



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

19 March 2012

Commencing at 6.32pm.

ATTENDANCE

Members

Rose, H (Mayor & Chairperson)
White, I (Deputy Mayor)
Dunbar, B
Giles, P
Grace, B
Hegarty, J
Hock, P
James, D

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Thana, M (Co-ordinator Management Accountant)
Godfrey, L (Manager, Community, Library & Economic Development)
(Note: Mr Godfrey left the meeting at 8.03pm and did not return)

Reid, P (Manager Corporate Strategy and Commercial)
(Note: Mr Reid left the meeting at 8.03pm and did not return)

Edmonds, M (Principal Development Officer)
(Note: Mr Edmonds left the meeting at 7.37pm and did not return)

Davis, G (Principal Officer, Commercial)
(Note: Mr Davis left the meeting at 8.03pm and did not return)

Pang, J (Manager, Catchment Management & Climate Change)
Williams, A (Principal Development Officer)
Hewitt, M (Social Community and Economic Coordinator)
Pigott, A (Principal Officer, Strategic Planning)
Cordoba, L (Principal Officer - Land Release)
Stagni, T (Planner)
Angles, G (Principal Officer, Administration)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.32pm and adjourned at 7.21pm, recommenced at 7.44pm and adjourned at 7.45pm, recommenced at 8.26pm concluded at 8.29pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.22pm and concluded at 7.37pm.
3. The Governance Committee Meeting commenced at 7.38pm and concluded at 7.43pm.
4. The Committee of the Whole Meeting commenced at 7.46pm and concluded at 8.25pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions - Nil

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Townsend and leave of absence be granted from the Council Meeting held on 19 March 2012.

(Cr Hegarty / Cr Giles)

4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

1. Cr Grace Declared a Significant Non-Pecuniary Interest in Item C11.3 – N0285/11 – 9 Karloo Parade, Newport for the demolition and construction of a new two storey dwelling, driveway and garage – and took no part in discussion and voting on this item. The reason provided by Cr Grace was:

“One of the Objectors is a friend of mine / and his wife”.

2. Cr Dunbar Declared a Significant Non-Pecuniary Interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Valley Strategic Review and took no part in discussion and voting on this item. The reason provided by Cr Dunbar was:

“I live near the area”.

3. Cr Hegarty Declared a Pecuniary Interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Valley Strategic Review and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

“My mother owns a previously developed home within the valley, as the review seeks to increase density on the block 23b Macpherson Street and I have previously declared an interest in a Development Application on this site that has not been erected, I will again absent myself from debate”.

4. The Director, Urban and Environmental Assets, Declared a Pecuniary Interest in Item C15.2 - Confidential Report on the Outcomes of the Warriewood Valley Strategic Review. The reason provided by the Director, Urban and Environmental Assets, was:

“Chair of Council’s property group for Warriewood Valley.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 5 March 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 Hegarty / Cr James)

6.0 Public Addresses

Proceedings in Brief

C11.2 - N0318/11 - 10 Florida Rd, Palm Beach - Alterations and additions to the existing dwelling with the leave of the Council Mr Brett Daintry and Mr Mark Chiba addressed the meeting speaking against this item. Mr Ross Fleming (Consultant Planner) addressed the meeting speaking in support of this item.

C11.3 - N0285/11 – 9 Karloo Parade, Newport – Demolition and construction of a new two storey dwelling, driveway and garage with the leave of the Council Mr Michael Wood and Mr Alan Mason addressed the meeting speaking against this item. Mr Geoffrey Watson (Consultant Architect) addressed the meeting speaking in support of this item.

C15.2 - Confidential Report on the Outcomes of the Warriewood Valley Strategic Review with the leave of the Council Mr Chris Hornsby, Mr Rob Hack, Ms Cathy Simmonds and Mr Charles Hill (Consultant Planner) addressed the meeting regarding this item.

7.0	Mayoral Minutes - Nil
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8.0	Business by Exception (All items on the Minutes)
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COUNCIL DECISION

That Items C9.1, C10.1, C10.2, C10.3, C10.4, C10.5, C10.6, C11.1, C11.4, C11.5, C11.6 and C11.7 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

9.0	Council Meeting Business
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C9.1:	Tender T04/11 - Provision of cleaning services for Council offices and buildings
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COUNCIL DECISION (By Exception)

1. That the tender received from Guardian Property Services Pty Ltd for the provision of cleaning services to Council offices and buildings in the amount of \$247,839.33 for a three (3) year term, be accepted.
2. That the General Manager be authorised to sign all documentation required for the execution of Tender T04/11

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Planning an Integrated Built Environment Committee Meeting now commence.

