



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale on

19 September 2011

Commencing at 6.31pm

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Godfrey, L (Manager, Community, Library & Economic Development)
Hewitt, M (Social, Community & Economic Coordinator)
Jones, M (Chief Financial Officer)
Einarsen, R (Acting Manager, Urban Infrastructure)
Phipps, N (Cemetery Supervisor)
Robins, R (Acting Manager, Administration & Governance)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 6.41pm, recommenced at 6.55pm and adjourned at 8.33pm, recommenced at 9.21pm and adjourned at 9.32pm, recommenced at 9.53pm and concluded at 9.55pm.
 2. The Governance Committee Meeting commenced at 6.42pm and adjourned at 6.54pm, recommenced at 9.33pm and concluded at 9.52pm.
 3. The Planning an Integrated Built Environment Committee Meeting commenced at 8.34pm and concluded at 9.20pm.
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Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions

Question 1 - Mr Phil Gatenby and Ms Wilma Fisher

Given that the lease on the 5 hectare Golf Driving Range at Warriewood finishes next month (October) and given that there is a Council stated shortage of active playing fields, could Council please consider as a priority not leasing the area again and converting this area to several playing fields to address this shortage in the shortest possible timeframe and at virtually no cost to the public?

Answer:

The General Manager advised that the Golf Driving Range is part of Council's existing active open space network. This issue will be dealt with in Council's Open Space Strategy, in conjunction with all Council's passive and active space audit. Any action of the Council to convert this facility will not be at a minor cost but will reduce Council revenue by in excess of \$300k per annum which equates to \$3m per 10 years.

Question 2 - Mr Phil Walker

To the General Manager: Noting the extensive Manly Daily reporting of your removal of Mr Dennis Baker to be replaced by Mr Warwick Lawrence, and noting the evidence in the Council Minutes of the Development Unit Meeting dealing with your renovations at Newport, could you please briefly detail the history of your personal and professional relationship with Mr Lawrence?

Answer:

The General Manager responded that, firstly, Mr Lawrence did not replace Mr Baker, in that Mr Lawrence is Manager, Administration and Governance and the position of Director of Corporate Services previously held by Mr Baker has not been filled. Secondly, the General Manager advised that he had known Mr Warwick Lawrence for 35 years.

Question 3 - Mr Ross Smith

When Australian National Carparks took over the Delmege building they took away all the free parking. The lower level was allocated for tenants only, leaving only the upper level for shoppers and without a free parking period. Were the building owners allowed to do this without Pittwater Council consent, and can Council approach the owners asking that the first 2-3 hours be made free parking again?

Answer:

The Director, Environmental Planning & Community, responded that to the best of his recollection the consent issued by Warringah Council for this building did not have a condition of consent that would preclude time limits or fees for parking and, whilst discussion could take place with the owners, there was no ability to insist on a change and that he was not aware of any negative impacts on the current situation.

Question 4 - Mr Ross Smith

The Gateway building in Mona Vale currently has free parking for the first 3 hours. Has Council ensured by way of Conditions of Consent or something similar that the owners of this building will not be able to change this to no free parking in the future?

Answer:

The Director, Environmental Planning & Community, responded that, similar to the previous answer, there is nothing in the consent to his knowledge that precludes the management or the owners from managing the parking in a manner they desire as long as parking is available. He understood the issue to be a charge on parking or limited free parking, not limiting parking.

3.0	Apologies
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COUNCIL DECISION

That apologies be received and accepted from Cr Dunbar and leave of absence be granted from the Council Meeting held on 19 September 2011.

(Cr Hegarty / Cr Giles)

4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts
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1. Cr White declared a significant non-pecuniary interest in Item C11.1, N0167/11 - 97 Queens Parade East, Newport - a secondary dwelling, and took no part in discussion or voting on this item. The reason provided by Cr White was:

"Cousin lives in adjoining property".

