
Minutes of a Meeting of Warringah Council

held on Tuesday, 23 March 2010

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

ATTENDANCE

Members

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

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), Director Community and Environmental Services (G Sloan), Director Planning and Development Services (M Ryan), Director Strategy and Policy (D Lawrence), Corporate Lawyer (V Ingram), Team Leader Governance (D Sider), Coordinator Council and Executive Support (M Lee), Administration Officer (A Cooke), Chief Financial Officer (D Walsh), Manager Community and Safety Services (V King), Manager Cultural Services (M Woodward),, Manager Strategic Planning (D Kerr), Manager Marketing and Communications (M Wicks), Manager Natural Environment (G Curtis), Manager Parks, Reserves and Foreshores (M Keelan), Manager Property and Commercial Development (M Viney), Manager Roads, Traffic and Waste (B Bolgoff), Team Leader Corporate Planning (M McDermid), Team Leader Sustainability Planning (D Lovett), Team Leader Traffic Management (J Zappavigna), Senior Corporate Planner (S Eccleston), Corporate Planner (Wim Schoeman), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.02pm, adjourned at 8.00pm, resumed at 8.05pm, moved into closed session at 9.43pm, resumed in open session at 9.59pm and concluded at 10.03pm.

ORDER OF BUSINESS

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

Items 1.0, 2.1, 2.2, 3.0, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 5.1, 5.2, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 8.1, 8.2, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10 12.1, 15.0, 15.1, 15.2, 15.3, 15.4 and 16.0.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 9 February 2010

56/10 **RESOLVED**

Clr Ray/ Clr Regan

That the Minutes of the Meeting of Council of 9 February 2010, copies of which were previously circulated to all Councillors be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

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

Against the resolution: Nil.

2.2 Minutes of Extraordinary Meeting held 23 February 2010

57/10 **RESOLVED**

Clr Regan / Clr Ray

That the Minutes of the Extraordinary Meeting of Council of 23 February 2010, copies of which were previously circulated to all Councillors be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

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

Against the resolution: Nil.



PROCEDURAL MOTION – SUSPENSION OF STANDING ORDERS

Clr De Luca / Clr Kirsch

That Standing Orders be suspended to consider all Items on the Business Paper where there has been a speaker at the Public Forum (i.e. Items 7.1, 7.2, 7.3, 7.5, 9.6, 12.2, 12.3 and 12.6)

VOTING

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

Against the resolution: Clrs Falinski, Giltinan, Regan, Sutton and Wilkins.

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

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Clr Harris declared a non pecuniary conflict of interest in relation to Item 9.6, as she is a member of the SHOROC sub-committee Kimbriki Resource Recovery Centre.

Clr Ray declared a significant, pecuniary interest in relation to Item 10.4, as the previous president of the Manly Warringah Football Association was a candidate for the 'Wake up Warringah' Party at the last Council elections.

Clr Laugesen declared a significant, pecuniary interest in relation to Item 10.4, as the previous president of the Manly Warringah Football Association was a candidate for the 'Wake up Warringah' Party at the last Council elections.

Clr Wilkins declared a non-significant, pecuniary interest in relation to Item 10.4, as the previous president of the Manly Warringah Football Association was a candidate for the 'Wake up Warringah' Party at the last Council elections.

Clr Regan declared a non-significant, pecuniary interest in relation to Item 10.4, as the previous president of the Manly Warringah Football Association was a candidate for the 'Wake up Warringah' Party at the last Council elections.

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. Ms Jann Robinson, Principal St Lukes Grammar School, addressed Item 12.6 on the agenda.

4.2. Ms Tess White, CEO Midnight Basketball, addressed Item 12.3 on the agenda.

4.3. Mr Kevin Martin made a statement regarding the naming of a section of the track on the Bicentennial Track/ Walk at North Curl Curl.

CLR SUTTON LEFT THE CHAMBER AT 6.25PM.

CLR LAUGESSEN LEFT THE CHAMBER AT 6.25PM.

4.4. Mr Jack Tilburn asked the following question regarding street pods in Lawrence Street, Freshwater:

- a) Who was the originator and innovator of these three huge and unwanted street pods?
- b) What were the costs of these three street pods?
- c) Were the Lawrence Street business operators both owners and renters, given a vote on this issue of the pods and when?
- d) Was final permission to build granted by Mr Persson, Administrator, or by the present new council, and when was the date of permission?
- e) Will the new council seek approval to dismantle and get rid of the unwanted and unwarranted three street pods ASAP?

Answer: The Director Community and Environmental Services advised that the process for this design began in 2006, the cost of the pods was a part of the lump sum tender, which Council resolved on 14 October 2008.

CLR SUTTON RETURNED TO THE CHAMBER AT 6.27PM.

4.5. Mr Richard Michell, addressed Item 7.1 on the agenda.

CLR LAUGESSEN RETURNED TO THE CHAMBER AT 6.28PM.

4.6. Mr John Mullins, addressed Item 7.2 on the agenda.

PROCEDURAL MOTION – EXTENSION OF TIME

58/10 **RESOLVED**

Clr Ray / Clr De Luca

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

VOTING

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

Against the resolution: Clrs Falinski and Regan.

