



PITTWATER COUNCIL

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***2 September 2013***

Commencing at 6.32pm.

## ATTENDANCE

### Members

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

### Officers

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Hewitt, M (Social Community & Economic Development Coordinator)  
Johnson, Zoe (Community Development Officer)  
Pang, J (Manager, Catchment Management & Climate Change)  
Pigott, A (Acting Manager, Planning & Assessment)  
Cordoba, L (Principal Officer, Land Release)  
Stagni, T (Senior Planner, Land Release)  
Beharrell, M (Manager, Natural Environment & Education)  
Tasker, P (Administration Officer/ Minute Secretary)

# Council Meeting

## TABLE OF CONTENTS

Item No	Item	Page No
<b>Council Meeting</b>		
1.0	<b>Apologies</b>	5
2.0	<b>Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts</b>	5
3.0	<b>Confirmation of Minutes</b>	6
4.0	<b>Public Addresses</b>	7
5.0	<b>Councillor Questions on Notice</b>	7
6.0	<b>Mayoral Minutes</b>	7
C6.1	Mayoral Minute - NSW Government proposing changes to our planning system	7
7.0	<b>Business by Exception</b>	8
8.0	<b>Council Meeting Business</b>	8
C8.1	Organisation Structure	8
<b>Natural Environment Committee</b>		
10.0	<b>Natural Environment Committee Business</b>	9
C10.1	Assessment of Planning Proposal Application PP0002/13 - 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood	9
C10.2	Minutes of the Natural Environment Reference Group Meeting held on 14 August 2013	12
C10.3	Matter of an Urgent Nature - Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Review Report 2012	13
<b>Community, Recreation and Economic Development Committee</b>		
9.0	<b>Community, Recreation and Economic Development Committee Business</b>	15
C9.1	Draft Arts Paper	15

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
C9.2	Policy 154 - Smoke Free Zones Review	15
C9.3	Minutes of SHOROC Board Meeting held on 7 August 2013	16
C9.4	Minutes of the Connecting Communities Reference Group Meeting held on 7 August 2013	16
<b>Council Meeting</b>		
C8.2	Minutes of the Audit & Risk Committee Meeting held on 7 August 2013	16
<b>11.0</b>	<b>Adoption of Community, Recreation and Economic Development Committee Recommendations</b>	<b>17</b>
<b>12.0</b>	<b>Adoption of Natural Environment Committee Recommendations</b>	<b>17</b>
<b>12.0</b>	<b>Adoption of Natural Environment Committee Recommendations</b>	<b>17</b>
<b>Committee of the Whole</b>		
<b>13.0</b>	<b>Confidential Items</b>	<b>19</b>
C13.1	Wildlife corridor link across 122 Mona Vale Road	19
<b>Council Meeting</b>		
<b>14.0</b>	<b>Adoption of the Committee of the Whole Recommendation</b>	<b>20</b>

**Notes:**

1. The Council Meeting commenced at 6.32pm and adjourned at 7.01pm, recommenced at 8.36pm and adjourned at 8.41pm, recommenced at 8.55pm and concluded at 8.57pm.
2. The Natural Environment Committee Meeting commenced at 7.02pm and concluded at 7.52pm.
3. The Community, Recreation & Economic Development Committee Meeting commenced at 7.53pm and concluded at 8.35pm.
4. The Committee of the Whole Meeting commenced at 8.42pm and concluded at 8.54pm.

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## **Council Meeting**

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### **1.0 Apologies**

#### **COUNCIL DECISION**

That apologies be received and accepted from Cr White and Cr Griffith, and leave of absence be granted from the Council Meeting held on 2 September 2013.

(Cr Hegarty / Cr Grace)

**Note:**

Cr McTaggart was not present at the commencement of the meeting having previously advised that he would be delayed.

