



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

15 August 2011

Commencing at 6.31pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Dyce, L (Manager, Planning & Assessment)
Godfrey, L (Manager, Community, Library & Economic Development)
Jones, M (Chief Financial Officer)
Munn, L (Manager, Reserves, Recreation & Building Services)
Shaw, M (Manager, Urban Infrastructure)
Davis, G (Principal Officer - Commercial Property)
Pigott, A (Principal Officer, Strategic Planning)
Tite, M (Senior Strategic Planner)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Robins, R (Principal Officer, Administration)
Tasker, P (Administration Officer / Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 6.44pm, recommenced at 8.34pm and adjourned at 8.35pm, recommenced at 9.07pm and concluded at 9.09pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 6.45pm and concluded at 8.16pm.
3. The Governance Committee Meeting commenced at 8.17pm and concluded at 8.33pm.
4. The Committee of the Whole Meeting moved into Closed Session at 8.36pm and back into Open Session at 9.06pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions - Nil

3.0 Apologies - Nil

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

The Director, Environmental Planning & Community, declared a significant non-pecuniary conflict of interest in Item C15.1 – Southern Buffer Sector, Warriewood Valley Land Release – Property Group Update. The reason provided by the Director, Environmental Planning & Community, was:

"Is involved in "Techical Group" which is considering development opportunities in the 'Southern Buffer Area'. General Manager has set up structure for probity reasons."

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 1 August 2011, 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 Giles)

6.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

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

(Cr Hegarty / Cr Giles)

7.0 Public Addresses

Proceedings in Brief

C11.3 - Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling - with the leave of the Council

Mr Philip Schmidt addressed the meeting speaking against the recommendation on this item, and Mr Stephen Prodes addressed the meeting speaking in support of the recommendation on this item.

8.0 Mayoral Minutes - Nil

9.0 Council Meeting Business - Nil

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Hegarty)

Notes:

1. The Council Meeting adjourned at 6.44pm and the Planning an Integrated Built Environment Committee Meeting commenced at 6.45pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.3 Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling

COMMITTEE RECOMMENDATION

That this matter be deferred for one month to allow the neighbours to further negotiate on this matter.

(Cr Giles / Cr Rose)

Notes:

1. **Division**

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr Dunbar
Cr Giles
Cr Grace
Cr James
Cr White

No (Against)

Cr Townsend
Cr Hegarty
Cr Hock

2. The following amendment was moved by Cr White and seconded by Cr Hock:

"That the recommendation in the Development Officers Report not be endorsed and Application N0422/10 for alterations and additions to an existing dwelling at 296 Whale Beach Road, Palm Beach, be refused subject to the following reasons:

Reasons for Refusal

1. *The proposed extension will result in non-compliances with the Controls of D12.6 "Side and Rear Building Line", and D12.8 "Building Envelope" of the Pittwater 21 DCP.*
2. *The proposal would result in the obstruction of the view from the balcony of 294 Whale Beach Road, Palm Beach, of Barrenjoey Lighthouse and the Headland. These features are locally iconic visual elements in the area and this impact is unreasonable."*

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr Hock
Cr Hegarty
Cr Townsend
Cr White

No (Against)

Cr Dunbar
Cr Grace
Cr James
Cr Giles

3. A further amendment was moved by Cr Giles and seconded by Cr Rose. The further amendment was carried and became the Committee Recommendation.
4. The following unsuccessful motion was moved by Cr Grace and seconded by Cr Dunbar:
"That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Section 82A Reconsideration Application N0422/10 for alterations and additions to an existing dwelling at 296 Whale Beach Road, Palm Beach, subject to the conditions of consent as contained in the draft determination."

C11.1	N0056/11 - 9 Beach Road Newport - Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0056/11 for the demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment at 9 Beach Road Newport be approved subject to the Conditions contained in the Draft Determination.