4.7. Mr Kevin Roche, representing SurfRiders Foundation, addressed Item 7.5 on the agenda.

4.8. Mr Tracey Lake, representing Narrabeen Beach Surf Life Saving Club, addressed Item 7.5 on the agenda.

4.9. Ms Mary Armstrong, representing Belrose Rural Community Association, addressed Item 9.6 on the agenda.

4.10. Mr Anthony Petrolo, representing Sydney Youth Climate Action Network, addressed Item 12.2 on the agenda.

4.11. Ms Margaret Hogge, representing Non Smokers Movement of Australia Inc, addressed Item 7.3 on the agenda.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 1/2010 General Manager Performance Review Panel

(BP REF 1)

Clr Regan

That Council nominate Councillor Falinski to participate on the General Manager Performance Review Panel for the period 2009 – 2010.

AMENDMENT

Clr De Luca / Clr Kirsch

That all Councillors participate on the General Manager Performance Review Panel for the period 2009 – 2010.

PROCEDURAL MOTION – THAT THE MOTION BE PUT

59/10 **RESOLVED**

Clr Falinski

That the motion be put.

VOTING

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

Against the resolution: Nil.

Clr De Luca / Clr Kirsch

That all Councillors participate on the General Manager Performance Review Panel for the period 2009 – 2010.

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Clr De Luca / Clr Laugesen

That Council nominate Councillor Kirsch to participate on the General Manager Performance Review Panel for the period 2009 – 2010.

CLR HARRIS LEFT THE CHAMBER AT 6.58PM

VOTING

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

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

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

CLR HARRIS WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

60/10 RESOLVED

Clr Regan

That Council nominate Councillor Falinski to participate on the General Manager Performance Review Panel for the period 2009 – 2010.

VOTING

For the resolution: Clrs Giltinan, Falinski, Regan, Sutton, Wilkins.

Against the resolution: Clrs De Luca, Kirsch, Laugesen and Ray.

CLR HARRIS WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

CLR HARRIS RETURNED TO THE CHAMBER AT 6.59PM.

**5.2 Mayoral Minute No 2/2010
Potential Sites for Accommodating Manly Warringah
Gymnastics Association**

61/10 RESOLVED

Clr Regan

That Council staff investigate possible locations for a multi-use indoor sport facility and prepare concept building and financial plans for such a proposal.

VOTING

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

Against the resolution: Clrs De Luca, Kirsch and Laugesen.

SUPPLEMENTARY MOTION

Clr De Luca / Clr Kirsch

That all future reports exceeding \$5000 in preparation, be the subject of a full report to Council in order for Councillors to be properly informed of the issues involved before committing to such expense.

VOTING

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

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

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

6.0 GENERAL MANAGER'S REPORTS

6.1 Minutes of the SHOROC Incorporated Board Meeting held 17 February 2010

(BP REF 9)

62/10 **RESOLVED**

Clr Falinski / Clr Wilkins

That the Minutes of the SHOROC Incorporated Board Meeting of 17 February 2010 be noted and the recommendations contained therein be ADOPTED.

VOTING

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

Against the resolution: Nil.

6.2 Audit Committee – Notification of Change of Name

(BP REF 23)

63/10 **RESOLVED**

Clr Falinski / Clr Wilkins

That Council note the Committee's change of name to Audit Committee and increased remit in accordance with the Department of Local Government's Internal Audit Guidelines.

VOTING

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

Against the resolution: Nil.

7.0 STRATEGY AND POLICY DIVISION REPORTS

7.1 Draft Strategic Community Plan 2010 – “The Budget 2010”

(BP REF 32)

64/10 **RESOLVED**

Clr Falinski / Clr Regan

- A. That pursuant to Sections 402, 404 and 405 of the Local Government Act, 1993, the Draft Strategic Community Plan 2010 – “The Budget”, including the Delivery Program and Operational Plan and Schedule of Fees and Charges for 2010-2011 be placed on public exhibition for a period of 38 days.
- B. That Council give notice of its intention to:
 - a. Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories of rates on all rateable land in its area for 2010-2011, and
 - b. Increase its rates income by 2.6% in 2010-2011.
- C. That the Draft Strategic Community Plan Summary Brochure/Community Feedback Form in the separate Attachment Booklet to the report be approved for distribution.
- D. That a further report be submitted to Council on 22 June 2010 to enable consideration of:
 - a. Any submissions received during the exhibition period referred to in A above; and
 - b. Formal adoption of Warringah Council’s Strategic Community Plan 2010.

VOTING

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

Against the resolution: Nil.

7.2 Report of the Community Engagement Working Party

(BP REF 41)

Clr Regan / Clr Kirsch

- A. That the report and recommendations of the Community Engagement Working Party attached to this report be adopted.

- B. That the Community Engagement Working Party be formally disbanded and all members be thanked for their valuable contribution to this important project.

AT THIS STAGE THE MOVER, WITH THE CONSENT OF THE SECONDER, AMENDED THE MOTION TO READ:

- A. That the report and recommendations of the Community Engagement Working Party attached to this report be adopted.
- B. That the Community Engagement Working Party be formally disbanded and all members be thanked for their valuable contribution to this important project.
- C. That Ms D Lawrence and Ms D Sider be thanked for their contribution as advisors and support to the working party.

65/10 **RESOLVED**

Clr Regan / Clr Kirsch

- A. That the report and recommendations of the Community Engagement Working Party attached to this report be adopted.
- B. That the Community Engagement Working Party be formally disbanded and all members be thanked for their valuable contribution to this important project.
- C. That Ms D Lawrence and Ms D Sider be thanked for their contribution as advisors and supporting to the working party.