2. Cr Hegarty declared a less than significant non-pecuniary interest in Item C11.5 - Suburb Names & Boundaries for Pittwater LGA, but did not absent herself from the meeting and did take part in discussion and voting on this item. The reason provided by Cr Hegarty as to why the conflict did not require any further action in the circumstances, was:

"I sit as a delegate from the LGSA on the Geographical Names Board. It will have no bearing on the decision tonight as anything from Pittwater that comes before the Board - I will declare a conflict there".

5.0	Confirmation of Minutes
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COUNCIL DECISION

That the Minutes of the Council Meeting held on 5 September 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 Hock)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Governance Committee Meeting now commence in order to consider Item C10.1 - Presentation of Financial Reports and Related Auditor's Report for the Year Ended 30 June 2011.

(Cr Giles / Cr James)

Notes:

1. The Council Meeting adjourned at 6.41pm and the Governance Committee Meeting commenced at 6.42pm.
2. Cr Rose remained in the Chair.

Governance Committee

10.0 Governance Committee Business

C10.1 Presentation of Financial Reports and Related Auditor's Report for the Year Ended 30 June 2011

COMMITTEE RECOMMENDATION

1. That the presentation of the 2010/11 Financial Reports (as tabled) and the Auditor's Report be noted.
2. That Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

(Cr Giles / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Hegarty)

Notes:

1. The Governance Committee Meeting adjourned at 6.54pm and the Council Meeting recommenced at 6.55pm.
2. Cr Rose remained in the Chair.

Council Meeting

6.0 Public Addresses

Proceedings in Brief

C7.2 - Mayoral Minute - The Future of Fishing in the Pittwater Estuary - with the leave of the Council Mr Andrew Tiede, Anglers Action Group (Northside) addressed the meeting speaking in support of the recommendation on this item.

C9.2 - Appointment of Councillor Delegates to Special, Joint and External Committees and Boards - with the leave of the Council Ms Shirley Phelps, President of the Northern Beaches Indoor Sports Centre, addressed the meeting speaking in support of the recommendation on this item.

C11.1 - N0167/11 - 97 Queens Parade East, Newport - a secondary dwelling - with the leave of the Council Mr Bill Thomson and Mr Kyle Hill, President of the Newport Residents Association, addressed the meeting speaking against the recommendation on this item, and Mr Mark Mourmejain and Mr Nicholas Savage addressed the meeting speaking in support of the recommendation on this item.

C11.2 - S96 N0122/10 - 1731 Pittwater Road, Mona Vale - STH comprising 433m² commercial floor area, 6x1 and 4x2 bedroom units, and a MUH comprising 4x3 and 2x1 bedroom units and Strata Subdivision of the development - Mr Ross Smith addressed the meeting speaking against the recommendation on this item, and Mr Greg Boston addressed the meeting speaking in support of the recommendation on this item.

C11.7 - Minutes of the Pittwater Traffic Committee Meeting held on 16 August 2011:

Item TC4.7 - McCarrs Creek Road Church Point - Proposed Changes to Parking Restrictions - Mr Michael Weiner, President of the West Pittwater Community Association, and Mr Bill Gye, President of the Scotland Island Residents Association, addressed the meeting speaking against the proposed changes to parking restrictions at Church Point.

Item TC4.8 - Hudson Parade Clareville - 'No Parking' Restrictions - Mr Ian Burns and Mr Malcolm Galloway addressed the meeting speaking against the proposed changes to parking restrictions at Hudson Parade.

8.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.2, C10.3, C10.4, C10.5, C10.6, C10.8, C10.10, C11.3, C11.5 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 Mayoral Minutes

C7.2 Mayoral Minute - The Future of Fishing in the Pittwater Estuary

COUNCIL DECISION

That Council requests that the Minister for Primary Industries ensure the Independent Review into the Commercial Fishing Industry looks closely at the situation in the Pittwater estuary and comes up with the appropriate recommendations to ensure the long term health and viability of fish stocks in the Pittwater estuary.

