



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

4 October 2011

Commencing at 6.32pm.

ATTENDANCE

Members

Rose, H (Mayor)
White, I (Deputy Mayor)
Giles, P
Grace, B
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)
Lofts, J (Manager, Environmental Compliance)
Munn, L (Manager, Reserves, Recreation & Building Services)
Reid, Paul (Manager, Corporate Strategy and Commercial)
Robins, R (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 6.51pm, recommenced at 7.17pm, adjourned at 7.29pm, recommenced at 7.40pm and concluded at 7.42pm.
 2. The Community, Recreation and Economic Development Committee Meeting commenced at 6.52pm and concluded at 7.16pm.
 3. The Committee of the Whole commenced at 7.30pm and concluded at 7.39pm.
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Council Meeting

Presentation of Subsidies to Pittwater Surf Club

The Mayor presented a cheque to representatives of each of the Surf Life Saving Clubs, being the annual subsidy by Council of Surf Clubs in the Pittwater Area

1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Hegarty, Cr James and Cr Dunbar and leave of absence be granted from the Council Meeting held on 4 October 2011.

(Cr White / Cr Hock)

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

Cr White declared a significant non-pecuniary interest in Item C13.1, 14-18 Boondah Road, Warriewood - Court Action and took no part in discussion or voting on this item. The reason provided by Cr White was:

"Parents live opposite development"

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 19 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 Hock / Cr Giles)

4.0 Public Addresses

C8.2 - Bennetts Boatshed Demolition - with the leave of the Council Mrs Bobbie Winger addressed the meeting speaking against the recommendation on this item.

5.0 Mayoral Minutes - Nil

6.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C8.3, C9.1 and C9.2 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Giles / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Hock)

Note:

1. The Council Meeting adjourned at 6.51pm and the Community, Recreation and Economic Development Committee Meeting commenced at 6.52pm.
 2. Cr Rose remained in the Chair.
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Community, Recreation and Economic Development Committee

8.0 Community, Recreation and Economic Development Committee Business

C8.2 Bennetts Boatshed Demolition

COMMITTEE RECOMMENDATION

1. That following notification to Crown Lands NSW (such notification to include provision that Crown Lands bear the cost of the works) that Bennetts Boatshed be demolished on the following grounds:

- that the boatshed has been deemed to be a major public liability risk to council & the public at large
- that the cost of demolition & construction of the boatshed is prohibitive even with the proposed grant
- Insufficient parking at Church Point Reserve community users of the boatshed if it were rebuilt
- that the activities proposed will not benefit the broader community
- that the proposed activity will not allow a diverse range of recreational functions uses

2. That local community groups be given 28 days to comment.

(Cr Giles / Cr Hock)

C8.1 Warriewood Strategic Review - Property Team Probity Protocol

COMMITTEE RECOMMENDATION

1. That the Property Team Probity Protocol, endorsed by the General Manager as per the action plan within the protocol, be noted.
2. That further update reports to Council from the Property Team be aligned to the amended Strategic Review Timetable.

(Cr Giles / Cr Townsend)

C8.3 Material Public Benefits (MPB) Agreement - 61 Warriewood Road Warriewood

COUNCIL DECISION (By Exception)

1. That Council accepts the Material Public Benefit offer for the provision of infrastructure to a value of \$82,127.87 in relation to Development Consent N0511/10, and provides a credit against the outstanding Section 94 contributions.
2. That Council accepts the proposed deferral payment of the cash component for the balance of Section 94 contribution monies for a period of up to 6 months and payment of interest of 6% thereon.
3. That the General Manager be authorised to enter into and endorse a legal agreement binding the applicant to the Material Public Benefit offer. This agreement is to include appropriate terms to ensure satisfactory and timely dedication of land that meet with the requirements of the Warriewood Valley Section 94 Contributions Plan.
4. That the General Manager be authorised to affix the Seal of Council to all necessary documentation as required.

(Cr Giles / Cr Rose)

C8.4	Land & Environment Court Decision 14-18 Boondah Road (non-confidential)
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COMMITTEE RECOMMENDATION

1. That the decision of the Land and Environment Court be noted.
2. The General Manager provide a report on the specific costs of the court action.

(Cr Townsend / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Grace)

Note:

1. The Community, Recreation and Economic Development Committee Meeting concluded at 7.16pm and the Council Meeting recommenced at 7.17pm.
2. Cr Rose remained in the Chair.

Council Meeting Business

C7.1	Internal Reporting Policy (Public Interest Disclosures Act 1994)
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COUNCIL DECISION

1. That the Internal Reporting Policy attached to this report be adopted.
2. That training of the entire organisation and councillors in the policy be undertaken within five months.
3. That senior management develop a communication strategy for raising the awareness of staff and managers about the internal reporting policy and procedures for making and receiving reports of wrongdoing.

(Cr Townsend / Cr Giles)

C7.2	Building Professionals Board audit of building certification process, N0635/02 - 36 Heath Street, Mona Vale
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COUNCIL RECOMMENDATION

1. That the Building Professionals Board report on the Audit of Certification – Final Report for 36 Heath Street, Mona Vale (development consent N0635/02) be noted.
2. That draft letters (**Attachments 3 and 4**) be forwarded by the General Manager to advise the Chief Executive, Local Government Division, Department of Premier and Cabinet and the Building Professionals Board of the changes that have been implemented by Council to address the findings of the Board's report.

(Cr Giles / Cr Grace)

Natural Environment Committee

9.0	Natural Environment Committee Business
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C9.1	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 17 August 2011
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COUNCIL DECISION (By Exception)

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 17 August 2011 be noted.

(Cr Giles / Cr Rose)

C9.2	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 1 September 2011
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COUNCIL DECISION (By Exception)

That the minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) Meeting held at Pittwater Council on 1 September 2011 be noted.

(Cr Giles / Cr Rose)

Council Meeting

10.0 Adoption of Community, Recreation and Economic Development Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C8.1, C8.2 and C8.4 of the Community, Recreation and Economic Development Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hock)

11.0 Adoption of Natural Environment Committee Recommendations - Nil

12.0 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)(g) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C13.1 - 14 – 18 Boondah Road, Warriewood – Court Action. Section 10A(2)(g) permits the Committee to close the meeting to consider:

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

(Cr Hock / 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 C13.1. 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.
2. Cr White left the meeting at 7.29pm and returned at 7.40pm 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:

"Parents live opposite development"

Committee of the Whole

Report of Closed Session - 4 October 2011

At 7.30pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on item C13.1. Upon resumption into Open Council at 7.40pm the General Manager reported that the following recommendation had been formulated by the Committee of the Whole in Closed Session.

13.0 Confidential Items

C13.1 14-18 Boondah Road Warriewood-Court action

COMMITTEE OF THE WHOLE RECOMMENDATION

That the report be noted.

(Cr Giles / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr White)

Note:

1. The Committee of the Whole Meeting concluded at 7.39pm and the Council Meeting recommenced at 7.40pm.
2. Cr Rose remained in the Chair.

Council Meeting

14.0 Adoption of the Committee of the Whole Recommendation

COUNCIL DECISION

That the recommendation of the Committee of the Whole on Item C13.1 be adopted.

(Cr Giles / Cr Hock)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 7.42 PM ON
MONDAY 4 OCTOBER 2011**