VOTING

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

Against the resolution: Nil.

7.3 Review of Smoking in Public Places Policy

(BP REF 59)

66/10 **RESOLVED**

Clr Laugesen / Clr Falinski

- A. Council notes this report and the submissions received from the public.
- B. Council place on public exhibition a draft amended Policy for the Management of Smoking in Public Places as detailed at **Attachment A**, with the following changes:
- a) Amend the second bullet point under 'Smoking will be banned' to read:
- Constructed seating areas at sports grounds and other public areas;

- b) Add the following bullet points after the second bullet point under 'Smoking will be banned':
- In, and within 10 metres of the boundaries of, sporting grounds (other than Brookvale Oval) and other public areas during sporting and or other events (including the arrival and departure of spectators and or participants) and for this purpose 'event' will extend to include any activity of a properly authorised organisation using the area for rehearsal or practice;
 - Within the grounds of Brookvale Oval;
- c) Add the following bullet points under 'Smoking will be banned':
- At all outdoor dining areas on Council land (footpaths and other access ways);
 - Within bus shelters, and within 10 metres of bus stops (bus stops being defined as the designated bus stopping point (indicated by a post or sign) and any nearby seating provided for persons who are waiting for buses);
 - In Council-owned parking stations that are partly or fully enclosed by walls and ceilings;
 - At all activities and functions run or promoted by Council.
- d) Delete the following bullet point under 'In addition to the bans identified above, Council will':
- Promote non-smoking at all activities and functions run or promoted by Council.

Add the following words at the end of the clause:

Each area required to be smoke-free under this Policy shall have notices and or signs displayed indicating by words and or symbols that smoking is not permitted in the area, consistent with any qualifications in this Policy.

For the purpose of outdoor dining areas, an occupier must not fail to display signs, in a form approved by Council and at the cost of the occupier, in an outdoor dining area.

- C. Following exhibition the amended draft Policy be resubmitted to Council for consideration.

VOTING

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

Against the resolution: Nil.

7.4 Exhibition of Draft Social Plan 2010

(BP REF 82)

67/10 **RESOLVED**

Clr Wilkins / Clr Kirsch

That the Draft Social Plan be placed on exhibition for public comment.

VOTING

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

Against the resolution: Nil.

7.5 Proposed Adoption of the Griffith Park Plan of Management

(BP REF 89)

Clr Regan / Clr Falinski

That the revised draft Griffith Park Plan of Management be adopted.

AMENDMENT

Clr Harris / Clr Ray

That the revised draft Griffith Park Plan of Management be adopted, with the following change: Page 74 "Address Parking Congestion and Local Traffic Management Issues", point 3, to read: "Review options to maintain the overflow car park as a grassed area with stabilisation with porous materials as required".

VOTING

For the amendment: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray and Regan.

Against the amendment: Clrs Sutton and Wilkins.



68/10 RESOLVED

Clr Harris / Clr Ray

That the revised draft Griffith Park Plan of Management be adopted, with the following change: Page 74 "Address Parking Congestion and Local Traffic Management Issues", point 3, to read: "Review options to maintain the overflow car park as a grassed area with stabilisation with porous materials as required".

VOTING

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

Against the resolution: Clr Wilkins.

7.6 2010 National General Assembly of Local Government – Australian Local Government Association

(BP REF 98)

69/10 RESOLVED

Clr Regan / Clr Harris

- A. That Council nominate Councillors Falinski, Kirsch and Regan to attend the 2010 National General Assembly of Local Government to be held in Canberra from 14 -17 June 2010.
- B. That the attendance of delegates and payment of expenses be in accordance with Council's Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.
- C. That Council determine any Motions to be put forward by Warringah to the 2010 National General Assembly of Local Government.

CLR SUTTON LEFT THE CHAMBER AT 7.33PM

VOTING

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

Against the resolution: Nil.

CLR SUTTON WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

SUPPLEMENTARY MOTION

Clr Kirsch / Clr Harris

That Warringah Council submit the following motion to the ALGA 2010 National General Assembly of Local Government:

That the ALGA call on the Federal Government to establish an independent National Inquiry into a sustainable target and strategy for Australia's Population to 2050.

Background:

- Australia's population should be determined by the capacity of our environment and our infrastructure.
- Australia cannot support an increase in population to 35 million by 2050.
- Immigration should not be stopped. Australia should increase its humanitarian immigration program, but we need to reduce our skilled migration program and balance that reduction by investing in skills training for Australians.
- National population policy is the responsibility of government; it should be responsive to national and global factors.
- Global population is expected to grow from 6.8 billion people now to 9.2 billion by 2050 and Australia should be taking a lead in finding global solutions.
- That should include increasing Australia's overseas aid budget to 0.7% GDP now with more funding for literacy and reproduction health programs for women and girls.

CLR SUTTON RETURNED TO THE CHAMBER AT 7.36PM.

VOTING

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

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

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

7.7 Agenda for Councillor Briefing Workshops – 30 March to June 2010

(BP REF 101)

70/10 **RESOLVED**

Clr Regan / Clr Sutton

That the quarterly schedule for Councillor Briefing Workshops; 30 March to June 2010 be adopted subject to the issue of Trees Policies being rescheduled to the Councillor Briefing Workshop of 30 March 2010.

VOTING

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

Against the resolution: Clrs Falinski and Laugesen.

