

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

20 December 2010

Commencing at 6.31pm.

ATTENDANCE

Members

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

Officers

Hunt, C (Acting General Manager)
Evans, S (Director, Environmental Planning & Community)
Payne, J (Acting Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Beharrell, M (Manager, Natural Environment & Education)
Edmonds, M (Principal Officer Development)
Williams, A (Principal Officer Development)
Pigott, A (Principal Strategic Planner)
Haron, D (Senior Strategic Planner)
Allen, A (Development Officer)
Jones, M (Chief Financial Officer)
Munn, L (Manager, Reserves, Recreation & Building Services)
Davis, G (Principal Officer, Commercial)
Veness, G (Senior Property 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 7.25pm, recommenced at 8.20pm and adjourned at 8.25pm, recommenced at 9.06pm and adjourned at 9.13pm, recommenced at 9.39pm and concluded at 9.40pm.
2. The Governance Committee Meeting commenced at 7.26pm and adjourned at 7.43pm, recommenced at 8.26pm and concluded at 9.05pm.
3. The Planning an Integrated Built Environment Committee Meeting commenced at 7.44pm, and concluded at 8.19pm.
4. The Council resolved into Closed Session at 9.14pm and moved back into Open Session at 9.38pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions

Question 1 – Mr Quentin Lea

Would Council consider restricting the hours of the dog exercise area at the northern end of Mackerel Beach during daylight savings so that the morning walks are from 6.00am to 7.30am and the evening walks from 6.30pm to 8.00pm?

Question 2 – Mr Quentin Lea

Dog owners are walking their dogs past the end of the designated exercise area at the northern end of Mackerel Beach and into the national park area. Would the Council consider moving the leash free dog exercise area to the southern end of Mackerel Beach?

Answer:

Council considered and debated at length a report on this matter at its meeting held 7 December 2009.

At this meeting it was resolved to permit off lead dog exercise on Mackerel Beach between the public wharf north to the boundary with the National Park in the mornings between sunrise and 9.30am, and in the evenings from 5.00pm to sunset. At all other times the shortest direct route with dog on lead is to be taken if needing to access across the beach. There is to be no dogs past the northern-most house.

In addition, at all times dogs off-lead are to be under the effective control of the owner.

If these restrictions are not being adhered to then National Park or Council Rangers can, and do, intervene. In this regard we will see if additional surveillance can be provided and will also pass on these concerns to National Parks & Wildlife Service.

Any amendment to the current procedures will require an appropriate Notice of Motion and subsequent support of the Council.

Question 3 - Mr Ross Smith

Why did Staff approve the development application (at 18-20 Park Street Mona Vale) with the obvious flooding issues now apparent and what responsibility and liability does Pittwater Council have in this disastrous outcome?

Answer:

The Acting General Manager advised he would take the question on notice.

Question 4 - Mr Ross Smith

(Re: 64-66 and 68-70 Park Street Mona Vale - footpath non compliance)

Why has Council not pursued the non-compliance matter and what is going to be done to address this very obvious breach of consent issue?

Answer:

The Acting General Manager advised that he would take the question on notice.

Question 5 - Mr Warren Moss

(Re: Major Water Recycling of Warriewood STP)

By 2011 has Council / State Government provided enough land in Pittwater to allow this project to be implemented and considered the STP Buffer area as suitable/unsuitable for a recycling project? If not, are there better alternatives in STP water recycling in Northern Beaches? Would this project affect the PAC approval of Meriton's development application in the STP buffer area?

Answer:

The Acting General Manager advised that Council has included within its strategic actions the investigation of the reuse of suitably treated effluent from the Warriewood STP for the irrigation of surrounding parks and golf courses.

A number of discussions have taken place with Sydney Water, along with a preliminary feasibility study. No additional STP land is required for this purpose, however there is additional infrastructure required.

The reuse does not affect other lands in the Warriewood Valley Land Release.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr James and leave of absence be granted from the Council Meeting held on 20 December, 2010

(Cr Hegarty / Cr Giles)

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

1. Cr Hegarty declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

"Member of the JRPP which will be assessing this application."

2. Cr Townsend declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

"Member of JRPP referred to hear DA."