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

1. Cr Townsend declared a significant non-pecuniary interest in Item C10.1, Assessment of Planning Proposal Application PP0002/13 – 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood, and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

*“As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest.”*

2. Cr Townsend declared a significant non-pecuniary interest in Item C10.3 – Matter of an Urgent Nature – Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Report 2012 and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

*“As a member of the JRPP as council delegate I remove myself from debate to remove the conflict.”*

3. Cr Townsend declared a significant non-pecuniary interest in Item C13.1 – Wildlife corridor link across 122 Mona Vale Road, and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

*“As a council delegate on the JRPP by removing myself from debate I am removing the conflict.”*

4. Cr Hegarty declared a significant non-pecuniary interest in Item C10.1, Assessment of Planning Proposal Application PP0002/13 – 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood, and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“I sit on the JRPP as Council’s delegate and this subject land may be before the Committee.”*

5. Cr Hegarty declared a significant non-pecuniary interest in Item C10.3 – Matter of an Urgent Nature – Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Report 2012 and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“As Council’s delegate on the JRPP this agenda item may come before that Committee.”*

6. Cr Hegarty declared a significant non-pecuniary interest in Item C13.1 – Wildlife corridor link across 122 Mona Vale Road, and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“I sit on the JRPP as Council’s delegate and this subject land was before and may again be before the JRPP.”*

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### **3.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 19 August 2013 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 Millar / Cr Ferguson)

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## 4.0 Public Addresses

### **Proceedings in Brief**

**C6.1 – Mayoral Minute – NSW Government proposing changes to our planning system** - with the leave of the Council Ms Herminie Swainston addressed the meeting speaking in support of the recommendation on this item.

**C10.1 – Assessment of Planning Proposal Application PP0002/13 – 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood** – with the leave of the Council Mr Chris Hornsby (Warriewood Residents Association) and Mr Angus Gordon addressed the meeting speaking in support of the recommendation on this item.

### **Note:**

Cr McTaggart joined the meeting at 6.43pm.

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## 5.0 Councillor Questions on Notice

Nil

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## 6.0 Mayoral Minutes

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### **C6.1 Mayoral Minute - NSW Government proposing changes to our planning system**

#### **COUNCIL DECISION**

1. That Council supports the deferral of the draft Bills going to Parliament for the reasons as set out in this Minute.
2. That Council write to LG NSW supporting its position for the deferral of the draft Bills.
3. That Council write to The Premier of NSW, the Hon Mr Barry O'Farrell MP, the Minister for Planning and Infrastructure, the Hon Mr Brad Hazzard MP, and the local member for Pittwater, Mr Rob Stokes MP, informing them of Council's support for the deferral of the draft Bills going to Parliament.

(Cr Townsend)

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**Procedural Motion (COUNCIL DECISION)**

That Cr Hegarty be granted an extension of time to complete her address to the meeting on this item.

(Cr Ferguson / Cr Millar)

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**7.0 Business by Exception**

**COUNCIL DECISION**

That Item C8.1 be dealt with by exception and the recommendation contained in the report for this item be adopted.

(Cr Hegarty / Cr Millar)

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**8.0 Council Meeting Business**

**C8.1 Organisation Structure**

**COUNCIL DECISION (By Exception)**

That the attached organisation structure be adopted.

(Cr Hegarty / Cr Millar)

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**Procedural Motion (COUNCIL DECISION)**

That the Council Meeting be adjourned and the Natural Environment Committee Meeting now commence.

(Cr Hegarty / Cr Grace)

**Notes:**

1. The Council Meeting adjourned at 7.01pm and the Natural Environment Committee Meeting commenced at 7.02pm.
2. Cr Grace 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 Assessment of Planning Proposal Application PP0002/13 - 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood

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#### COMMITTEE RECOMMENDATION

- a. That Council refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood to initiate the process to amend *Pittwater Local Environmental Plan 1993* for the reasons outlined below:
1. The proposal fails to meet the objects of the *Environmental Planning and Assessment Act 1979*, particularly as it substantially deviates from s5(a)(ii) to encourage the promotion and co-ordination of the orderly and economic use and development of land.
  2. The proposal departs significantly from the outcomes and standards recommended in the *Warriewood Valley Strategic Review Report 2012* recently adopted by the Director General of Planning and Infrastructure and Council.
  3. The proposal disregards the community engagement process conducted by Council and the Department of Planning and Infrastructure leading to the adoption of the *Warriewood Valley Strategic Review Report 2012* and would result in a development that severely undermines community expectations and public confidence.
  4. The proposal has not demonstrated changes to current and known constraints, opportunities and economic conditions to justify a departure from the outcomes and standards of the adopted *Warriewood Valley Strategic Review Report 2012*.
  5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.
  6. The proposal will result in a development of a density and scale that is not in keeping with the desired future character of the area as expressed in A4.16 of *Pittwater 21 Development Control Plan* and envisaged by the *Warriewood Valley Strategic Review Report 2012*, as adopted by the Director General of Planning and Infrastructure and Council.