(Cr Rose / Cr Giles)

9.0 Council Meeting Business

C9.1 Appointment of Principal Committees and Reference Groups

COUNCIL DECISION

That the Chairpersons of the Principal Committees and Reference Groups remain the same, apart from Councillor White becoming Chairperson of the Natural Environment Committee and Councillor James becoming Chairperson of the Community, Recreation and Economic Development Reference Group.

(Cr Rose / Cr Giles)

C9.2 Appointment of Councillor Delegates to Special, Joint and External Committees and Boards

COUNCIL DECISION

That Councillor delegates to Special, Joint and External Committees and Boards remain the same apart from those dealt with separately as follows:

- a) That delegates to the Joint Regional Planning Panel for the period October 2011 to September 2012 be Councillor James and Councillor Hegarty, and that alternative delegates be Councillor Rose and Councillor Townsend.
- b) That delegates to the Audit & Risk Committee be Councillor Townsend and Councillor Hegarty.

(Cr Rose / Cr White)

Note:

The following unsuccessful amendment was moved by Cr Hegarty and seconded by Cr Grace:

- "1. That Councillor delegates to Special, Joint and External Committees and Boards remain the same apart from those dealt with separately.*
- 2. That delegates to the Joint Regional Planning Panel for the period October 2011 to September 2012 be Councillor Hegarty and Councillor Townsend, and that alternative delegates be Councillor Rose and Councillor James.*
- 3. That delegates to the Audit & Risk Committee be Councillor Townsend and Councillor Hegarty."*

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Hegarty)

Notes:

1. The Council Meeting adjourned at 8.33pm and the Planning an Integrated Built Environment Committee Meeting commenced at 8.34pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1	N0167/11 - 97 Queens Parade East, Newport - A secondary dwelling
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0167/11 - 97 Queens Parade East, Newport (Lot 5 DP307917) for a secondary dwelling, be granted development consent subject to the conditions contained in the Draft Determination.

(Cr James / Cr Rose)

Notes:

1. **Division**

A division was duly taken resulting in the following voting:

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

2. The following unsuccessful Motion was moved by Cr Giles and seconded by Cr Grace:

"That the recommendation in the Development Officer's Report be endorsed and Application N0167/11 - 97 Queens Parade East, Newport (Lot 5 DP307917) for a secondary dwelling, be granted development consent subject to the conditions contained in the Draft Determination with the following additional conditions:

a) That access to the secondary dwelling be provided on the eastern boundary.

b) That a solid privacy screen be provided on the eastern boundary of the secondary dwelling."

Division

A division was duly taken resulting in the following voting:

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

3. The following unsuccessful Further Amendment was moved by Cr Giles and seconded by Cr Grace:

"That the recommendation in the Development Officer's Report be endorsed and Application N0167/11 - 97 Queens Parade East, Newport (Lot 5 DP307917) for a secondary dwelling, be granted development consent subject to the conditions contained in the Draft Determination with the following additional condition:

- a) *That a solid privacy screen be provided on the eastern boundary of the secondary dwelling.*

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Giles

Cr Grace

No (Against)

Cr Rose

Cr Townsend

Cr Hegarty

Cr Hock

Cr James

Cr White

4. Cr White left the meeting at 8.33pm and returned at 8.59 pm and took no part in discussion or voting on this item having declared a significant non-pecuniary interest. The reason provided by Cr White was:

"Cousin lives in adjoining property".

C11.2	S96 N0122/10 - 1731 Pittwater Road, Mona Vale - STH comprising 433m commercial floor area, 6x1 and 4x2 bedroom units, and a MUH development and Strata Subdivision
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Section 96 Modification Application of Development Application N0122/10 - 1731 Pittwater Road, Mona Vale (Lot B DP 336970 & Lot 18 DP 20127) - Demolition of the existing structures, construction of a Shop Top Housing development comprising 433m of commercial floor area and 6 x 1 and 4 x 2 bedroom units, and a Multi Unit Housing development and strata subdivision be approved subject to the following amendment to the Development Officer's Recommendation for approval:

