



PITTWATER COUNCIL

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

**4 February 2013**

Commencing at 6.30pm.

## **ATTENDANCE**

### **Members**

Townsend, J (Mayor & Chairperson)  
Grace, B (Deputy Mayor)  
Ferguson, K  
Griffith, S  
Hegarty, J  
McTaggart, A  
Millar, K  
White, I  
Young, S

### **Officers**

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Munn, L (Acting Director, Urban & Environmental Assets)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Lawrence, W (Manager, Administration & Governance)  
Reid, P (Manager, Corporate Strategy & Commercial)  
Shaw, M (Manager, Urban Infrastructure)  
Angles, G (Principal Officer, Administration)  
McPherson, S (Administration Officer/ Minute Secretary)

# **Council Meeting**

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**Notes:**

1. The Council Meeting commenced at 6.30pm and adjourned at 6.34pm, recommenced at 6.43pm and adjourned at 6.51pm, recommenced at 8.38pm and concluded at 8.40pm.
2. The Community, Recreation and Economic Development Committee Meeting commenced at 6.52pm and concluded at 8.34pm.
3. The Natural Environment Committee Meeting commenced at 8.35pm and concluded at 8.37pm.

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## **Council Meeting**

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### **1.0 Apologies**

Nil.

### **2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts**

Cr White declared a significant non-pecuniary interest in Item C9.2 – Boondah Road, Warriewood – Road Construction and took no part in discussion or voting on this item. The reason provided by Cr White was:

*“Parents live directly opposite Meriton Stage 1”*

### **3.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 17 December 2012 copies of which were circulated to all Councillors be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Cr White / Cr Millar)

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#### **Procedural Motion (COUNCIL DECISION)**

That the Council Meeting be adjourned in order to resolve chamber technical difficulties.

(Cr Hegarty / Cr Young)

**Note:**

1. The Council Meeting adjourned at 6.34pm and recommenced at 6.43pm.

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#### **4.0 Public Addresses**

**C9.2 – Boondah Road, Warriewood – Road Reconstruction** - with the leave of the Council, Mr Robert Reid and Mr Chris Hornsby (President Warriewood Residents Association) addressed the meeting speaking against the recommendation on this item.

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#### **5.0 Councillor Questions on Notice**

Nil.

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#### **6.0 Mayoral Minutes**

Nil.

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#### **7.0 Business by Exception**

##### **COUNCIL DECISION**

That Items C8.1 and C8.2 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Millar)

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#### **8.0 Council Meeting Business**

##### **C8.1 Delegations over Christmas New Year Recess**

###### **COUNCIL DECISION (By Exception)**

1. That Council note and endorse the policy making function undertaken by the Mayor during the 2012/2013 recess period.
2. That Council note there were no regulatory functions undertaken by the delegated Committee of Council during the 2012/2013 recess period.

(Cr Hegarty / Cr Millar)

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##### **C8.2 Review of Code of Meeting Practice**

###### **COUNCIL DECISION (By Exception)**

That the attached Code of Meeting Practice be adopted.

(Cr Hegarty / Cr Millar)

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## **Procedural Motion (COUNCIL DECISION)**

That the Council Meeting be adjourned and the Community, Recreation and Economic Development Committee Meeting now commence.

(Cr Hegarty / Cr Young)

### **Notes:**

1. The Council Meeting adjourned at 6.51pm and the Community, Recreation and Economic Development Committee Meeting commenced at 6.52pm.
2. Cr Millar assumed the Chair.

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## **Community, Recreation and Economic Development Committee**

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### **9.0 Community, Recreation and Economic Development Committee Business**

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#### **C9.2 Boondah Road, Warriewood - Road Reconstruction**

### **COMMITTEE RECOMMENDATION**

1. That pursuant to Section 55(3)(i) of the *Local Government Act 1993*, Council not seek separate tenders for the construction of its component of the Boondah Road roadworks (eastern half along with full width bulk filling of the sub-grade to raise part of the road levels and suitable ramp down to existing road levels) on the basis of extenuating circumstances as detailed in this report and summarised below:
  - Meriton, the adjacent developer, is obliged to construct half the road as a result of the determination by the Planning Assessment Commission in February 2011 and is committed to finalising construction of Boondah road prior to final occupation of its Stage 1 development, has offered to construct all of the road including the western half which Council is obliged to construct concurrently (half road cost and bulk filling at Council's cost).
  - The concurrent construction will provide a quicker finalisation of construction.
  - The concurrent construction will achieve a safer road at a faster rate
  - The concurrent construction will facilitate both sides of the road being constructed to the same level at the same time obviating any centre line road level disparity if constructed separately.
  - The concurrent construction will lessen disruption to traffic flow, as two separate construction periods would otherwise have to take place.
  - The concurrent construction would be more efficient and potentially less costly.