7. The Planning Proposal is inconsistent with Local Planning Direction 4.3 – Flood Prone Land, issued under s117 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
  - i. The proposal would significantly increase residential development on flood prone land, in a known floodway and is likely to result in significant flood impacts to other properties.
  - ii. The proposal will result in development that increases the number of future flood affected occupants of the floodplain, thereby putting more people and assets at flood risk as well as burdening the response efforts of emergency services.
  - iii. The Planning Proposal has not relied on the latest available flood information contained within the Draft Narrabeen Lagoon Flood Study 2013. The findings of the Brown Consulting Flood Management Statement are based on superseded data which is likely to have resulted in an underestimation of flood depths and velocities across the subject sites.
  - iv. The recommendations of the Brown Consulting Flood Management Statement in relation engineering solutions to enable development of 2 Macpherson Street and 23, 25 & 27 Warriewood Road are flawed and cannot be relied upon.
  - v. The proposal relies on deliberate isolation or sheltering in buildings during times of flood which is not considered an acceptable solution and is inconsistent with the requirements of the NSW State Emergency Service and the NSW Floodplain Development Manual.
  - vi. The proposal is inconsistent with the requirements of B3.22 of *Pittwater 21 Development Control Plan*.
8. The Planning Proposal is inconsistent with Local Planning Direction 4.4 – Planning for Bushfire Protection, issued under s117 of the *Environmental Planning and Assessment Act 1979*, as it has not had regard for Planning for Bushfire Protection 2006 and will place inappropriate development in a hazardous area.
9. The Planning Proposal does not achieve the requirements of C6.7 of *Pittwater 21 Development Control* as it does not adequately address issues related to water cycle management issues, including water quality management, watercourse and corridor management.
10. No investigation has been undertaken in regard to potential land contamination of the sites (in particular 2 Macpherson Street), as required by *State Environmental Planning Policy No 55 – Remediation of Land*.
11. The proposal fails to demonstrate the traffic and transport implications resulting from this proposal are satisfactory, as confirmed by the Roads and Maritime Services' request that a detailed traffic assessment of the impacts of the proposal on local and state roads be undertaken prior to a Gateway Determination.
12. The proposal fails to demonstrate that the increase in density proposed with resultant population increase substantially greater than planned for, will be able to be provided with additional infrastructure, particularly open space in reasonable vicinity to the release area.

13. The Department of Education & Communities have identified that in order to address the additional demand created by the Planning Proposal, additional classrooms will be required at local schools. The Department requests that provision be made to seek contribution from the developer. As no mechanism exists to address this issue the proposal is not supported.
  14. It is recognised that the application is a Planning Proposal however the cumulative impacts resulting from this density has not been accounted for, namely:
    - i. The proposed building heights of up to 5 storeys within an area characterised by low-rise, low to medium density housing.
    - ii. The proposed building layout is not sympathetic with the surrounding area.
    - iii. The proposed car parking rate of 1.5 spaces per 2 bedroom unit which is inconsistent with the requirements of B6.6 of *Pittwater 21 Development Control Plan* and the rate accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. The reduced parking rate proposed will result in an undersupply of car parking.
    - iv. A traffic generation rate lower than the rate utilised in the *Warriewood Valley Strategic Transport Study* (AECOM 2011) and accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. This is likely to have underestimated the traffic impacts of the development.
    - v. The unsafe access arrangements proposed from the subject sites onto Macpherson Street and Warriewood Road.
    - vi. The internal road layout which is inconsistent with the requirements of the *Warriewood Valley Roads Masterplan 2006* and C6.24 of *Pittwater 21 Development Control Plan*.
  15. The proposal is not in the public interest, provides no net community benefit, is inconsistent with the principals of orderly planning and, if approved, would undermine confidence in evidence based planning, the community engagement process and decision making.
- b. That Council not support the proposed Voluntary Planning Agreement, as it would be inconsistent with the methodologies used for the calculation of developer contributions in the Warriewood Valley Release Area and will not deliver the essential infrastructure as planned by the Warriewood Valley Section 94 Contributions Plan.
  - c. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application, advising them of Council's decision.