Amended Recommendation 1:

Architectural Plans Project No. 1302 Drawing No. S9601B, **S9604C**, S9605B, S9606B dated 16 June 2011 and S9602A, S9603A dated 16 February 2011 and S9607A dated 24 March 2011 all prepared by Gelder; Draft Strata Plan Reference 12709-SP-RES-1 (Sheets1-5), 12709-SP-COMM-1 (Sheets1- 2) and 12709-SP-STRATUM-1 (Sheets1-4) dated (undated) prepared by (un-nominated); Access Report for 1731 Pittwater Road, Mona Vale dated 20 June 2010 and prepared by Accessibility Solutions Pty Ltd; BASIX Certificate 300033M_02 dated 24 March 2011.

(Cr Giles / Cr Rose)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr Townsend
Cr Giles
Cr Hegarty
Cr Hock
Cr James
Cr White

No (Against)

Cr Grace

C11.3	N0129/11 - 9 Harewood Place Warriewood - New two storey dwelling
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application N0129/11 - 9 Harewood Place, Warriewood (Lot 1 DP862177) for a new two storey dwelling be granted development consent subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

C11.4	Mona Vale General Cemetery Draft Plan of Management - Public Exhibition
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COMMITTEE RECOMMENDATION

1. That Mona Vale General Cemetery Draft Plan of Management, as tabled at the meeting, be placed on public exhibition for a period of 28 days with submissions received up to 42 days from the date of advertisement.
2. That following the public exhibition period, a further report be presented to Council.
3. That the land transactions resolutions described in Section 2.4 of this report be endorsed, noting the implementation will not proceed until the Plan of Management has been through the public exhibition process and adopted by Council.

(Cr James / Cr Giles)

C11.5 Suburb Names & Boundaries for Pittwater LGA

COUNCIL DECISION (By Exception)

That this report is noted and that the currently endorsed suburb name "*Bilgola Beach*" be adopted and the Geographical Names Board be advised.

(Cr Hegarty / Cr Giles)

C11.6 Constitution of Manly Warringah Pittwater Local Emergency Management Committee (MWPLEMC)

COUNCIL DECISION (By Exception)

1. That the amended Constitution of the MWPLEMC as presented in this report (see **Attachment 2**) be adopted.
2. That the General Manager be authorised to sign the Constitution on behalf of the Council.
3. That Manly and Warringah Councils be advised of Pittwater Council's decision.

(Cr Hegarty / Cr Giles)

C11.7 Minutes of the Pittwater Traffic Committee Meeting held on 16 August 2011

COMMITTEE RECOMMENDATION

1. That the Pittwater Traffic Committee recommendations contained in the Minutes of the Meeting of 16 August 2011 be adopted with the exception of the following items:
 - TC4.7 - McCarrs Creek Road Church Point - Proposed Changes to Parking Restrictions
 - TC 4.9 - Hudson Parade Clareville - 'No Parking' Restrictions
2. That Pittwater Traffic Committee Items TC4.7 and TC4.8 be deferred for further consideration by the Pittwater Traffic Committee having regard to the additional submissions (Public Addresses) received.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

That the Planning an Integrated Built Environment Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Rose / Cr James)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 9.20pm and the Council Meeting recommenced at 9.21pm.
2. Cr Rose resumed the Chair.

Council Meeting

7.0 Mayoral Minutes

C7.1 Mayoral Minute - Support for Regional Co-operation through SHOROC and Opposition to Amalgamation

COUNCIL DECISION

That following the Destination 2036 Workshop, Pittwater Council affirms its continued support for the development of beneficial regional co-operation through the SHOROC process BUT rejects any moves to amalgamation with other Councils.