7.8 Council Meeting Cycle – Timing of Meetings

(BP REF 103)

71/10 **RESOLVED**

Clr Falinski / Clr Regan

That Ordinary Meetings of Council be held on the fourth Tuesday of each month with the exception of:

- a) January
- b) December, where the meeting will be held on the second Tuesday of the month.

VOTING

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

Against the resolution: Nil.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.00PM. THE MEETING RESUMED AT 8.05PM WITH ALL COUNCILLORS EXCEPT CLR DE LUCA PRESENT.

8.0 CORPORATE SERVICES DIVISION REPORTS

8.1 Monthly Funds Management Report February 2010

(BP REF 106)

72/10 **RESOLVED**

Clr Ray / Clr Regan

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

VOTING

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

Against the resolution: Nil.

CLR DE LUCA WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

8.2 Bad Debt Write Off

(BP REF 112)

73/10 **RESOLVED**

Clr Giltinan / Clr Ray

That Council approve writing off of the debt of \$29,700 (Inc GST) against Macarthur Tractor and Outdoor Products Pty Ltd – 9 Exchange Parade, Narellan Business Park, Narellan.

VOTING

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

Against the resolution: Nil.

CLR DE LUCA WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

CLR DE LUCA RETURNED TO THE CHAMBER AT 8.06PM.

9.0 PLANNING AND DEVELOPMENT SERVICES DIVISION REPORTS

9.1 Residential Development Strategy – Update Report

(BP REF 115)

74/10 **RESOLVED**

Clr Wilkins / Clr Giltinan

- A. That Council note the content of this report.
- B. That the six monthly update reports on the status of the Warringah Residential Development Strategy 1998 cease as the preparation of the new Warringah Housing Strategy is well underway.

VOTING

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

Against the resolution: Nil.

9.2 Interim Waste Management Policy – Construction and Development

(BP REF 125)

75/10 **RESOLVED**

Clr Kirsch / Clr Regan

- A. That the interim Waste Management Policy – Construction and Development (as in the Attachment Booklet) be adopted.
- B. That the interim Waste Management Policy – Construction and Development is rescinded when the Draft Warringah Development Control Plan is adopted and in force.

VOTING

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

Against the resolution: Nil.

9.3 Review of Unleashed Dog Exercise Areas

(BP REF 136)

76/10 **RESOLVED**

Clr De Luca / Clr Wilkins

- A. That Council commence the trial of unleashed dog exercise areas at Currie Road Forestville, Truman Reserve Cromer, and restricted hours at Beacon Hill Oval and Melwood Oval Forestville from 1 March 2010 to 31 August 2010.
- B. That the operation of these trial unleashed dog exercise areas be reviewed and monitored and a report on the findings be presented to Council for their consideration by October 2010.

VOTING

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

Against the resolution: Nil.

9.4 Prohibiting Use of Trans Fats in Warringah Council Local Government Area

(BP REF 152)

77/10 **RESOLVED**

Clr Kirsch / Clr Ray

That Council write to the State and Federal Governments expressing the need for greater government action in limiting the use of the requirement for adequate labelling and suitable health warnings of the use of trans fats.

VOTING

For the resolution: Clrs De Luca, Falinski, Harris, Kirsch, Laugesen, Ray and Regan.

Against the resolution: Clrs Giltinan, Sutton and Wilkins.

9.5 Freshwater Beach Overflow Car Park – Civil Works

(BP REF 156)

Clr Kirsch / Clr Harris

That Council support Option 3 – Postpone upgrading works to the car park.

AMENDMENT

Clr Sutton / Clr Falinski

That Council support Option 1 – Sealed bitumen surface (\$171,000), minimal maintenance costs (original proposal)

VOTING

For the amendment: Clrs Falinski, Giltinan and Sutton.

Against the amendment: Clrs De Luca, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

AMENDMENT

Clr Wilkins / Clr Regan

1. That the civil works for the upgrade of works at Freshwater Beach Overflow Car Park be constructed by using permeable surface material (Option 2).
2. The additional maintenance costs for next year 2010-11 be funded from the current surplus.
3. That Items 1 and 2 above be subject to Council's consultation process.

VOTING

For the amendment: Clrs De Luca, Falinski, Giltinan, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the amendment: Clrs Harris and Sutton.

78/10 RESOLVED

Clr Wilkins / Clr Regan

1. That the civil works for the upgrade of works at Freshwater Beach Overflow Car Park be constructed by using permeable surface material (Option 2).
2. The additional maintenance costs for next year 2010-11 be funded from the current surplus.
3. That Items 1 and 2 above be subject to Council's consultation process.

VOTING

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

Against the resolution: Clr Sutton.

9.6 Voluntary Public Positive Covenant on Height of Landfill at Belrose Tip

(BP REF 162)

Clr Falinski / Clr Harris

- A. That Council endorses the role within the Public Positive Covenant as the prescribed authority to vary the provisions of the instruments.
- B. The General Manager be authorised to sign the Positive Public Covenant.

AT THIS STAGE, WITH THE CONSENT OF THE MOVER, THE SECONDER AMENDED THE MOTION TO READ:

- A. That Council endorses the role within the Public Positive Covenant as the prescribed authority to vary the provisions of the instruments.
- B. The General Manager be authorised to sign the Positive Public Covenant.
- C. That the WSN Community Advisory Committee be acknowledged for their efforts leading to this outcome.

79/10 RESOLVED

Clr Falinski / Clr Harris

- A. That Council endorses the role within the Public Positive Covenant as the prescribed authority to vary the provisions of the instruments.
- B. The General Manager be authorised to sign the Positive Public Covenant.