2. That in lieu, the offer from Meriton to construct via its contractor the eastern half of Boondah Road in conjunction with its western half road construction subject to Council via the Warriewood Valley Section 94 Developer Contributions Plan funding and paying to Meriton the reasonable cost of these additional works be accepted
3. That the alternate procurement be based on detail design and independent quantity survey to establish detail estimates of cost for the Council component of the project and for Meriton's contractor to independently provide a Lump Sum quotation for the works involved in the context of constructing the project as part of the one full width operation, including any cost savings associated with that increased scope and potential changes to construction technique. The Meriton Lump Sum will be compared with the detail cost estimates and if reasonable will form the basis of the intended contract.
4. That the General Manager be authorised to enter into a contract with Meriton for the subject works if these pre-requisites are satisfied and authorised to affix the Seal of Council to all necessary documentation as required.
5. That the Council be updated as to the outcome of this intended contractual engagement for notation.

(Cr Grace / Cr Townsend)

### ***Dissent***

Cr Hegarty, Cr Miller and Cr Young requested that their names be recorded as having voted against the motion which was carried.

### **Notes:**

1. The following unsuccessful amendment moved by Cr McTaggart lapsed for want of a seconder:

*"1. That pursuant to Section 55(3)(i) of the Local Government Act 1993, Council not seek separate tenders for the construction of its component of the Boondah Road roadworks (eastern half along with full width bulk filling of the sub-grade to raise part of the road levels and suitable ramp down to existing road levels) on the basis of extenuating circumstances as detailed in this report and summarised below:*

- Meriton, the adjacent developer, is obliged to construct half the road as a result of the determination by the Planning Assessment Commission in February 2011 and is committed to finalising construction of Boondah road prior to final occupation of its Stage 1 development, has offered to construct all of the road including the western half which Council is obliged to construct concurrently (half road cost and bulk filling at Council's cost).*
- The concurrent construction will provide a quicker finalisation of construction.*
- The concurrent construction will achieve a safer road at a faster rate*
- The concurrent construction will facilitate both sides of the road being constructed to the same level at the same time obviating any centre line road level disparity if constructed separately.*
- The concurrent construction will lessen disruption to traffic flow, as two separate construction periods would otherwise have to take place.*
- The concurrent construction would be more efficient and potentially less costly.*



2. *That in lieu, the offer from Meriton to construct via its contractor the eastern half of Boondah Road in conjunction with its western half road construction subject to Council via the Warriewood Valley Section 94 Developer Contributions Plan funding and paying to Meriton the reasonable cost of these additional works be accepted.*
  3. *That the alternate procurement be based on detail design and independent quantity survey to establish detail estimates of cost for the Council component of the project and for Meriton's contractor to independently provide a Lump Sum quotation for the works involved in the context of constructing the project as part of the one full width operation, including any cost savings associated with that increased scope and potential changes to construction technique. The Meriton Lump Sum will be compared with the detail cost estimates and if reasonable will form the basis of the intended contract.*
  4. *That the General Manager be authorised to enter into a contract with Meriton for the subject works if these pre-requisites are satisfied and authorised to affix the Seal of Council to all necessary documentation as required.*
  5. *That the Council be updated as to the outcome of this intended contractual engagement for notation.*
  6. *That prior to entering into a contract a report be brought to Council on the scrutinized cost provided by an Independent Assessor and Council Officers."*
2. Cr White left the meeting at 6.52pm and returned at 8.05pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr White was:

*"Parents live directly opposite Meriton Stage 1"*

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<b>C9.1</b>	<b>Submission to the Roads &amp; Maritime Services regarding Mona Vale Road Upgrade Proposal</b>
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**COMMITTEE RECOMMENDATION**

That the submission sent to the Roads & Maritime Services regarding the upgrading of Mona Vale Road be noted.