(Cr Millar / Cr Young)

**Notes:**

1. Cr Townsend left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Townsend was:  
  
*"As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest."*

2. Cr Hegarty left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Hegarty was:

*"I sit on the JRPP as Council's delegate and this subject land may be before the Committee."*

3. A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	

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**Note:**

Cr Townsend resumed the Chair at 7.21pm.

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<b>C10.2</b>	<b>Minutes of the Natural Environment Reference Group Meeting held on 14 August 2013</b>
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**COMMITTEE RECOMMENDATION**

1. That the Minutes of the Natural Environment Reference Group Meeting held on 14 August 2013 that relate to the discussion on:

- *NE4.1 Welcome to Council's Reference Groups*
- *NE4.2 Priorities for Reference Group Discussion*
- *NE4.3 Pittwater's Floodplain Risk Management Program*
- *NE4.4 Update on State Government Proposals*

be noted.

2. That the following Reference Group Recommendation be acknowledged:

*"That Council be urged to continue their opposition to the radical and risky Planning Reforms currently being proposed by the NSW State Government, especially in relation to ensuring that all judicial review rights and other rights of appeal by third parties remain."*

(Cr McTaggart / Cr Ferguson)

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**Procedural Motion (COUNCIL DECISION)**

That the Committee Meeting be adjourned to allow Councillors the opportunity to read the proposed motion submitted by Cr Grace.

(Cr Grace / Cr Hegarty)

**Notes:**

1. The meeting adjourned at 7.26pm and resumed at 7.28pm.
2. The Mayor ruled that the matter was of great urgency and should be dealt with at this meeting.
3. Cr Townsend and Cr Hegarty declared significant non-pecuniary interests in this item and advised that they would absent themselves from discussion and voting.
4. Cr Grace assumed the Chair.

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**Procedural Motion (COUNCIL DECISION)**

That the proposed motion as submitted by Cr Grace be dealt with at this meeting.

(Cr Grace / Cr Millar)

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<b>C10.3</b>	<b>Matter of an Urgent Nature - Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Review Report 2012</b>
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**COMMITTEE RECOMMENDATION**

- 1 That the Council urgently write to the Minister for Planning and Infrastructure and the Director-General informing them of Council's decision to refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road Warriewood communicating:
  - the Council's view that, if the proponent seeks a pre-Gateway review of the Council's decision on the Planning Proposal, neither the Minister nor the Department of Planning and Infrastructure should entertain the Planning Proposal for the following reason. The Planning Proposal has neither strategic merit nor site-specific merit. In particular, the Planning Proposal conflicts with and significantly undermines the *Warriewood Valley Strategy Review Report 2012*, endorsed by the Council and the Director-General of the Department of Planning and Infrastructure following extensive consultation and resources invested by both the Council and the Department.
- 2 That Council request the Local Member the Hon. Rob Stokes to urgently request a meeting with the Minister for Planning and Infrastructure to seek his commitment to support the Council decision for refusal and that the Minister will not use his powers under section 54 of the Environmental Planning and Assessment Act to overturn Council's refusal of the Planning Proposal.

(Cr Grace / Cr Millar)

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**Procedural Motion (COUNCIL DECISION)**

That Cr Grace be granted an extension of time to complete his address to the meeting on this item.