(Cr White / Cr Giles)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Rose	Nil
Cr Townsend	
Cr Dunbar	
Cr Giles	
Cr Grace	
Cr Hegarty	
Cr Hock	
Cr James	
Cr White	

C11.2	N0169/11 - 36 Weeroona Avenue, Elanora Heights - Construction of a swimming pool and associated decking
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application N0169/11 for the construction of a swimming pool and associated decking at 36 Weeroona Avenue, Elanora Heights, be approved subject to the Conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

C11.4	Elanora Heights Village Centre Masterplan
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COMMITTEE RECOMMENDATION

1. That Council note the contents of the above report in relation to the master planning process.
2. That Council resolve to commence the process for preparing a masterplan for the Elanora Heights Village Centre.
3. That the project brief for the preparation of a masterplan by consultants for the Elanora Heights Village Centre be adopted.
4. That expressions of interest be sought, and an appropriate consultant be engaged to undertake the development of a Elanora Heights Village Centre Village Masterplan in accordance to the project brief.
5. That consultation with the community be carried out, including a public meeting.

(Cr Rose / Cr Giles)

C11.5 Pittwater Local Planning Strategy

COMMITTEE RECOMMENDATION

1. That the report in relation to the outcomes of public exhibition of the draft *Pittwater Local Planning Strategy* (see **tabled document**) be noted.
2. That the revised *Pittwater Local Planning Strategy* and associated land capability map be adopted by Council.
3. That the *Pittwater Local Planning Strategy* and the recommendations contained therein be used as the basis for preparing a Standard Instrument LEP for Pittwater.
4. That following the meeting held between high level technical staff from Council and the Department of Planning and Infrastructure, a report be prepared for Council on the progression of a "whole of government approach" to the preparation of a planning solution for Ingleside.

(Cr James / Cr White)

Notes:

1. Division

A division was duly taken resulting in the following voting:

Aye (For)

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

No (Against)

Cr Townsend

2. The following unsuccessful amendment was moved by Cr Hegarty and seconded by Cr Townsend:

"That consideration of this item be deferred for one month to allow for consideration of the changes by the community."

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Hegarty
Cr Townsend

No (Against)

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

C11.6	Mona Vale Tennis Club - Replacement of Synthetic Court Surfaces
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COUNCIL DECISION (By Exception)

1. That the installation of extra heavy duty 74/1390 synthetic grass surfaces on Courts 2 & 3 at Mona Vale Tennis Club by Weaver Sports Services at a total cost of \$46,500 (including GST) be approved.
2. That Mona Vale Tennis Club contribute \$900 towards the court resurfacing works.
3. That funds of \$45,600 be allocated from Council's Tennis Liaison Reserve Account for the funding of this project.

(Cr Hegarty / Cr Giles)

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)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.16pm and the Governance Committee Meeting commenced at 8.17pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0	Governance Committee Business
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C10.1	Annual Financial Reports for 2010/11 - Submission to Auditor
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COMMITTEE RECOMMENDATION

1. That the Annual Financial Reports for 2010/11 be adopted.
2. That the Mayor, Councillor, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
3. That the Annual Financial Reports for 2010/11 be referred to Council's Auditor.
4. That on receipt of the Audited Reports, a copy be forwarded to the Department of Local Government and the Australian Bureau of Statistics.
5. That Council's Auditor be invited in writing to attend the appropriate meeting to present their Report to the Council.

(Cr Rose / Cr Giles)

C10.2	Financial Report for the period ending 30 June 2011 of the 2010/2011 Financial Year
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COMMITTEE RECOMMENDATION

1. That the financial results for the year ending 30 June 2011 be noted.
2. That Council's Reserve Balances for the year ended 30 June 2011 be noted.
3. That Council approves the Revote of the following funds to be carried forward to the 2011/2012 Financial Year:-

IT Purchases	\$53,000
CIP Works – Council Funds	<u>\$76,521</u>
Total Council Revotes	\$129,521

(Cr Rose / Cr Giles)

C10.3	Investment Balances for the Month of July 2011
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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 \$ 114,444.

