The working group has recommended:
 - i. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.
 - ii. The NSW Government considers modifying the *Impounding Act 1993* such that “unattended” is defined, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.
 - c. That on 26 March 2013 Warringah Council voted unanimously to:

“Write to the Minister for Roads and Maritime Services, The Hon Duncan Gay MLC and Shadow Minister for Roads and Maritime Services, The Hon Penny Sharpe MLC outlining Warringah’s continuing problems with boats and trailers parking on residential streets, in sports ground car parks and general public car parking areas and renew calls for legislative reform to restrict such parking”
2. That this Council resolves to request the GM to ensure that Warringah Council makes a submission to the Boat Trailer Working Group’s Report, prior to the closing date on 28 June 2013, reiterating Council’s previous calls that legislation be reformed so that boats and trailers be restricted from parking on residential streets, in sports grounds’ car parks and general car parking areas.

VOTING

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

Against the resolution: Cr Daley

CARRIED

NOTE: The Chair subsequently ruled that the matter was one of urgency and that the item would become Item 10.5 and dealt with as the last item on the agenda

NOTE: Councillor De Luca tabled an extract from NSW Legislative Council Hansard and Papers Tuesday 21 May 2013 (attached) and the Boat Trailer Working Group – Discussion report and options paper which can be found at:
<http://www.transport.nsw.gov.au/sites/default/files/b2b/publications/boat-trailer-working-group-report-0313.pdf>

6.0 GENERAL MANAGER'S REPORTS

6.1 QUARTERLY BUSINESS AND BUDGET REVIEW STATEMENT - MARCH 2013

116/13 **RESOLVED**

Cr Regan / Cr Menano-Pires

That:

- A. The March 2013 Quarterly Budget and Business Review Statement be noted.
- B. Following changes to the Current Forecast in the March 2013 Quarterly Budget and Business Review Statement be approved:
 - a. Increase the Surplus from Continuing Operations before Capital Grants and Contributions by \$758,682 to \$8,683,049 for the year ending 30 June 2013.
 - b. Decrease the capital expenditure by \$1,612,610 to \$26,727,745 for the year ending 30 June 2013.
- C. That the \$100,000 surplus as identified in the March 2013 Quarterly Business and Budget Review be allocated as follows:
 - a. \$20,000 – Installation of WiFi points at Forestville shops and Narrabeen village
 - b. \$20,000 – Installation of outdoor exercise equipment in the playground adjacent to the Frenchs Forest Showground
 - c. \$10,000 – Towards a public art project(s) within Warringah
 - d. Remaining \$50,000 towards the construction of new footpaths, one in each ward as follows:
 - i. Landscape Avenue - View Street, Forestville
 - ii. Soldiers Avenue, Freshwater (last link) – part
 - iii. Albert Street, Narrabeen - part

VOTING

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

Against the resolution: Nil

CARRIED

6.2 MONTHLY FUNDS MANAGEMENT REPORT APRIL 2013**117/13 RESOLVED*****Cr Menano-Pires / Cr Regan***

That the:

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

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 REVIEW OF BEACH SERVICES POLICY CCS-PL 610 AND SURF LIFE SAVING MOVEMENT POLICY CCS-PL 611****118/13 RESOLVED*****Cr Menano-Pires / Cr Daley***

That Council adopt the Beach Safety Policy CCS-PL 610.

VOTING

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

Against the resolution: Nil

CARRIED**7.3 DIGITAL AND COMMUNICATIONS****119/13 RESOLVED*****Cr Regan / Cr Gobert***

That Council adopt the creative marks presented at the confidential Councillor Briefings on 20 May, 23 May, 27 May and displayed to Councillors on 28 May 2013 for use by Warringah Council.

VOTING

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

Against the resolution: Cr De Luca

CARRIED

8.0 ENVIRONMENT DIVISION REPORTS**8.7 PROPOSED RENAMING OF DEE WHY ROCK POOL TO COMMEMORATE MRS ISA WYE*****Cr Heins / Cr Harrison***

That a memorial plaque be installed adjacent to Dee Why Rock pool, with text and a preferred location to be identified by members of Mrs Wye's family.

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

That Council proceed to make a submission to the Geographical Names Board to have the Dee Why rock pool named the Isa Wye Pool.

VOTING

For the amendment: Crs De Luca and Giltinan

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

LOST

ORIGINAL MOTION***Cr Heins / Cr Harrison***

That a memorial plaque be installed adjacent to Dee Why Rock pool, with text and a preferred location to be identified by members of Mrs Wye's family.

AMENDMENT***Cr Gobert / Cr Regan***

That Council develop a policy/procedure for the naming of Council's assets.

