



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

5 March 2012

Commencing at 6.33pm

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Reid, P (Manager, Corporate Strategy & Commercial)
Pang, J (Manager, Catchment Management and Climate Change)
Angles, G (Principal Officer, Administration)
McPherson, S (Administration Officer/Minute Secretary)

Council Meeting

Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.
Council acknowledges their traditional custodianship of the Pittwater area

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Notes:

1. The Council Meeting commenced at 6.33pm and adjourned at 6.42pm, recommenced at 7.35pm and adjourned at 7.50pm, recommenced at 7.54pm and adjourned at 7.55pm, recommenced at 8.06pm and adjourned at 8.07pm, recommenced at 8.12pm and concluded at 8.15 pm.
2. The Natural Environment Committee Meeting commenced at 6.43pm and adjourned at 7.34pm, recommenced at 8.08pm and concluded at 8.11pm.
3. The Community, Recreation and Economic Development Committee Meeting commenced at 7.51pm and concluded at 7.53pm.
4. The Closed Session of Council commenced at 7.56pm and concluded at 8.05pm

Council Meeting

1.0 Apologies - Nil

2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts – Nil

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 20 February 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 Hegarty)

4.0 Public Addresses

C9.1 – Floodplain Risk Management Strategy – Managing Flood Emergency Response Planning of Development in the Lower Narrabeen Lagoon Floodplain - with the leave of the Council Ms Shirley Phelps (Northern Beaches Indoor Sports Centre) addressed the meeting speaking against this item.

5.0	Mayoral Minutes - Nil
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6.0	Business by Exception (All items on the Minutes) - Nil
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Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr White)

Notes:

1. The Council Meeting adjourned at 6.42pm and the Natural Environment Committee Meeting commenced at 6.43pm.
 2. Cr Rose remained in the Chair.
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Natural Environment Committee

9.0	Natural Environment Committee Business
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C9.1	Floodplain Risk Management Strategy - Managing Flood Emergency Response Planning of Development in the Lower Narrabeen Lagoon Floodplain
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COMMITTEE RECOMMENDATION

That Item C9.1 be deferred until after Council can consider the legal advice provided to Councillors in Closed Session, later in the meeting.

(Cr Townsend / Cr Hegarty)

C9.2	Minutes of the Natural Environment Reference Group Meeting held on 8 February 2012
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COMMITTEE RECOMMENDATION

1. That the Minutes of the Natural Environment Reference Group Meeting held on 8 February 2012 that relate to the Discussion Papers on:

"Vegetation Management – Bushfire Risk Management in the Pittwater LGA"
"An Update on Outcomes of Reference Group Meetings"

and the Actions and Progress to date, along with further initiatives and reference points to strengthen these initiatives be noted and this information be taken into consideration as part of Council's Strategic Plan and Management Plan processes.

2. That the Minutes of the Natural Environment Reference Group Meeting be amended to include Mr Beharrell's written response to Councillors in relation to Item 5.1.

(Cr Townsend / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hock / Cr Townsend)

Notes:

1. The Natural Environment Committee Meeting adjourned at 7.34pm and the Council Meeting recommenced at 7.35pm.
2. Cr Rose remained in the Chair.

Council Meeting

7.0	Council Meeting Business
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C7.1	Notice of Motion - Council Submissions Motion submitted by Cr Hegarty
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COUNCIL DECISION

That submissions invited and made by Council staff on legislative or policy review matters be first referred to Council for adoption or in the event of an urgency due to restricted time frames be referred to Council for notation.

(Cr Hegarty / Cr Townsend)

C7.2	Quarterly Management Report - Quarter 2 2011/2012
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COUNCIL DECISION

That the Quarterly Management report for the period ending 31 December 2011 (Quarter 2) be noted.

(Cr Grace / Cr Townsend)

C7.3	Constitutional Recognition of Local Government - Contribution of Funds
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COUNCIL DECISION

That Council commit to a national advertising campaign and allocate \$19,531.48 (plus GST) to be paid in three equal yearly installments commencing 1 July 2012, provided that the campaign is designed to promote and raise the awareness of local government in general and not be solely focused on issues relating to the recognition of Local Government in the Australian Constitution.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Townsend)

Notes:

1. The Council Meeting adjourned at 7.50pm and the Community, Recreation & Economic Development Committee Meeting commenced at 7.51pm.
2. Cr Rose remained in the Chair.

Community, Recreation and Economic Development Committee

8.0 Community, Recreation and Economic Development Committee Business

C8.1 Minutes of the Community, Recreation & Economic Development Reference Group Meeting of 1 February 2012

COMMITTEE RECOMMENDATION

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 1 February 2012 be noted.

(Cr White / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Hegarty)

Notes:

1. The Community, Recreation & Economic Development Committee Meeting concluded at 7.53pm and the Council Meeting recommenced at 7.54pm.
2. Cr Rose remained in the Chair.