(Cr Young / Cr Townsend)

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<b>C9.3</b>	<b>Draft Policy on leases over Council owned or controlled land</b>
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**COMMITTEE RECOMMENDATION**

That the draft Policy on leases over Council owned or controlled land be deferred and considered in conjunction with Council's current policy review process.

(Cr Townsend / Cr Griffith)

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<b>C9.4</b>	<b>Sydney Lakeside Holiday Park - Proposed Changes to Fees and Charges</b>
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**COMMITTEE RECOMMENDATION**

That Council resolve to adopt the recommended fees and charges for Sydney Lakeside as set out in **Attachment 1** of the report.

(Cr Townsend / Cr White)

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<b>C9.5</b>	<b>62A Rednal Street Mona Vale - Offer to purchase</b>
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**COMMITTEE RECOMMENDATION**

That this item be deferred until Councillors have had an opportunity to view the site.

(Cr Young / Cr Millar)

**Note:**

The following unsuccessful motion was moved by Cr Townsend and seconded by Cr Griffith:

- "1. That staff prepare a Planning Proposal for the re-classification and rezoning of lot 11 DP 221626 and lot 30 DP 24428. That having regard for the status of the draft Pittwater Standard Instrument LEP, this process not commence until such time as the draft Pittwater Standard Instrument is adopted and in force.*
- 2. That upon completion of the matter in 1 above Council accept the offer made by the adjoining owners to purchase the land for the sum of \$303,000.*
- 3. That the General Manager be authorised to execute under power of attorney all legal documentation associated with sale of the property*
- 4. That the purchase sum of \$303,000 be set aside and put towards upgrade of high priority footpath programs in Mona Vale."*

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**Procedural Motion (COUNCIL DECISION)**

That the Community, Recreation and Economic Development Committee Meeting be concluded and the Natural Environment Committee Meeting now commence.

(Cr White / Cr Townsend)

**Notes:**

1. The Community, Recreation and Economic Development Committee Meeting concluded at 8.34pm and the Natural Environment Committee Meeting commenced at 8.35pm.
2. Cr White assumed the chair.

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## Natural Environment Committee

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### 10.0 Natural Environment Committee Business

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#### C10.1 Minutes of the Sydney Coastal Councils Group Annual General Meeting of 8 December 2012

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##### COMMITTEE RECOMMENDATION

That the Minutes of the SCCG Annual General Meeting of 8 December 2012 (appended as **Attachment 1**) be noted.

(Cr Griffith / Cr Ferguson)

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##### Procedural Motion (COUNCIL DECISION)

That the Natural Environment Committee Meeting be concluded and the Council Meeting now recommence.

(Cr White / Cr Millar)

##### Notes:

1. The Natural Environment Committee Meeting concluded at 8.37pm and the Council Meeting recommenced at 8.38pm.
  2. Cr Townsend resumed the Chair.
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## Council Meeting

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### 11.0 Adoption of Community, Recreation and Economic Development Committee Recommendations

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##### COUNCIL DECISION

That the recommendations on Items C9.1, C9.3, C9.4 and C9.5 of the Community, Recreation & Economic Development Committee comprising all Council members be, and are hereby, adopted.

(Cr White / Cr Griffith)

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### **FURTHER COUNCIL DECISION**

That the recommendation on Item C9.2 of the Community, Recreation & Economic Development Committee comprising all Council members excepting for Cr White be and is hereby adopted.

(Cr Ferguson / Cr Grace)

**Note:**

1. Cr White left the meeting at 8.38pm and returned at 8.39pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr White was:

*“Parents live directly opposite Meriton Stage 1”*

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<b>12.0</b>	<b>Adoption of Natural Environment Committee Recommendations</b>
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### **COUNCIL DECISION**

That the recommendation on Item C10.1 of the Natural Environment Committee comprising all Council members be, and is hereby, adopted.

(Cr Ferguson / Cr Grace)

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 8.40PM  
ON MONDAY 4 FEBRUARY 2013**