- C. That the WSN Community Advisory Committee be acknowledged for their efforts leading to this outcome.

VOTING

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

Against the resolution: Clr Sutton.

10.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

10.1 Minutes of Warringah Traffic Committee Meeting held 1 December 2009

(BP REF 165)

80/10 **RESOLVED**

Clr Falinski / Clr Sutton

That the Minutes of the Warringah Traffic Committee meeting held 1 December 2009 be noted.

VOTING

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

Against the resolution: Nil.

10.2 Minutes of Warringah Traffic Committee Meeting held 2 February 2010

(BP REF 175)

Clr Regan / Clr De Luca

That the Minutes of the Warringah Traffic Committee meeting held 2 February 2010 be noted except for Item 4.7 where Council resolves the following:

That Council:

1. Design and construct vehicle energy absorbing bollards at the intersection of Willandra and Tristram Road outside the "Making a Difference Childcare Centre" to improve alleged safety concerns within the Child Care Centre
2. Allocate \$20,000 for proposed works as part of 2009/2010 financial year from CN3127 (footpaths, trees and bikes)
3. Seek to recoup the funding from the Department of Education and/ or the Roads and Traffic Authority
4. Notify the Traffic Committee of Council's decision
5. Notify the Department of Education of Council's decision
6. Advise Mr and Mrs Leis of Council's decision

AT THIS STAGE, THE MOVER WITH THE CONSENT OF THE SECONDER, AMENDED THE MOTION TO READ:

- A. That the Minutes of the Warringah Traffic Committee meeting held 2 February 2010 be noted except for Item 4.7 where Council resolves the following:

That Council:

1. Design and construct vehicle energy absorbing bollards at the intersection of Willandra and Tristram Road outside the "Making a Difference Childcare Centre" to improve alleged safety concerns within the Child Care Centre
 2. Allocate \$20,000 for proposed works as part of 2009/2010 financial year from CN3127 (footpaths, trees and bikes)
 3. Seek to recoup the funding from the Department of Education and/ or the Roads and Traffic Authority
 4. Notify the Traffic Committee of Council's decision
 5. Notify the Department of Education of Council's decision
 6. Advise Mr and Mrs Leis of Council's decision
- B. That item 4.12 of the Minutes of the Warringah Traffic Committee Meeting held 2 February 2010 be referred back to the Traffic Committee for line marking to be considered until such a time that the roads assets section widens the driveway.

PROCEDURAL MOTION – ITEMS TO BE MOVED SEPARATELY

81/10 RESOLVED

Clr Ray / Clr Regan

That Part A be moved separately to Part B of the motion.

VOTING

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

Against the resolution: Clr Falinski.

82/10 RESOLVED

Clr Regan / Clr De Luca

A. That the Minutes of the Warringah Traffic Committee meeting held 2 February 2010 be noted except for Item 4.7 where Council resolves the following:

That Council:

1. Design and construct vehicle energy absorbing bollards at the intersection of Willandra and Tristram Road outside the "Making a Difference Childcare Centre" to improve alleged safety concerns within the Child Care Centre
2. Allocate \$20,000 for proposed works as part of 2009/2010 financial year from CN3127 (footpaths, trees and bikes)
3. Seek to recoup the funding from the Department of Education and/ or the Roads and Traffic Authority
4. Notify the Traffic Committee of Council's decision
5. Notify the Department of Education of Council's decision
6. Advise Mr and Mrs Leis of Council's decision

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Kirsch, Laugesen, Regan and Wilkins.

Against the resolution: Clrs Harris, Ray and Sutton.

83/10 RESOLVED

Clr Regan / Clr De Luca

B. That item 4.12 of the Minutes of the Warringah Traffic Committee Meeting held 2 February 2010 be referred back to the Traffic Committee for line marking to be considered until such a time that the roads assets section widens the driveway.

VOTING

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

Against the resolution: Clr Laugesen.

10.3 Minutes of Warringah Traffic Committee Meeting held 2 March 2010

(BP REF 187)

84/10 **RESOLVED**

Clr Falinski / Clr Wilkins

That the Minutes of the Warringah Traffic Committee meeting held 2 March 2010 be noted.

VOTING

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

Against the resolution: Nil.

CLR LAUGESSEN LEFT THE CHAMBER AT 9.04PM.

CLR RAY LEFT THE CHAMBER AT 9.04PM

CLR WILKINS LEFT THE CHAMBER AT 9.04PM

THE MAYOR LEFT THE CHAMBER AT 9.04PM, AND CLR DE LUCA ASSUMED THE CHAIR.

10.4 Investigation into the Development of a Synthetic Grass Playing Field at Cromer Park

(BP REF 198)

Clr De Luca / Clr Falinski

- A. That Council supports installation of a synthetic surface on Cromer Park Field 1, contingent upon Council entering into a MOU with MWFA about usage on this field with the purpose of alleviating demand for other Council fields.
- B. Council negotiate a lease and management arrangements that optimise use and income from the new Cromer Park Field 1 surface to benefit the community.
- C. Allocate \$230,000 from Sportsfield Rectification Levy, \$272,000 from Community Development funds and funds from sale of the below property and shortfall to be met in Council's 2010/11 Capital Works Program from General Revenue.
- D. Council allocate the funds from the sale of the Land at Lot 3, DP 927584 Cottage Point to funding of this project.
- E. Council note that any shortfall in project funds will be met from General Revenue in the 2010/11- 2011/12 Capital Works Program, and changes to projects will be made

accordingly, any changes to projects will be reported to Council for consideration and approval.