(Cr Rose / Cr Giles)

Note:

1. The Council Meeting adjourned at 7.21pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.22pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0	Planning an Integrated Built Environment Committee Business
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C11.1	N0423/11 - 56 Tatiara Crescent, North Narrabeen - Alterations and additions to the existing dwelling
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officers Report be endorsed and Application N0423/11 for alterations and additions to the existing dwelling at 56 Tatiara Crescent, North Narrabeen (Lot 319 DP2383821) for alterations and additions to the existing dwelling be granted development consent subject to the conditions contained in the Draft Determination and the additional condition of consent:

Additional Condition B12

The Angophora Species located in the south western corner of the site shall be retained in order to soften the appearance of the proposal as viewed in the general locality.

(Cr Hegarty / Cr Giles)

C11.2	N0318/11 - 10 Florida Rd, Palm Beach - Alterations and additions to the existing dwelling
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application 0318/11 – 10 Florida Road, Palm Beach (Lot 11 DP 13005) for alterations and additions to the existing dwelling be granted development consent subject to the conditions contained in the Draft Determination.

(Cr White / Cr Rose)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr White
Cr Dunbar
Cr Giles
Cr Grace
Cr Hegarty
Cr Hock
Cr James

No (Against)

Nil

C11.3	N0285/11 - 9 Karloo Parade, Newport - Demolition and construction of a new two storey dwelling, driveway and garage
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0285/11 for demolition of the existing dwelling and construction of a new two storey dwelling, driveway and garage at 9 Karloo Parade, Newport (Lot 25 DP 12994) be granted development consent subject to the conditions contained in the Draft Determination and the following deleted condition of consent:

Deleted Condition B19

The height of the dwelling is not to exceed RL 49.90 to improve provisions for view sharing and solar access to adjoining properties.

(Cr White / Cr James)

Note:

1. **Division**

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr White
Cr Dunbar
Cr Giles
Cr Hegarty
Cr Hock
Cr James

No (Against)

Nil

2. The following unsuccessful motion moved by Cr Giles lapsed for want of a seconder:

"That the recommendation in the Development Officer's Report be endorsed and Application N0285/11 for demolition of the existing dwelling and construction of a new two storey dwelling, driveway and garage at 9 Karloo Parade, Newport (Lot 25 DP 12994) be granted development consent subject to the conditions contained in the Draft Determination and the following amended condition of consent:

Amended Condition B19

The height of the dwelling is not to exceed RL 49.40 to improve provisions for view sharing and solar access to adjoining properties."

3. Cr Grace left the meeting at 7.27pm and returned at 7.36pm, having declared a significant non-pecuniary interest and took no part in discussion and voting on this matter. The reason provided by Cr Grace was:

"One of the Objectors is a friend of mine / and his wife".

C11.4 Planning Proposal - Preservation of trees or vegetation

COUNCIL DECISION (By Exception)

- 1 That Council endorse the statutory process to amend the *Pittwater Local Environmental Plan 1993* to include the text from Clause 5.9 (Preservation of trees or vegetation) of the Standard Instrument LEP.
- 2 That Community Consultation is carried out in accordance with any Gateway Determination issued by the Department of Planning and that the outcomes of the community consultation process are reported to Council.
- 3 On the grounds of public benefit and environmental preservation the Council endorse the lifting of the moratorium imposed on 17 October 2011 and progress the subject Planning Proposal.

(Cr Hegarty / Cr Giles)

C11.5 NSW Planning System Review Issues Paper

COUNCIL DECISION (By Exception)

That Council note the contents of the submission as per Attachment 1 of the report.

(Cr Hegarty / Cr Giles)

C11.6 Review of Pittwater 21 Development Control Plan

COUNCIL DECISION (By Exception)

1. That the information provided in the report be noted.
2. That the attached draft changes to Pittwater 21 Development Control Plan be placed on public exhibition for 28 days with submissions invited from the public and notified in accordance with Council's Community Engagement Policies.
3. That following the period of public exhibition and consideration of any submissions received, the draft Pittwater 21 Development Control Plan Amendment be reported back to Council for further consideration.

(Cr Hegarty / Cr Giles)

C11.7	Minutes of the Pittwater Traffic Committee Meeting held on 14 February 2012
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COUNCIL DECISION (By Exception)

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 14 February 2012 be adopted.

(Cr Hegarty / Cr Giles)

C11.8	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 15 February 2012
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COMMITTEE RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 15 February 2012 be noted.

(Cr Dunbar / Cr Rose)

Procedural Motion (COUNCIL DECISION)

That the Planning an Integrated Built Environment Committee Meeting be concluded and the Governance Committee Meeting now commence.