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 6 December, 2010 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 White)

6.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.3, C10.4, C10.5, C10.14, C10.15, C10.16, C10.17, 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 Public Addresses

Proceedings in Brief

C10.8 – Adoption of Ingleside Chase Reserve Plan of Management – Mr David Palmer with the leave of the Council addressed the meeting on this item.

C11.1 - N0122/10 - 1731 Pittwater Road, Mona Vale - Demolition of existing structures, construction of a Shop Top Housing development, a Multi Unit Housing development and strata subdivision - Mr Ross Smith and Mr Greg Boston (Boston Blyth Fleming) with the leave of the Council addressed the meeting on this item.

C11.3 - Application R0002/10 - Draft Planning Proposal for 39 Cabbage Tree Road, Mona Vale – Mr Martin Amy (Smyth Planning), Mr Andrew Tiede and Mr John Vardil (Bayview Golf Club) with the leave of the Council addressed the meeting on this item.

C11.4 - Minutes of the Pittwater Traffic Committee Meeting held on 16 November 2010 - Mr John Tedesco with the leave of the Council addressed the meeting on this item.

C11.7 - Design & Construction - Pedestrian/Cycleway Bridge over Deep Creek, Wakehurst Parkway, North Narrabeen - Tender T07/10 - Mr Warren Moss with the leave of the Council addressed the meeting on this item.

8.0 Mayoral Minute

C8.1 Confidential Mayoral Minute - Currawong Status Report

COUNCIL DECISION

That the order of Council Business be altered to allow consideration of the Mayoral Minute at the end of the meeting.

(Cr Rose / Cr Giles)

Notes:

1. The Confidential Mayoral Minute – Currawong Status Report – was recommitted at 9.39pm at the completion of the Planning an Integrated Built Environment Committee Meeting.
2. The following Motion on this item prior to recommitment was moved by Cr Giles and seconded by Cr Hock:

"That the Mayoral Minute be dealt with at the end of the meeting in closed session."

3. ***Dissent***

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

9.0 Council Meeting Business - Nil

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Hock)

Notes:

1. The Council Meeting adjourned at 7.25pm and the Governance Committee Meeting commenced at 7.26pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.8 Adoption of Ingleside Chase Reserve Plan of Management

COMMITTEE RECOMMENDATION

That the Ingleside Chase Reserve Plan of Management, as tabled at the meeting, be adopted after the following amendments:

Action 18:

"Address the issue of increased nutrient flow from above the reserve. Investigate nutrient sources and where possible mitigate the flow of nutrients and educate landowners in how they can minimise excess nutrients from entering the catchment and having a downstream impact on the reserve."

Action 22:

"Investigate the feasibility of a recognised mountain bike track in the reserve, which would involve comprehensive and rigorous environmental impact assessment and having no environmental impact. If deemed appropriate, the design and maintenance of such a track would involve community participation, establishment of a working committee and liaison with interest groups. Any track would be designed in line with maximising environmental viability, safety of cyclists and pedestrians and built to associated standards."

Recreation - Section 4.9.3

Clarify by adding "Both mountain biking and dog walking are currently prohibited activities in the reserve. Council will consider allowing mountain biking subject to approval of a plan for a sustainable bike path and having no environmental impact."

(Cr Giles / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr White)

Notes:

1. The Governance Committee Meeting adjourned at 7.43pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.44pm.
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	N0122/10 - 1731 Pittwater Road, Mona Vale - Demolition of existing structures, construction of a Shop Top Housing development, a Multi Unit Housing development and strata subdivision
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COMMITTEE RECOMMENDATION

- A) That the recommendation in the Development Officer's report be endorsed and the Development Application N0122/10 - 1731 Pittwater Road, Mona Vale (Lot B DP336970 & Lot 18 DP20127) - Demolition of the existing structures, construction of a Shop Top Housing development comprising 433m² of commercial floor area and 6 x 1 and 4 x 2 bedroom units, and a Multi Unit Housing development comprising of 5 x 3 bedroom units and strata subdivision be approved, subject to the conditions contained in the Draft Determination and the additional and amended conditions of consent.