AMENDMENT

Clr Harris / Clr Kirsch

That Council defer consideration of this Item until a full environmental impact assessment can be completed and reported to Council in relation to the installation of this surface, including but not limited to environmental impact of cleaning this surface and how this surface will be disposed.

VOTING

For the amendment: Clrs Harris and Kirsch.

Against the amendment: Clrs De Luca, Falinski, Giltinan and Sutton.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

CLR RAY WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

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

CLR WILKINS WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

THE MAYOR WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

AMENDMENT

Clr Kirsch / Clr Harris

- A. That Council supports installation of a synthetic surface on Cromer Park Field 1, contingent upon Council entering into a MOU with MWFA about usage on this field with the purpose of alleviating demand for other Council fields.
- B. Council negotiate a lease and management arrangements that optimise use and income from the new Cromer Park Field 1 surface to benefit the community.
- C. Allocate \$230,000 from Sportsfield Rectification Levy, \$272,000 from Community Development funds and funds from sale of the above property and shortfall to be met in Council's 2010/11 Capital Works Program from General Revenue.
- D. Council note that any shortfall in project funds will be met from General Revenue in the 2010/11- 2011/12 Capital Works Program, and changes to projects will be made accordingly, any changes to projects will be reported to Council for consideration and approval.

VOTING

For the amendment: Clrs Harris and Kirsch.

Against the amendment: Clrs De Luca, Falinski, Giltinan and Sutton.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

CLR RAY WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

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

CLR WILKINS WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

THE MAYOR WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

85/10 RESOLVED

Clr De Luca / Clr Falinski

- A. That Council supports installation of a synthetic surface on Cromer Park Field 1, contingent upon Council entering into a MOU with MWFA about usage on this field with the purpose of alleviating demand for other Council fields.
- B. Council negotiate a lease and management arrangements that optimise use and income from the new Cromer Park Field 1 surface to benefit the community.
- C. Allocate \$230,000 from Sportsfield Rectification Levy, \$272,000 from Community Development funds and funds from sale of the below property and shortfall to be met in Council's 2010/11 Capital Works Program from General Revenue.
- D. Council allocate the funds from the sale of the Land at Lot 3, DP 927584 Cottage Point to funding of this project.
- E. Council note that any shortfall in project funds will be met from General Revenue in the 2010/11- 2011/12 Capital Works Program, and changes to projects will be made accordingly, any changes to projects will be reported to Council for consideration and approval.

VOTING

For the resolution: Clrs De Luca, Falinski, Giltinan, Kirsch and Sutton.

Against the resolution: Clr Harris.

CLR RAY WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

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

CLR WILKINS WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

THE MAYOR WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

CLR RAY RETURNED TO THE CHAMBER AT 9.11PM.

CLR WILKINS RETURNED TO THE CHAMBER AT 9.11PM.

CLR LAUGESSEN RETURNED TO THE CHAMBER AT 9.11PM.

THE MAYOR RETURNED TO THE CHAMBER AT 9.11PM AND RESUMED THE CHAIR.

10.5 Policy for the Use of Council Open Space by Commercial Fitness Groups and Personal Trainers

(BP REF 209)

86/10 **RESOLVED**

Clr Regan / Clr Falinski

- A. That the draft use of Council Open Space for commercial fitness groups and personal trainers be placed on public exhibition for 28 days.
- B. That following public exhibition, a further report be submitted to Council to enable consideration of (i) any submissions received during the exhibition, and (ii) adoption of the final Council Open Space for Commercial Fitness Groups and Personal Trainers Policy.

CLR SUTTON LEFT THE CHAMBER AT 9.11PM, RETURNING AT 9.12PM.

CLR FALINSKI LEFT THE CHAMBER AT 9.12PM, RETURNING AT 9.12PM.

VOTING

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

Against the resolution: Clrs Falinski and Laugesen.

10.6 Manly Lagoon Catchment Coordinating Committee

(BP REF 216)

87/10 **RESOLVED**

Clr Wilkins / Clr Harris

- A. That the minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 13 August 2009 (Attachment 1) be noted.
- B. That Councillor Harris continue to be the Mayor's Representative on the Manly Lagoon Catchment Coordinating Committee until new membership is called in accordance with the Terms of Reference for this Committee and Council Policy.
- C. That Council nominate Councillor Wilkins to be Chair of the Committee when administration of the Committee returns to Warringah Council in September 2010.

VOTING

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

Against the resolution: Nil.

10.7 Minutes of the Narrabeen Lagoon Joint Estuary Floodplain Management Committee Meeting held 27 August 2009

(BP REF 238)

88/10 **RESOLVED**

Clr De Luca / Clr Regan

- A. That the minutes of the Narrabeen Lagoon Joint Estuary Floodplain Management Committee meeting held 27 August 2009 (Attachment 1) be noted.
- B. The recommendations in Item 3.1 (Recommendation 2) and Item 3.2 (Recommendation 1) of those minutes be adopted as a resolution of Council.
- C. That Council endorse the seeking of grant funds from external agencies, primarily State Government, towards the development of both the Plan of Management and the Flood Study for Narrabeen Lagoon.
- D. That Council support the redirection of \$35,000 of ESSR funds from the Freshwater Ecological Monitoring Program towards the completion of the Narrabeen Lagoon Flood Study and supports the inclusion of appropriate funds into the budget over the next two financial years (2010-2012).