(Cr Millar / Cr Ferguson)

**Notes:**

1. A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	

2. Cr Townsend declared a significant non-pecuniary interest in this item, left the meeting at 7.36pm and returned at 7.51pm. The reason provided by Cr Townsend was:

*"As a member of the JRPP as council delegate I remove myself from debate to remove the conflict."*

3. Cr Hegarty declared a significant non-pecuniary interest in this item, left the meeting at 7.36pm and returned at 7.51pm. The reason provided by Cr Hegarty was:

*"As Council's delegate on the JRPP this agenda item may come before that Committee."*

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Millar / Cr Ferguson)

**Notes:**

1. The Natural Environment Committee Meeting concluded at 7.52pm and the Community, Recreation & Economic Development Committee Meeting commenced at 7.53pm.
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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#### **C9.1 Draft Arts Paper**

##### **COMMITTEE RECOMMENDATION**

That Council adopt the Draft Arts Paper (as tabled) as the first emerging issues paper of 'Pittwater Social Plan 2012-2016 Live, Connect, Participate'.

(Cr Townsend / Cr Ferguson)

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#### **C9.2 Policy 154 - Smoke Free Zones Review**

##### **COMMITTEE RECOMMENDATION**

That Draft Policy 154 – Smoke Free Zones being Attachment 2 be endorsed for the purpose of public exhibition after the following amendments:

##### **Smoke Free Areas**

1. Add (vii) and Signage as follows:

**In addition Council bans smoking on:**

**(vii) All public Beaches (sand areas)**

##### **Signage**

**Smoke-free zones will be signposted, wherever practicable using internationally recognisable no smoking signage. These signposts will be displayed in positions deemed appropriate by the General Manager.**

2. Delete Part 2.

(Cr Ferguson / Cr Young)

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<b>C9.3</b>	<b>Minutes of SHOROC Board Meeting held on 7 August 2013</b>
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**COMMITTEE RECOMMENDATION**

That the Minutes of the SHOROC Board Meetings held on 7 August 2013 (as tabled) be noted and that those matters requiring further consideration by Pittwater Council be the subject of separate reports to Council as required.

(Cr Young / Cr Ferguson)

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<b>C9.4</b>	<b>Minutes of the Connecting Communities Reference Group Meeting held on 7 August 2013</b>
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**COMMITTEE RECOMMENDATION**

That the Minutes of the Connecting Communities Reference Group Meeting of 7 August 2013 (refer Attachment 1) be noted.

(Cr Townsend / Cr Ferguson)

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**Procedural Motion (COUNCIL DECISION)**

That the Community, Recreation & Economic Development Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Millar / Cr Hegarty)

**Notes:**

1. The Community, Recreation & Economic Development Committee Meeting concluded at 8.35pm and the Council Meeting recommenced at 8.36pm.
2. Cr Townsend resumed the Chair.

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<b>Council Meeting</b>
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<b>C8.2</b>	<b>Minutes of the Audit &amp; Risk Committee Meeting held on 7 August 2013</b>
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**COUNCIL DECISION**

1. That the Minutes of the Audit and Risk Committee Meeting held on 7 August 2013 be noted.
2. That the Committee Decision to endorse the 2012-2013 Financial Statements and External Audit report as follows be noted:



1. *That the presentation of the 2012-2013 Financial Statements and the External Audit Report be noted.*
2. *That the Finance Team and External Audit Team be congratulated on having completed the financial statements ahead of schedule and to a high standard.*
3. *That the Audit & Risk Committee endorse the 2012-2013 Financial Statements (subject to any amendments resulting from subsequent discussion with Committee Members).*

(Cr Hegarty / Cr Townsend)

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<b>11.0</b>	<b>Adoption of Community, Recreation and Economic Development Committee Recommendations</b>
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**COUNCIL DECISION**

That the recommendations of the Community, Recreation & Economic Development Committee on Items C9.1, C9.2, C9.3 and C9.4 comprising all Council members be, and are hereby, adopted.

(Cr Millar / Cr Ferguson)

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

That the recommendations of the Natural Environment Committee on Item C10.2 comprising all Council members be, and is hereby, adopted.

(Cr Hegarty / Cr Young)

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

That the recommendations of the Natural Environment Committee on Item C10.1 and C10.3, comprising all Council members excepting for Cr Townsend and Cr Hegarty be, and are hereby, adopted.