Additional Conditions:

- B43(J) Garbage and recyclables are to be collected from within the garbage and recycling enclosure by the garbage service provider.
- B61 A planter box totaling the length of the northern end of the north facing terrace in Unit 10 shall be installed. The planter box shall be 500mm deep to allow a minimum 300mm of soil to accommodate plantings with a minimum height of 1.5m.
- C22 The approved strata plan is to be updated prior to issue of construction certificate to reflect the approved architectural drawings.
- C23 A contribution of \$34,210 is to be made to Cashier Code SMVC, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for car parking Mona Vale in accordance with Section 94 Contributions Plan No. 1. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Amended Condition:

B54 The awning located over the pedestrian footpath adjacent to the commercial component of the development shall be constructed of a suitable and durable material (excluding glass and Perspex) which provides weather protection for pedestrians.

- B) That in accordance with Clause 16 of the Council's adopted Code of Meeting Practice the reasons for the deviation from the staff recommendation in relation to this application are as follows:-

To ensure the street remains uncluttered by garbage bins and to improve safety of traffic.

(Cr Giles / Cr White)

Notes:

1. The following unsuccessful amendment was moved by Cr Grace and lapsed for want of a seconder:

"That this matter be deferred for further consideration."

2. **Division**

A division was duly taken resulting in the following voting:

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

C11.2	Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development
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COMMITTEE RECOMMENDATION

That the Assessment Report in relation to DA N0391/10, as referred to the Joint Regional Planning Panel (**Attachment 1**) be noted.

(Cr White / Cr Giles)

Notes:

1. Cr Hegarty left the meeting at 8.17pm and returned at 8.19pm, having declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

"Member of the JRPP which will be assessing this application."

2. Cr Townsend left the meeting at 8.17pm and returned at 8.19pm, having declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

"Member of JRPP referred to hear DA."

3. Cr Rose resumed the Chair during discussion on this item.

4. **Division**

A division was duly taken resulting in the following voting:

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

C11.3	Application R0002/10 - Draft Planning Proposal for 39 Cabbage Tree Road, Mona Vale
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COMMITTEE RECOMMENDATION

That Council **refuse** application No R0002/10 – Planning Proposal for 39 Cabbage Tree Road, Mona Vale to initiate the process to amend Pittwater Local Environmental Plan 1993 for the reasons outlined below:

1. Cabbage Tree Road provides the ideal separation (buffer) between conflicting land uses (residential and private recreation uses) and therefore it is not appropriate to change the zone.
2. The most appropriate zone for this site with regards to the position of 39 Cabbage Tree Road and the adjacent uses is the current zone 6B 'Private Recreation' as such not appropriate to change the zone.
3. Council should not progress the Proposal as it creates a residential zoned lot that is subject to Category 1 high hazard flooding. This goes against fundamental planning principles of zoning land to ensure risk to life and property are minimised.
4. Rezoning the land could establish a precedent.
5. Rezoning the land would not be consistent with the *Coastal Planning Guideline* and would introduce the expectation of development potential that is unlikely to be able to address the risk to property or life into the future.
6. The subject site is not required for Council to achieve housing target.
7. It is not a zoning anomaly. The Proposal does not address that the site was ever intended to have a zone other than 6(b) Private Open Space.

8. The Proposal does not provide any net community benefit and could potentially become a liability given the level of flood hazard.

(Cr Giles / Cr White)

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 White	

C11.4	Minutes of the Pittwater Traffic Committee Meeting held on 16 November 2010
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee recommendations contained in the Minutes of the Meeting of 16 November 2010 be adopted.
2. That a report be brought back to Council on the condition and upgrade proposals for Elanora Road, North Narrabeen.

(Cr Townsend / Cr Giles)

C11.5	Scotland Island Community Vehicle
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COUNCIL DECISION (By Exception)

1. That the lease of a Community Vehicle to the Scotland Island Residents' Association (SIRA) for a further four (4) year period be approved.
2. That the quarterly rent installments be \$ 2,272.73 (\$ 2,500.00 including GST) to include the capital and operational costs for the vehicle.
3. That SIRA maintain comprehensive insurance cover for the vehicle and be fully responsible for all vehicle insurance excess and abnormal mechanical and smash repairs.
4. That the General Manager be authorised to execute all documents and affix the Council Seal if required.