- E. That Council nominate Councillor Falinski as a Councillor Representative on the Committee.
- F. That Council nominate Councillor Ray to replace the Mayor as Chairperson of the Committee.

VOTING

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

Against the resolution: Nil.

10.8 Fee Reduction for Matinee Performance Tickets at Glen Street Theatre – Launch of the 2010 Guringai Festival

(BP REF 263)

89/10 **RESOLVED**

Clr Falinski / Clr Giltinan

That Council endorse the recommendation to release 100 seats for sale to the community for the performance of 'Page 8' as part of the 2010 Guringai Festival at \$25.00 per seat for the matinee performance on Saturday 22 May 2010 at 2.00pm.

VOTING

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

Against the resolution: Nil.

10.9 Brookvale Occasional Care Centre Proposal

(BP REF 265)

Clr Falinski / Clr Wilkins

That:

- A. Council approve Option 1 and proceed with detailed design and tender for the Brookvale Occasional Care Centre development utilising available Section 94 funds for this purpose, and

- B. Council approve any remaining funding from Section 94 in relation to child care facilities be dedicated to providing additional 0-2 places within the LGA.

AMENDMENT

Clr Kirsch / Clr Harris

That Options 1, 2 and 3 be the subject of community consultation.

VOTING

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

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

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

90/10 **RESOLVED**

Clr Falinski / Clr Wilkins

That:

- A. Council approve Option 1 and proceed with detailed design and tender for the Brookvale Occasional Care Centre development utilising available Section 94 funds for this purpose, and
- B. Council approve any remaining funding from Section 94 in relation to child care facilities be dedicated to providing additional 0-2 places within the LGA.

VOTING

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

Against the resolution: Clrs Falinski, Giltinan, Regan, Sutton and Wilkins.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE MOTION, WHICH WAS CARRIED.



10.10 Queenscliff Parking and Traffic Remediation Study Report

(BP REF 270)

91/10 RESOLVED

Clr Wilkins/ Clr Regan

- A. That the information in this report be noted.
- B. That Council undertake a resident consultation in the Queenscliff study area in regard to the following recommended options and the results be referred back to Council in July 2010 for consideration.
 - **Option 1:** Introduction of an Area Wide Resident Parking Scheme (RPS) for Queenscliff in accordance with the Roads & Traffic Authority's guide for Permit Parking Scheme.
 - **Option 2:** Introduction of a *Street Specific* Resident Parking Scheme (RPS) in accordance with the Roads & Traffic Authority's guide for Permit Parking Scheme in designated sections of streets in the Queenscliff area (minimum of 3-5 spaces in a zone) to cater for some of the households with no off street parking in that zone/area.
 - **Option 3:** Maintain Status Quo
- C. That the Queenscliff Parking and Traffic Remediation Study Report be referred to the Warringah Traffic Committee for consideration and comment and that the comments be considered and included in the report to Council in conjunction with item B above.
- D. That Council develop an operating standard and fee structure for provision of line marking on the road at driveway and the matter be referred to of the Warringah Traffic Committee for advice.
- E. That Council notes that the provision of a traffic calming scheme for Crown Road has already been identified and is proposed for inclusion in the draft Strategic Community Plan for possible implementation in 2012/2013.

VOTING

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

Against the resolution: Nil.

11.0 NOTICES OF RESCISSION

Nil.

12.0 NOTICES OF MOTION

12.1 Notice of Motion No 5/2010 Review of Street Tree Planting Policy ENV- PL 416

(BP REF 282)

Clr Kirsch / Clr Laugesen

That Council conduct a review of Council's Street Tree Planting Policy ENV-PL 416 to include fruit bearing trees in public places and allow the planting of fruit bearing trees and vegetable gardens on public land. The review is to ensure that habitat protection is considered in making recommendations about plant selection and location of such possible plantings.

AMENDMENT

Clr Regan / Clr Wilkins

That Council conduct a review of Council's Street Tree Planting Policy ENV-PL 416 in the forward works for 2011/12 to include the consideration of fruit bearing trees in public places and a replacement of exotic trees such as liquid ambers.

VOTING

For the amendment: Clrs De Luca, Falinski, Giltinan, Harris, Kirsch, Regan and Wilkins.

Against the amendment: Clrs Laugesen, Sutton and Ray.

THE AMENDMENT, ON BEING PUT, WAS DECLARED CARRIED.

PROCEDURAL MOTION

Clr Ray / Clr Kirsch

That Council defer Notice of Motion No 5/2010 Review of Street Tree Planting Policy ENV- PL 416 to the next Ordinary Council meeting for further discussion in relation to the proposed budgetary timeframe.

VOTING

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

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

92/10 **RESOLVED**

Clr Regan / Clr Wilkins

That Council conduct a review of Council's Street Tree Planting Policy ENV-PL 416 in the forward works for 2011/12 to include the consideration of fruit bearing trees in public places and a replacement of exotic trees such as liquid ambers.

VOTING

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

Against the resolution: Clr Sutton.