(Cr Rose / Cr James)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Council Meeting adjourned at 9.32pm and the Governance Committee Meeting recommenced at 9.33pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.2 Financial Report for the Period Ending 31 August 2011 of the 2011/2012 Financial Year

COUNCIL DECISION (By Exception)

That the Year to date financial results for the period ending 31 August 2011 be noted, including:

- Consolidated financial result being a call on Council funds of \$550,000.
- Operating result before capital being a deficit of \$725,000.
- Major Projects Program expenditure stands as \$435,000.
- Cash and investment position stands at \$30.146 million.

(Cr Hegarty / Cr Giles)

C10.3 Investment Balances for the Month of August 2011

COUNCIL DECISION (By Exception)

That the investment information as at 31 August 2011 provided in the report be noted, including the 2011/12 year to date net investment return of \$99,808.

(Cr Hegarty / Cr Giles)

C10.4 Legal Expenditure as at 31 August 2011

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

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

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

(Cr Hegarty / Cr Giles)

C10.6 Rescheduling of October Council meeting due to a public holiday**COUNCIL DECISION (By Exception)**

That Council endorse the rescheduling of the first Council meeting in October from Monday 3 October to Tuesday 4 October 2011 and that the rescheduled meeting be suitably advertised.

(Cr Hegarty / Cr Giles)

C10.7 Police and Community Youth Club (PCYC)**COMMITTEE RECOMMENDATION**

1. That Council support the preparation of a Submission to the NSW Government to apply for funding for establishment of a Pittwater Police and Community Youth Club servicing the Northern Beaches community, located at North Narrabeen Reserve.
2. That a detailed report outlining the Draft Submission be brought back to Council at its meeting of 17 October 2011 for consideration.

(Cr White / Cr Rose)

C10.8 Report of Destination 2036 Workshop - Dubbo Wednesday 17 - Thursday 18 August 2011 and attended by Cr Rose**COUNCIL DECISION (By Exception)**

That Councillor Rose's report on the Destination 2036 Conference be noted.

(Cr Hegarty / Cr Giles)

C10.9	Minutes of the Community Engagement & Information Reference Group Meeting of 24 August 2011
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COMMITTEE RECOMMENDATION

1. That the Minutes of the Community Engagement & Information Reference Group Meeting held 24 August 2011 be noted.
2. That the initiatives discussed in relation to Emergency Management be further explored by Council and by this Reference Group to provide additional opportunities for the community to be better prepared for and respond to emergency situations, in particular:
 - Community engagement
 - Education
 - Communication
3. That the change of name for the Reference Group to
Community Engagement, Information & Governance Reference Group
be noted.
4. That Mr Jessup be thanked for his presentation and further consideration of the suggested EcoMarker program be considered for inclusion as an Action item in the 2012 / 2013 Delivery Plan and Budget process and in the interim the concept be further explored by the CEIG Reference Group and Council (subject to available staff resources).
5. It is noted that the recommended amendments from the CEI Reference Group were taken into consideration when Council debated and subsequently adopted the final version of the Code of Meeting Practice at its meeting held 5 September 2011.

(Cr Grace / Cr Townsend)

C10.10	Minutes of SHOROC Board Meeting held on 10 August 2011
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COUNCIL DECISION (By Exception)

That the Minutes of the SHOROC Board Meeting held on 18 May 2011 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)

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Hegarty)

Notes:

1. The Governance Committee Meeting concluded at 9.52pm and the Council Meeting recommenced at 9.53pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0 Adoption of the Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C10.1, C10.7 and C10.9 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hegarty)

13.0 Adoption of the Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.2, C11.4 and C11.7 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Grace)

FURTHER COUNCIL DECISION

That the recommendation on Item C11.1 of the Planning an Integrated Built Environment Committee comprising all Council members with the exception of Cr White, be and is hereby, adopted.

(Cr Giles / Cr Grace)

Note:

Cr White left the meeting at 9.54pm, having declared a significant non-pecuniary interest in Item C11.1 - N0167/11 - 97 Queens Parade East, Newport - a secondary dwelling, and took no part in voting on this item. The reason provided by Cr White was:

"Cousin lives in adjoining property".

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.55PM
ON MONDAY 19 SEPTEMBER 2011**