(Cr Hegarty / Cr Giles)

C10.4 Legal Expenditure as at 31 July 2011**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.5 Monthly Contractors & Staff Report - June 2011**COUNCIL DECISION (By Exception)**

1. That the information provided on the engagement of new contracts for the month of June 2011 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during June 2011 be noted.

(Cr Hegarty / Cr Giles)

C10.6 Mona Vale Surf Lifesaving Club - Amendment to Lease to permit Cafe Facility**COUNCIL DECISION (By Exception)**

1. That Council endorse the attached Variation to Lease and Sublease and resolve to place the documents on public exhibition for a period of 28 days.
2. That if no issues arise during the exhibition period the General Manager be authorised to execute all relevant legal documentation under power of attorney.
3. That if any issues do arise during the exhibition period a report be brought back to Council addressing those issues.

(Cr Hegarty / Cr Giles)

C10.7 Draft Pittwater Procurement Policy - Public Exhibition**COMMITTEE RECOMMENDATION**

1. That the Draft Pittwater Procurement Policy be placed on public exhibition for a period of twenty eight (28) days.
2. That at the completion of the Public Exhibition period, a further report will be presented to Council.

(Cr Hegarty / Cr Townsend)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose/ Cr Giles)

Notes:

1. The Governance Committee Meeting concluded at 8.33pm and the Council Meeting recommenced at 8.34pm.
 2. Cr Rose resumed the Chair.
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Council Meeting

12.0 Adoption of the Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C10.1, C10.2 and C10.7 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hock)

13.0 Adoption of the Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.1, C11.3, C11.4 and C11.5 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hock)

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 - Southern Buffer Sector, Warriewood Valley Land Release - Property Group Update. 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)

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 C15.1. The Chairperson invited those in attendance to make verbal representations to the committee on whether the meeting should be closed to consider item C15.1. There were no requests to make a verbal representation.
2. The Director, Environmental Planning & Community, left the meeting at 8.34pm having declared a significant non-pecuniary conflict of interest in Item C15.1 – Southern Buffer Sector, Warriewood Valley Land Release – Property Group Update. The reason provided by the Director, Environmental Planning & Community, was:

"Is involved in "Techical Group" which is considering development opportunities in the 'Southern Buffer Area'. General Manager has set up structure for probity reasons."

Committee of the Whole

Report of Closed Session - 15 August 2011

At 8.36pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on item C15.1. Upon resumption into Open Council at 9.06pm the General Manager reported that the following recommendations had been formulated by the Committee of the Whole in Closed Session.

15.0	Confidential Items
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C15.1	Southern Buffer Sector, Warriewood Valley Land Release - Property Group Update
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COMMITTEE OF THE WHOLE RECOMMENDATION

That the report regarding Council's involvement in the Warriewood Valley Strategic Review through its Warriewood Valley Property Group be noted and the recommended Action Plan included in Section 4.6 of this report be adopted.

(Cr Giles / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hock / Cr White)

Note:

The Committee of the Whole Meeting concluded at 9.06pm and the Council Meeting recommenced at 9.07pm.

Council Meeting

16.0	Adoption of the Committee of the Whole Recommendation
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COUNCIL DECISION

That the report regarding Council's involvement in the Warriewood Valley Strategic Review through its Warriewood Valley Property Group be noted and the recommended Action Plan included in Section 4.6 of this report be adopted.

(Cr Hegarty / Cr Giles)

14.0	Councillor Questions
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Question 1 - Councillor Townsend

I understand the decision of the Geographical Names Board (the Board) on suburb borders as resolved by Council is still pending. The Board, as I understand it, is waiting on Council to provide information on two small boundary objections.

When is this information to be provided to the Board?

Answer

The General Manager advised that staff would report to Council in September. Two objections were received, but one was 'lost' by the Board and came to Council late.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.09PM
ON MONDAY 15 AUGUST 2011**