15.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 292)

93/10 **RESOLVED**

Clr Regan / Clr Wilkins

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

Item 15.1 Tender T2009/094 - Cleaning Services for Warringah Council Properties

Item 15.2 Lot 3 DP927584 Notting Lane, Cottage Point – Proposed Sale of Land

Item 15.3 Tender T2009/135 Rock Wall Remediation Works at Delmar Parade, Dee Why

Item 15.4 Tender T2009/082 – Weldon Oval Rectification Works

Matters to be Discussed During Closed Session - Section 10D

Item 15.1 Evaluation and recommendation of tenders for Cleaning Services for Warringah Council Properties.

Item 15.2 Lot 3 DP927584 Notting Lane, Cottage Point – Proposed Sale of Council Land.

Item 15.3 Evaluation and recommendations relating to Tender T2009/135 Rock Wall Remediation Works at Delmar Parade, Dee Why.

Item 15.4 Evaluation and recommendations relating to Tender T2009/082 – Weldon Oval Rectification Works.

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

Item 15.1 (d) commercial information of a confidential nature that would if disclosed:
(i) prejudice the commercial position of the person who supplied it.

- Item 15.2 (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- Item 15.3 (d) commercial information of a confidential nature that would if disclosed:
(i) prejudice the commercial position of the person who supplied it.
- Item 15.4 (d) commercial information of a confidential nature that would if disclosed:
(i) prejudice the commercial position of the person who supplied it.

Reason Why Matters are being considered in Closed Session – Section 10B

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
- C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information.
- D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
- E. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.

VOTING

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

Against the resolution: Clrs De Luca, Kirsch, Laugesen and Ray.

THE MEETING MOVED INTO CLOSED SESSION AT 9.43PM.

THE MEETING RESUMED IN OPEN SESSION AT 9.59PM.

16.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.



15.1 Tender T2009/094 – Cleaning Services for Warringah Council Properties

(BP REF C1)

94/10 **RESOLVED**

Clr Sutton / Clr Wilkins

- A. That Council accept the following tenders:
1. Broadlex Services Pty Ltd for Building Group 1 – Office Buildings.
 2. Northern Contract Cleaning Pty Ltd for Building Group 2 – Libraries; Group 3 – Childcare; Group 4 – Community Centres and Group 5 – Glen Street Theatre.
 3. Quad Services Pty Ltd for Building Group 6 – Warringah Aquatic Centre and Building Group 7 - Brookvale Oval
- B. That Council delegates to the General Manager the authority to enter into contracts with the aforementioned successful tenderers.

VOTING

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

Against the resolution: Nil.

15.2 Lot 3 DP 927584 Notting Lane, Cottage Point – Proposed Sale of Land

(BP REF C8)

95/10 **RESOLVED**

Clr Wilkins / Clr Sutton

- A. That Council re-affirm Item 12.6, 4.1 (ii) 2 (a) of its resolution dated 27 May 2003 regarding the proposed sale of Lot 3 DP 927584 Notting Lane, Cottage Point and delegate authority to the General Manager to negotiate the terms of the sale(s) in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 and set appropriate conditions in the Contract(s) for Sale of Land.
- B. a. That should negotiations referred to in Item A of this recommendation with the adjoining property owners be unsuccessful, (i.e. if terms cannot be agreed within 4 months following the date of this Council resolution) Council proceed to sell the subject

land as a single lot by public auction in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 and:

- b. Grant delegation to the General Manager to:
 - (i) Appoint a suitable qualified local real estate agent to handle the disposal of the subject land by way of public auction.
 - (ii) Set an appropriate reserve price for public auction
 - (iii) Allow the subject property to remain on the market and negotiate a sale price if the property fails to sell at public auction.
 - (iv) Set appropriate conditions in the Contract(s) for Sale of Land.
- C. That Council authorise the affixing of Council's seal to, and delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.

VOTING

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

Against the resolution: Clr Laugesen.

15.3 Tender T2009/135 – Rock Wall Remediation Works at Delmar Parade, Dee Why

(BP REF C12)

96/10 **RESOLVED**

Clr Wilkins / Clr Regan

- A. That Council enters into a schedule of rates contract with Pan Civil Pty. Ltd. to carry out rock wall remediation works at Delmar Parade, Dee Why as Specified in Tender T2009/135, for an amount up to \$210,000 (incl. GST).
- B. That the General Manager be given delegated authority to enter into this contract with Pan Civil Pty Ltd.

VOTING

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

Against the resolution: Clr Harris.



15.4 Tender T2009/082 – Weldon Oval Rectification Works

(BP REF C21)

97/10 **RESOLVED**

Clr Sutton / Clr Wilkins

- A. That Council accept the tender from ESD Landscape Contractors Pty Ltd for the provision of horticultural works for the Weldon Oval Rectification Project, to the value of \$1,048,120, and an additional 15% for contingency allowance of \$157,218.
- B. That Council delegates authority to the General Manager to enter into a contract with ESD Landscape Contractors Pty Ltd and to approve variations to the contract.

VOTING

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

Against the resolution: Nil.

AT THIS STAGE THE MAYOR ADVISED THAT ITEM 12.5 NOTICE OF MOTION NO 9/2010 SHARK MESHING PROGRAM AND ITEM 12.7 NOTICE OF MOTION NO 11/2010 URBAN SUSTAINABILITY CENTRE REPORT WERE WITHDRAWN FROM THE AGENDA.

The meeting concluded at 10.03pm.

This is the final page of the Minutes comprising (37) pages numbered (1) to (37) of meeting 2010/3 of Warringah Council held on 23 March 2010 and confirmed on 27 April 2010.

Mayor

General Manager