(Cr Rose / Cr Giles)

Note:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 7.37pm and the Governance Committee Meeting commenced at 7.38pm.
2. Cr Rose resumed the Chair.

Governance Committee

10.0	Governance Committee Business
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C10.1	Financial Report for the Period Ending 29 February 2012 of the 2011/2012 Financial Year
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COUNCIL DECISION (By Exception)

That the Year to date financial results for the period ending 29 February 2012 be noted, including:

- Consolidated financial result being an increase of Council funds of \$2.665 million.
- Operating result before capital being a surplus of \$1.691 million.
- Major Projects Program expenditure stands as \$3.762 million.
- Cash and investment position stands at \$28.353 million.

(Cr Hegarty / Cr Giles)

C10.2	Investment Balances for the Month of February 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 908,460.

(Cr Hegarty / Cr Giles)

C10.3	Legal Expenditure as at 29 February 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report (as per Attachment 1 of the report) be noted.

(Cr Hegarty / Cr Giles)

C10.4	Monthly Contractors & Staff Report - January 2012
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COUNCIL DECISION (By Exception)

1. That the information provided on the engagement of new contracts for the month of January 2012 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during January 2012 be noted.

(Cr Hegarty / Cr Giles)

C10.5	Investment Policy No.143 - Minor Amendment
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COUNCIL DECISION (By Exception)

That Council amend its current Investment Policy No. 143, removing "Mortgage of Land" as an Authorised Investment.

(Cr Hegarty / Cr Giles)

C10.6	Minutes of SHOROC Board Meeting held on 29 February 2012
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COUNCIL DECISION (By Exception)

That the Minutes of the SHOROC Board Meeting held on 29 February 2012 be noted and those matters requiring further consideration by Pittwater Council be the subject of separate reports to Council as required.

(Cr Hegarty / Cr Giles)

C10.7	Minutes of the Community Engagement, Information & Governance Reference Group Meeting of 22 February 2012
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COMMITTEE RECOMMENDATION

1. That the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 22 February 2012 be noted.
2. That the initiatives discussed in relation to:
 - Update on Outcomes of Reference Group Meetings
 - Core Philosophy and Environment for Communication between Pittwater Council and the Communities, and
 - Governance Issues

be taken into consideration when developing/updating Council's Delivery Plan and Strategic documents.

(Cr Grace / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That the Governance Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Rose / Cr Giles)

Note:

- 1 The Governance Committee Meeting concluded at 7.43pm and the Council Meeting recommenced at 7.44pm.
- 2 Cr Rose remained in the Chair.

Council Meeting

12.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendation on Item C10.7 of the Governance Committee comprising all Council members be, and is hereby, adopted.

(Cr Hegarty / Cr Giles)

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.2 and C11.8 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Hegarty / Cr Giles)

FURTHER COUNCIL DECISION

That the recommendation on Item C11.3 of the Planning an Integrated Built Environment Committee comprising all Council members with the exception of Cr Grace be, and is hereby, adopted.

(Cr Hegarty / Cr Giles)

Note:

Cr Grace left the meeting at 7.43pm and returned at 7.44pm, having declared a significant non pecuniary interest and took no part in discussion and voting on this matter. The reason provided by Cr Grace was:

"One of the Objectors is a friend of mine / and his wife".

14.0 Councillor Questions - Nil

Procedural Motion (COUNCIL DECISION)

That Council resolve into Committee of the Whole and that in the public interest and in accordance with Section 10A(2)(d) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C15.1 - Confidential Report – Property Acquisition and C15.2 - Confidential Report on the Outcomes of the Warriewood Valley Strategic Review. Section 10A(2)(d) permits the Committee to close the meeting to consider:

(d) *Commercial information of a confidential nature that would, if disclosed:-*

- *prejudice the commercial position of the person who supplied it; or*
- *confer a commercial advantage on a competitor of the Council; or*
- *reveal a trade secret.*

(Cr Hegarty / Cr Giles)

Note:

- 1 The Council Meeting adjourned at 7.45pm the Committee of the Whole Meeting commenced at 7.46pm.
 - 2 Cr Rose remained in the Chair.
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Committee of the Whole

C15.1 Confidential Report - Property Acquisition

COMMITTEE OF THE WHOLE RECOMMENDATION

That the Officer's Recommendation contained in the report on Item C15.1, be adopted with the inclusion of the following words at the end of Part 4 of the Recommendation "including any loan documents".

(Cr Giles / Cr James)

Note:

Dissent

Cr Hegarty requested that her name be recorded as having voted against the motion which was carried.