NOTE: With the permission of the mover and seconder the original motion was amended to read as follows:

120/13 RESOLVED***Cr Heins / Cr Harrison***

That:

- A. A memorial plaque be installed adjacent to Dee Why Rock pool, with text and a preferred location to be identified by members of Mrs Wye's family.
- B. Council develop a policy/procedure for the naming of Council's assets.

VOTING

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

Against the resolution: Crs De Luca and Giltinan

CARRIED**8.9 WHEELCHAIR ACCESS WALKWAY FROM DEE WHY TO LONG REEF****121/13 RESOLVED*****Cr Daley / Cr Moskal***

That staff prepare a further short report within 3 months outlining:

- A. Project costings, permissibility and funding options for upgrading areas of Long Reef Headland and Griffith Park to improve access for wheelchairs (motorised and/or manual) to Dee Why Lagoon;
- B. An action plan and costings for investigating a walkway from Dee Why Surf Club and the entrance to Dee Why Lagoon.

VOTING

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

Against the resolution: Nil

CARRIED

8.11 BUILDING FIRE SAFETY REPORT BY FIRE AND RESCUE NSW 14-18 FRANCIS ST, DEE WHY**122/13 RESOLVED*****Cr Menano-Pires / Cr Regan***

That:

- A. The Report and Recommendations from Fire & Rescue NSW in relation to 14-18 Francis Street Dee Why be tabled.
- B. Council proceed to issue an Order No. 6, EP&A Act 1979 on the Owners Corporation.
- C. A period of 60 days be provided to comply with the Orders.
- D. A copy of this report and the Occupation Certificate be submitted to the Building Professionals Board.

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 11/2013 - WOODTURNERS USE OF GRIFFITH PARK MULTI-USE AMENITY*****Cr Giltinan / Cr De Luca***

That Council provide free use of the Griffith Park Multi-use Amenity building, specifically the Western side of the basement, to the community group of Woodturners, and also provide use and access to the associated Northern forecourt.

VOTING

For the motion: Crs De Luca and Giltinan

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

LOST

**10.2 NOTICE OF MOTION NO 12/2013 - RETAINING WALL AT 30 PINE AVE,
NARRAWEENA*****Cr Giltinan / Cr De Luca***

That Council stop the order to demolish the retaining wall at 30 Pine Ave, Narraweena owned by Mr Enzo Mesiti.

VOTING

For the motion: Crs De Luca , Giltinan, Gobert, Harrison and Kerr

Against the motion: Crs Daley, Heins, Menano-Pires, Moskal and Regan

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

**10.3 NOTICE OF MOTION NO 13/2013 - CULTURAL ACTIVATION: BUSKING IN
WARRINGAH****123/13 RESOLVED*****Cr Moskal / Cr Regan***

That Council prepare a report investigating the feasibility of activating villages and town centres through Busking in Warringah.

VOTING

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

Against the resolution: Nil

CARRIED**PROCEDURAL MOTION - SUSPENSION OF CODE OF MEETING PRACTICE****124/13 RESOLVED*****Cr De Luca / Cr Regan***

That Council suspend clause 13.2(ii) of Council's Code of Meeting Practice, to allow the meeting to continue.

VOTING

For the resolution: Crs Daley, De Luca , Giltinan, Harrison, Kerr, Moskal and Regan

Against the resolution: Crs Gobert, Heins and Menano-Pires

CARRIED

Councillor Menano-Pires left the chamber at 8:05pm

Councillor Gobert left the chamber at 8:05pm

10.4 NOTICE OF MOTION NO 14/2013 - CULTURAL ACTIVATION: MURAL WALL ADDRESSING REOCCURRING GRAFFITI ISSUE

125/13 **RESOLVED**

Cr Moskal / Cr Regan

That:

- A. Council prepares a report into the feasibility of using the graffitied-ridden wall as a mural wall painted by local artists, as located on the private property at 2-4 William Street Brookvale, situated opposite Warringah Mall.
- B. As part of this report, Council begins discussions with the owners of the property to gain permission and support
- C. This report explores the potential for community collaboration. Exploring sponsorships and contributions by local businesses and artist groups, with the perspective of Council effectively co-ordinating and initiating a 'community-blitz' on a reoccurring issue.