(Cr Hegarty / Cr Giles)

C11.6	Supply & Delivery Ready Mixed Concrete - SHOROC Panel Tender/Acceptance - Tender T06/10
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COUNCIL DECISION (By Exception)

1. That the tender's from Brookvale Minicrete Pty Ltd and Metromix Pty Ltd for the supply and delivery of Ready Mixed Concrete (T06/10) in accordance with the Price Schedule for each supplier for a period of two (2) years for the period 1 January 2011 to 31 December 2013 be accepted.
2. That the procurement be sourced from the lowest pricing, and where not available procurement be sourced from the next lowest pricing.
3. That the General Manager be authorised to affix the Council Seal on the contract documents, if required.

(Cr Hegarty / Cr Giles)

C11.7	Design & Construction - Pedestrian/Cycleway Bridge over Deep Creek, Wakehurst Parkway, North Narrabeen - Tender T07/10
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COMMITTEE RECOMMENDATION

1. That the tender from Australian Prestressing Services Pty Ltd for Design & Construction of the Pedestrian/Cycleway Bridge over Deep Creek, Wakehurst Parkway, North Narrabeen (T07/10) in the tender amount of \$912,000, be accepted.
2. That the General Manager be authorised to affix the Council Seal on the contract documents, if required.
3. That Warringah Council and the Roads & Traffic Authority be advised of the acceptance of the tender for the design and construction from Australian Prestressing Services Pty Ltd.

(Cr White / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Dunbar)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting adjourned at 8.19pm and the Council Meeting recommenced at 8.20pm.
2. Cr Rose remained in the Chair.
3. The Council Meeting was reconvened here in order to allow for the recommitment of Item C8.1 - Confidential Mayoral Minute - Currawong Status Report.
4. A Procedural Motion to recommit Item C8.1 – Confidential Mayoral Minute – Currawong Status Report – was successfully moved by Cr Rose and seconded by Cr Giles.

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr White)

Notes:

1. The Council Meeting adjourned at 8.25pm and the Governance Committee Meeting recommenced at 8.26pm.
2. Cr Townsend resumed the Chair.

10.0	Governance Committee Business
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C10.1	Financial Report for the period Ending 30 November 2010 of the 2010/2011 Financial Year
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COMMITTEE RECOMMENDATION

That the Year to date financial results for the period ending 30 November 2010 be noted, including:

- Consolidated financial result being an increase on Council funds of \$1.540 million.
- Operating result before capital being a profit of \$510,000.
- Major Projects Program expenditure stands as \$1.740 million.
- Cash and investment position stands at \$29.321 million.

(Cr Rose / Cr Giles)

C10.2	Investment Balances for the Month of November 2010
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COMMITTEE RECOMMENDATION

That the information provided in the report be noted, including the year to date (November) net investment return of \$548,931.

(Cr Grace / Cr Giles)

C10.3	Legal Expenditure for the Month of November 2010
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.4	Monthly Contractors and Staff Report - October 2010
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COUNCIL DECISION (By Exception)

1. That the information provided on the engagement of new contracts for the month of October 2010 as provided by the Business Unit Managers at **Attachment 1** be noted.
2. That the terminations and appointments of staff during October 2010 be noted.

(Cr Hegarty / Cr Giles)

C10.5	Appointment of 2010/2011 Elanora Heights Community Centre Management Committee
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COUNCIL DECISION (By Exception)

That Council appoint the nominated members and executive of the Elanora Heights Community Centre Management Committee for 2010/2011 as listed below:

Chairperson:	Mr Bill Akhurst
Treasurer:	Mr John Ward
Secretary:	Ms Patricia Corthorn
Committee Members:	Ms Katherine Ward Mrs Mavis Bickerton Ms Deidre Peters Mr Bill Underwood

(Cr Hegarty / Cr Giles)

C10.6	Hiring Fees for Community Centres for Youth Related Activities
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COMMITTEE RECOMMENDATION

That Council adopt the Not-for-Profit Youth Activity Fee for all community centres to commence 1 January 2011.