C15.2	Confidential Report on the Outcomes of the Warriewood Valley Strategic Review
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COMMITTEE OF THE WHOLE RECOMMENDATION

1. That the information contained in this report be noted and it be made public.
2. That the Draft Warriewood Valley Strategic Review Report, associated Independent Consultant Studies, and the Interim Probity Report be placed on public exhibition for 60 days and that landowners in the Warriewood Valley Release Area, relevant Community Associations and interested parties be invited to respond.
3. That the State Government be requested to finalise guidelines for future development relating to flood evacuation.
4. A further report be brought back to Council on the outcomes of the exhibition.
5. That the exhibition include the map layers and related reports on page 34 of the Draft Warriewood Valley Strategic Review Report.

(Cr Grace / Cr Giles)

Note:

1. The following unsuccessful motion moved by Cr James lapsed for want of a seconder:
 - “1. That the information contained in this report be noted and it be made public.
 2. That the Draft Warriewood Valley Strategic Review Report, associated Independent Consultant Studies, and the Interim Probity Report be placed on public exhibition for 60 days and that landowners in the Warriewood Valley Release Area, relevant Community Associations and interested parties be invited to respond.
 3. That the State Government be requested to finalise guidelines for future development relating to flood evacuation.
 4. A further report be brought back to Council on the outcomes of the exhibition.
 5. Prior to placement on public exhibition, the Draft Warriewood Valley Strategic Review Report the Southern Buffer Key Outcomes Recommendation (at Page 87), shall be expanded to include, after dot point 3:
 - Further examination of any potential for urban capability in the Southern Buffer shall await the incorporation of new flood and backwater data yet to come from the Narrabeen Lagoon Flood Study Review, when complete, and subsequent to that,
 - Incorporation of the news NLFS data into a further revision of Warriewood Valley Flood Study 2005 (a), and subsequent to that,
 - Development of a Warriewood Valley Flood Risk Management Plan as required under the Floodplain Development Manual Guide of the NSW Government.”

2. Cr Hegarty left the meeting at 8.03pm and returned at 8.25pm, having declared a pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review, and took no part in discussion and voting on this item.

The reason provided by Cr Hegarty was:

“My mother owns a previously developed home within the valley, as the review seeks to increase density on the block 23b Macpherson Street and I have previously declared an interest in a Development Application on this site that has not been erected, I will again absent myself from debate”.

3. Cr Dunbar left the meeting at 8.03pm and returned at 8.25pm, having declared a significant non-pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review, and took no part in discussion and voting on this item.

The reason provided by Cr Dunbar was:

“I live near the area”.

4. The Director, Urban and Environmental Assets left the meeting at 8.03pm and returned at 8.25pm, having declared a pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review. The reason provided by the Director, Urban and Environmental Assets was:

“Chair of Council’s property group for Warriewood Valley.”

Procedural Motion (COUNCIL DECISION)

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

(Cr Hock / Cr Giles)

Note:

1. The Committee of the Whole Meeting concluded at 8.25pm and the Council Meeting recommenced at 8.26pm.
2. Cr Rose remained in the Chair.

Council Meeting

Note:

Upon resumption into the Open Council Meeting, Mr Lawrence, Manager Administration and Governance read to the meeting the Recommendations formulated in Committee of the Whole.

16.0	Adoption of the Committee of the Whole Recommendation
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COUNCIL DECISION

That the recommendation on Item C15.1 of the Committee of the Whole Meeting comprising all Council members be, and is hereby, adopted.

(Cr Grace / Cr Giles)

Note:

Dissent

Cr Hegarty requested that her name be recorded as having voted against the motion which was carried.

FURTHER COUNCIL DECISION

That the recommendation on Item C15.2 of the Committee of the Whole Meeting comprising all Council members with the exception of Cr Dunbar and Cr Hegarty be, and is hereby, adopted.

(Cr Grace / Cr Giles)

Note:

1. Cr Dunbar left the meeting at 8.25pm and returned at 8.26pm, having declared a significant non-pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review, and took no part in discussion and voting on this item.

The reason provided by Cr Dunbar was:

"I live near the area".

2. Cr Hegarty left the meeting at 8.25pm and returned at 8.26pm, having declared a pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review, and took no part in discussion and voting on this item.

The reason provided by Cr Hegarty was:

"My mother owns a previously developed home within the valley, as the review seeks to increase density on the block 23b Macpherson Street and I have previously declared an interest in a Development Application on this site that has not been erected, I will again absent myself from debate".

3. The Director, Urban and Environmental Assets left the meeting at 8.25pm and returned at 8.26pm, having declared a pecuniary interest in Item C15.2 – Confidential Report on the Outcomes of the Warriewood Strategic Review. The reason provided by the Director, Urban and Environmental was:

"Chair of Council's property group for Warriewood Valley."

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.29PM
ON MONDAY 19 MARCH 2012**