Procedural Motion (COUNCIL DECISION)

That the Council resolve into Closed Session and that in the public interest, and in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the Council to close the meeting to the public for business relating to the following: -

(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Cr Townsend / Cr Giles)

Notes:

1. The Open Council Meeting adjourned at 7.55pm and the Closed Session of Council commenced at 7.56pm with press and public excluded.
2. Cr Rose remained in the Chair.

Council Meeting (Closed Session)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Grace)

Procedural Motion (COUNCIL DECISION)

That the Closed Session of Council be concluded and the Council Meeting now recommence in Open Session.

(Cr Giles / Cr Grace)

Notes:

1. The Closed Session of Council concluded at 8.05pm and the Open Session of Council recommenced at 8.06pm.
2. Cr Rose remained in the Chair.
3. There were no motions formulated in Closed Session.

Council Meeting (Open Session)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr White)

Notes:

1. The Council Meeting adjourned at 8.07pm and the Natural Environment Committee Meeting recommenced at 8.08pm.
2. Cr Rose remained in the Chair.

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1	Floodplain Risk Management Strategy - Managing Flood Emergency Response Planning of Development in the Lower Narrabeen Lagoon Floodplain
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COMMITTEE RECOMMENDATION

That the matter be deferred until further information, including legal advice, is provided in relation to the Nareen Floodplain Risk Management Plan and the adequacy of 'sheltering-in-place' procedures.

(Cr Townsend / Cr Hegarty)

Notes:

1. Cr James requested that his name be recorded as having voted against the recommendation which was carried.
2. The following unsuccessful amendment was moved by Cr James and seconded by Cr Rose:
 - "1. That Council note that this report and its recommendation focuses on the lower Narrabeen Lagoon floodplain that the upper Narrabeen Lagoon floodplain which is part of the same floodplain has similar issues however these are separately being taken into consideration as part of the Warriewood Valley Strategic Review.
 2. That in this context, Council:
 - (a) Acknowledge the lower Narrabeen Lagoon floodplain is susceptible to long duration floods and significant flood depths and as such the issue of (shelter in place) as the primary flood emergency response can become a significant issue should an emergency situation arise.
 - (b) Acknowledge the emerging flood risk management issues of flood isolation and the cumulative flood impacts of intensifying developments in the Narrabeen Lagoon floodplain.
 - (c) Accept that Council is not currently in a position to approve developments in the North Narrabeen area that increases the numbers of people at flood risk within the floodplain, until such time that Council becomes better informed of the available flood emergency response measures and whether these provide an acceptable level of flood risk management.
 - (d) Endorse as an interim policy for the Pittwater LGA component of the lower Narrabeen Lagoon floodplain at North Narrabeen the following development requirements:
 - Developments that do not align with the intent of State Government guidelines and policies including the Floodplain Development Manual (April 2005), NSW Flood Prone Land Policy, NSW Sea Level Rise Policy Statement and the NSW Coastal Planning Guidelines: Adapting to Sea Level Rise (August 2010) by intensifying the occupation of the floodplain and contributing to the cumulative effects of intensifying the occupation of floodplain and by potentially placing an increased burden on emergency response requirements, will be refused.

- *Developments that do not adequately address the issue of flood isolation and flood emergency response will be refused. It is not considered acceptable to utilise the 'sheltering-in-place' within the lower Narrabeen Lagoon floodplain, given that the locality is expected to be isolated for a long duration in major floods.*

Note: Existing development proposals involving existing housing stock that remain as single houses are excluded from the interim policy as these are deemed not to be an intensification of development in terms of the interim policy.

3. *That the ongoing steps in investigating and managing flood risk management and flood emergency response planning within the Narrabeen Lagoon floodplain as outlined in the action plan at section 2.17 of this report be noted.*
 4. *That the current 'sheltering-in-place' development controls in Pittwater 21 DCP be reviewed to be consistent with the Interim Policy outlined in Recommendation 2(d) above.*
 5. *That staff work with the Northern Beaches Indoor Sports Centre (NBISC) Board to investigate a solution related to further relevant development of the NBISC."*
3. The following motion was withdrawn with the consent of the seconder moved by Cr Giles and seconded by Cr Grace:
- "1. *That this matter be deferred until after the completion of the Narrabeen Lagoon Floodplain Study and the Nareen Creek Floodplain Risk Management study.*
 2. *That there be talks between Council staff, NBISC and other relevant developments that will be impacted by the proposed policy."*

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Hegarty)

Notes:

1. The Natural Environment Committee Meeting be concluded at 8.11pm and the Council Meeting recommenced at 8.12pm.
2. Cr Rose remained in the Chair.

Council Meeting

10.0	Adoption of Community, Recreation and Economic Development Committee Recommendations
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COUNCIL DECISION

That the recommendation on Item C8.1 of the Community, Recreation and Economic Development Committee comprising all Council members be and is hereby adopted.

(Cr Giles / Cr Hegarty)

11.0	Adoption of Natural Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations on Items C9.1 and C9.2 of the Natural Environment Committee comprising all Council members be and are hereby adopted.

(Cr Giles / Cr James)

12.0	Councillor Questions - Nil
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**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.15PM ON MONDAY
19 MARCH 2012**