(Cr Rose / Cr Townsend)

C10.7	St Augustine s College - Proposed Licence Agreement for the Use of Pittwater Rugby Park
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COMMITTEE RECOMMENDATION

1. That the proposed Licence with St Augustine's College for the use of Pittwater Rugby Park – Main Field, Field 2 and Field 4 at North Narrabeen Reserve be amended as follows:

Reference to Schedule Item 4 be changed to Item 3 in Clause 1 of the Deed.

2. Following amendment, the proposed Licence be placed on public exhibition.
3. That the results of the Public Exhibition be reported back to Council at the first meeting in February 2011.

(Cr Giles / Cr White)

C10.9	Mona Vale Surf Lifesaving Club - Amendment to Lease to permit Cafe Facility
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COMMITTEE RECOMMENDATION

1. That Council grant approval in principle to an amendment to the existing lease to the Mona Vale Surf Lifesaving Club to allow the establishment of a café facility (subject to Development Approval) and to allow the Club to enter into a sub-lease arrangement at a market rent with a private operator to run the facility.
2. That a further report be brought back to Council taking into consideration the issues raised in this report, seeking endorsement of the commercial terms of the arrangement and seeking to place the amended lease and supporting documentation on public exhibition.

(Cr Townsend / Cr Hegarty)

C10.10	Careel Bay Tennis Club - Amendment to Lease Boundary and Establishment of Cafe Facility
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COMMITTEE RECOMMENDATION

1. That Council grant approval in principle to an amendment to the existing lease to the Careel Bay Tennis Club to allow an increase in the lease area and the establishment of a commercial café facility (subject to Development Approval) and to allow the Club to enter into a sub-lease arrangement with a private operator to run the facility.
2. That a further report be brought back to Council taking into consideration issued raised in this report, seeking endorsement of the commercial terms of the arrangement and seeking to place the relevant documentation on public exhibition.

(Cr Hegarty / Cr Giles)

C10.11	Woolworths Avalon, Licences for Trolley Bays and Loading Dock
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COMMITTEE RECOMMENDATION

1. That Council endorse the renewal of the two licences to Woolworths Avalon at the agreed rate and term and resolve to place both documents on public exhibition for a period of 28 days.
2. That following the public exhibition process a report be brought back to Council addressing any issues raised.

(Cr Grace / Cr Giles)

C10.12	Gifts & Benefits Policy
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COMMITTEE RECOMMENDATION

1. That the information provided in the report be noted.
2. That the attached "Gifts and Benefits Policy" be placed on public exhibition for a period of 40 days after which time a further report will be provided to Council.
3. That a copy of the policy be made available to members of Council's Governance Reference Group.

(Cr Townsend / Cr Rose)

C10.13	Delegations over Christmas - New Year Recess 2010/2011
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COMMITTEE RECOMMENDATION

1. That the Council note the delegation to the Mayor of its policy-making functions in accordance with Section 226 of the Local Government Act, 1993 over the Christmas - New Year recess period.
2. That the Council also note delegations to the Mayor as noted in paragraph 1.4 of the report.
3. That pursuant to section 379(1) of the Act, authority be delegated to a Committee of the Council, comprising the Mayor (who shall be Chairperson), the 3 relevant ward Councillors if available, and any other Councillor who has an expressed interest in a particular matter or application if available, to carry out and resolve upon the regulatory functions of the Council, including the determination of development applications, S96 modifications and S82A Review applications during the 2010/2011 Christmas - New Year recess period. The Committee shall be appointed for the recess period only.
4. That all Councillors be provided with copies of any reports dealing with regulatory matters, including the determination of development applications, S96 modifications and S82A Review applications prior to the delegated Committee determining such matters.
5. That a report be submitted to the first Council meeting of the New Year outlining all matters and decisions taken by the Mayor (with respect to any policy making functions) and/or the above-mentioned Committee (with respect to any regulatory functions) under delegation during the Christmas - New Year recess period.

(Cr Rose / Cr Hegarty)

C10.14	2010 New South Wales Coastal Conference Report
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COUNCIL DECISION (By Exception)

That Councillor James' report on the 2010 New South Wales Coastal Conference be noted.

(Cr Hegarty / Cr Giles)

C10.15	SHOROC Board Minutes
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COUNCIL DECISION (By Exception)

That the Minutes of the SHOROC Board Meeting held on 17 November 2010 be noted and those matters requiring further consideration by Pittwater Council be subject of separate reports to Council as required.