(Cr Ferguson / Cr Millar)

**Notes:**

1. Cr Townsend left the meeting at 8.42pm and did not return, having declared significant non-pecuniary interests on Items C10.1 and C10.3. The reasons provided by Cr Townsend were:  
  
*Item C10.1 - "As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest."*  
  
*Item C10.3 - "As a member of the JRPP as council delegate I remove myself from debate to remove the conflict."*
2. Cr Hegarty left the meeting at 8.42pm and did not return, having declared significant non-pecuniary interests on Items C10.1 and C10.3. The reasons provided by Cr Hegarty were:  
  
*Item C10.1 - "I sit on the JRPP as Council's delegate and this subject land may be before the Committee."*  
  
*Item C10.3 - "As Council's delegate on the JRPP this agenda item may come before that Committee."*
3. Cr Grace assumed the Chair.

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**Procedural Motion (COUNCIL DECISION)**

That Council resolve into Committee of the Whole in Closed Session and that in the public interest and in accordance with Section 10A(2)(c) of the Local Government Act 1993 the public and press be excluded from the meeting to consider Item C13.1. Section 10A(2)(c) permits the Committee to close the meeting to consider:

*(c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposes to conduct business*

(Cr Young / Cr McTaggart)

**Notes:**

1. The General Manager advised the meeting that he had received no written submissions from the public seeking to address the Committee on whether the meeting should be closed to consider item C13.1.
2. The Chairperson invited those in attendance to make verbal representations to the Committee on whether the meeting should be closed to consider item C13.1. There were no requests to make a verbal representation.
3. The Open Session of Council adjourned at 8.41pm. Committee of the Whole Meeting commenced at 8.42pm with the press and public excluded.
4. Cr Grace remained in the Chair.

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## Committee of the Whole

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### ***Report of Closed Session - 2 September 2013***

At 8.42pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on item C13.1 – Wildlife corridor link across 122 Mona Vale Road. Upon resumption into Open Council the General Manager, reported that the following recommendations had been formulated by the Committee of the Whole in Closed Session.

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## 13.0 Confidential Items

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### C13.1 Wildlife corridor link across 122 Mona Vale Road

#### **COMMITTEE RECOMMENDATION**

1. That Council staff seek to negotiate with the owner of 122 Mona Vale Road to ensure the preservation of this wildlife corridor and the potential to bring this into public ownership.
2. That subject to these negotiations a further report is brought to Council on the outcome.

(Cr McTaggart / Cr Millar)

#### **Notes:**

1. Cr Townsend left the meeting at 8.42pm and did not return, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Townsend was:  
*"As a council delegate on the JRPP by removing myself from debate I am removing the conflict."*
2. Cr Hegarty left the meeting at 8.42pm and did not return, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Hegarty was:  
*"I sit on the JRPP as Council's delegate and this subject land was before and may again be before the JRPP."*

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

That the Committee of the Whole Meeting be concluded and the Open Session of Council now recommence.

(Cr McTaggart / Cr Young)

**Notes:**

1. The Committee of the Whole Meeting concluded at 8.54pm and the Council Meeting resumed in Open Session at 8.55pm.
2. Cr Grace remained in the Chair.

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**Council Meeting**

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**14.0 Adoption of the Committee of the Whole Recommendation**

**COUNCIL DECISION**

That the recommendation on Item C13.1 of the Committee of the Whole comprising all Council members excepting for Cr Townsend and Cr Hegarty be, and is hereby, adopted.

(Cr Ferguson / Cr McTaggart)

**Notes:**

1. Cr Townsend left the meeting at 8.42pm and did not return, having declared a significant non-pecuniary interest in Item C13.1. The reason provided by Cr Townsend was:  
*"As a council delegate on the JRPP by removing myself from debate I am removing the conflict."*
2. Cr Hegarty left the meeting at 8.42pm and did not return, having declared a significant non-pecuniary interest in Item C13.1. The reason provided by Cr Hegarty was:  
*"I sit on the JRPP as Council's delegate and this subject land was before and may again be before the JRPP."*

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 8.57PM ON  
MONDAY 2 SEPTEMBER 2013**

.....  
*General Manager*

.....  
*Mayor*