Councillor Menano-Pires returned to the chamber at 8:08pm

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 voting on this item

Councillor Gobert returned to the chamber at 8:09pm

10.5 MATTER OF URGENCY - A SUBMISSION TO NSW ROADS AND MARITIME SERVICES ON BOAT AND TRAILER PARKING

NOTE: With the permission of the mover and seconder the original motion was amended to read as follows:

126/13 **RESOLVED**

Cr De Luca / Cr Regan

1. That this Council notes:
 - a. On Tuesday 21 May 2013 the Minister for Roads and Maritime Services, The Honorable Duncan Gay MLC, announced that the Report and Discussion Paper from the Working Group into boat and trailer parking is now out for public consultation with the closing date comment being 28 June 2013.
 - b. The working group has recommended:

- i. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.
 - ii. The NSW Government considers modifying the *Impounding Act 1993* such that “unattended” is defined, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.
 - c. That on 26 March 2013 Warringah Council voted unanimously to:

“Write to the Minister for Roads and Maritime Services, The Hon Duncan Gay MLC and Shadow Minister for Roads and Maritime Services, The Hon Penny Sharpe MLC outlining Warringah’s continuing problems with boats and trailers parking on residential streets, in sports ground car parks and general public car parking areas and renew calls for legislative reform to restrict such parking”
2. That:
- a. Staff draft a submission to the Boat Trailer Working Group’s Report and report this to Council Meeting on 25 June to be endorsed by Council and submitted by the closing date of 28 June 2013.
 - b. Council notes that the report will not be circulated with the business papers on 26 June 2013 but prior to the Council Meeting on 28 June 2013.

Councillor Heins left the chamber at 8:09pm

Councillor Heins returned to the chamber at 8:11pm

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 6/2013 - PROPOSED KIOSK - DEE WHY BOAT SHED

In accordance with Council’s Code of Meeting Practice Clause 22(5) the question was deemed in order

11.2 QUESTION ON NOTICE NO 7/2013 - PROPOSED KIOSK - DEE WHY BOAT SHED STORAGE

In accordance with Council’s Code of Meeting Practice Clause 22(5) the question was deemed in order

**11.3 QUESTION ON NOTICE NO 8/2013 - COUNCIL BUSINESSES COMPETING WITH
LOCAL SMALL BUSINESSES**

In accordance with Council's Code of Meeting Practice Clause 22(5) the question was deemed in order

12.0 RESPONSES TO QUESTIONS ON NOTICE

Nil

The meeting concluded at 8:19pm

This is the final page of the minutes comprising 19 pages
numbered 1 to 19 of meeting 2013/7 of Warringah Council
held on Tuesday 28 May 2013 and confirmed on Tuesday 25 June 2013

Mayor

General Manager

28 MAY 2013**Boat Trailer Parking****Boat Trailer Parking**

Extract from NSW Legislative Council Hansard and Papers Tuesday 21 May 2013.

BOAT TRAILER PARKING

Page: 20445

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Roads and Ports.

[Interruption]

The PRESIDENT: Order! I cannot hear the member. Members will allow her to ask her question in silence.

The Hon. CATHERINE CUSACK: Will he update the House on the management of boat trailers being parked on residential streets?

The Hon. DUNCAN GAY: The New South Wales Government is aware of concerns raised by councils and the community about boat trailers being left on streets for excessively long periods. This is a particular issue on congested residential streets near popular waterways, such as Sydney Harbour. In 2012 I referred this matter to the Maritime Advisory Council. A working group was established to consider available options. The working group comprises representatives from the Office of Boating Safety and Maritime Affairs, the Woollahra Municipal Council, the City of Canada Bay Council and the division of local government in the Department of Premier and Cabinet. The working group found that councils can partly address the problem through the introduction of parking restrictions and permit schemes, but that that simply relocated the problem to nearby streets.

Options identified in the report of the working group include giving council rangers the power to impound boat trailers that have been left parked in the street for long periods and allowing councils to take direct action against unregistered boat trailers. A survey of trailers parked on streets in the Woollahra and Canada Bay council areas found that up to 18 per cent of the trailers were unregistered and should not have been on the road at all. Before progressing any regulatory changes, the Government is seeking the views of other councils and communities so that a broader range of opinions and ideas can be canvassed. The feedback from councils is that not all trailers are the subject of complaints: It is mainly trailers that are left unattended on the street, sometimes for months on end, which cause problems.

The objective is to strike a balance between the right to legally park boat trailers on streets for reasonable periods and improvement in parking access on congested roads. The boat trailer working group report has been released for public comment until 28 June 2013 and is available on the Transport for NSW website. Since boats must be stored somewhere, the other part of the solution is to identify options to increase boat storage capacity. The Draft Sydney Harbour Boat Storage Strategy, which already has been released for public consultation, is examining the best ways in which to accommodate the growth in boat storage requirements on Sydney Harbour. It is pleasing to see local government authorities working with this Government to identify practical solutions to this challenging issue. I encourage interested parties to participate in the consultation process.