(Cr Hegarty / Cr Giles)

C10.16	Minutes of SHOROC Annual General Meeting held on 17 November 2010
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COUNCIL DECISION (By Exception)

That the Minutes of the SHOROC Annual General Meeting held on 17 November 2010 be noted.

(Cr Hegarty / Cr Giles)

C10.17	Minutes of the Manly, Warringah, Pittwater Local Emergency Management Committee (MWPLEMC) Meeting held on 9 September 2010
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COUNCIL DECISION (By Exception)

That the minutes of the meeting of the Manly Warringah Pittwater Local Emergency Management Committee of 9 September 2010 be noted.

(Cr Hegarty / Cr Giles)

C10.18	Minutes of Governance Reference Group Meeting of 24 November 2010
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COMMITTEE RECOMMENDATION

That the Minutes of the Governance Reference Group Meeting held 24 November 2010 be noted and the Discussion Reference Points arising be taken into consideration as part of Council's Strategic Plan and Management Plan processes.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hock / Cr Hegarty)

Notes:

1. The Governance Committee Meeting concluded at 9.05pm and the Council Meeting recommenced at 9.06pm.
2. Cr Rose resumed the Chair.

Council Meeting

11.0 Adoption of the Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C10.1, C10.2, C10.6, C10.7, C10.8, C10.9, C10.10, C10.11, C10.12, C10.13 and C10.18 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr White)

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 C11.7 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 C11.2 of the Planning an Integrated Built Environment Committee comprising all Council members with the exception of Cr Hegarty and Cr Townsend be and is hereby, adopted.

(Cr Giles / Cr Hock)

Notes:

1. Cr Hegarty left the meeting at 9.09pm and returned at 9.10pm, having declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

"Member of the JRPP which will be assessing this application."

2. Cr Townsend left the meeting at 9.09pm and returned at 9.10pm, having declared a less than significant non-pecuniary interest in Item C11.2 Development Application to be referred to Joint Regional Planning Panel - N0391/10 - 2 Daydream Street and 96 Mona Vale Road Warriewood - Erection of a commercial office industrial development and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

"Member of JRPP referred to hear DA."

14.0 Councillor Questions

Question 1 - Cr Townsend:

Is it correct that an appeal has been lodged with the Land & Environment Court in relation to 9-11 Beaconsfield Street, Newport (SEPP Affordable Housing Development)?

Answer:

The Director, Environmental Planning & Community confirmed that this information was correct.

Question 2 - Cr Townsend:

If yes, on what basis has the appeal been lodged?

Answer:

The Director, Environmental Planning & Community advised that the appeal had been lodged on the basis that the application had not been determined within the designated timeframe, which is in effect a deemed refusal.

Question 3 - Cr Townsend:

Will Council let all objectors to the development application be notified by Council of the appeal and their rights now?

Answer:

The Director, Environmental Planning & Community confirmed that all objectors would be notified.

Procedural Motion (Council Decision)

That the Mayoral Minute on the Currawong Status Report be considered in closed session pursuant to Section 10A(2)(d)(i) of the Local Government Act as the business to be transacted is of a commercial nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

(Cr Rose / Cr Hegarty)

Note:

The Manager, Administration & Governance, 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 the Confidential Mayoral Minute. The Manager, Administration & Governance, invited those in attendance to make verbal representations to the Council on whether the meeting should be closed to consider this item. There were no requests to make a verbal representation.

15.0 Confidential Items

Report of Closed Session - 20 December 2010

At 9.14pm the Council resolved into closed session, with the press and public excluded to consider the Confidential Mayoral Minute as tabled.

Closed Session

Procedural Motion (COUNCIL DECISION)

That the Council move into open session.

(Cr Giles / Cr Hock)

Note:

Council resolved into open session at 9.38pm.

Open Session

C8.1 Mayoral Minute - Currawong Status Report

COUNCIL DECISION

That the Status Report regarding Currawong be noted and the Forward Path contained within this Mayoral Minute be endorsed.

(Cr Rose / Cr Giles)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.40PM
ON MONDAY 20 DECEMBER 2010**