

COUNCIL MEETING

MINUTES

19 March 2016

Meeting commenced at 9.00am

held at Mona Vale Memorial Hall,
Mona Vale

M J Ferguson
General Manager



ATTENDANCE

Members

Townsend, J (Mayor & Chairperson)
Ferguson, K (Deputy Mayor)
Grace, B
Griffith, S
McTaggart, A
Millar, K
White, I
Young, S

Officers

Ferguson, M (General Manager)
Hewitt, M (DGM, Environmental Planning & Community)
Taylor, B (DGM, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Griffith, N (Manager, Place Management)
Mulroney, J (Manager, Community Engagement)
Henty, A (Manager, Commercial Property & Projects)
Stagni, T (S94 Coordinator)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

TABLE OF CONTENTS

Item No	Item	Page No
Council Meeting		5
1.0	Public Forum	5
2.0	Resident Questions	5
3.0	Apologies	5
4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	6
5.0	Confirmation of Minutes	6
6.0	Public Addresses	6
7.0	Councillor Questions with Notice	6
8.0	Mayoral Minutes	6
9.0	Business by Exception	7
Sustainable Towns and Villages Committee		7
12.0	Sustainable Towns and Villages Committee Business	7
C12.1	Warriewood Valley Open Space- Southern Component of Central Local Park (Sector 9)	7
C12.2	Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016	8
Council Meeting		9
10.0	Council Meeting Business	9
C10.1	Notice of Motion - NSW Government Merger Proposals (Submitted by Cr Grace)	9
Leading and Learning Committee		10
11.0	Leading and Learning Committee Business	10
C11.1	6 Month Management Report - July-December 2015	10

Item No	Item	Page No
C11.2	Investment Balances as at 29 February 2016	10
C11.3	Tender T12/15 - Operation & Management of Monthly Markets at Governor Phillip Park, Palm Beach	11
C11.4	Report on Conference Attendance - NSW Public Libraries Association SWITCH 2015 - Cr Julie Hegarty	11
C11.5	Public Exhibition of the Avalon to Palm Beach Floodplain Risk Management Study and Plan	11
C11.6	Minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group Meeting held on 18 February 2016	12
C11.7	Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group Meeting held on 4 February 2016	12
C11.8	Minutes of the Audit and Risk Committee Meeting held on 16 February 2016	12
C11.9	Minutes of the Leading and Learning Reference Group Meeting held on 24 February 2016	12
Council Meeting		13
13.0	Adoption of Leading and Learning Committee Recommendations	13
14.0	Adoption of Sustainable Towns and Villages Committee Recommendations	13

Notes:

1. The Council Meeting commenced at 9.00am and adjourned at 9.09am, recommenced at 9.34am and adjourned at 10.12am, recommenced at 10.17am and adjourned at 10.33pm, recommenced at 10.48am and concluded at 10.50am.
2. The Sustainable Towns and Villages Committee Meeting commenced at 9.10am and concluded at 9.33am.
3. The Leading and Learning Committee Meeting commenced at 10.34am and concluded at 10.47am.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Nil.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Hegarty and leave of absence be granted from the Council Meeting held on 19 March 2016.

(Cr Millar / Cr Ferguson)

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

Cr Millar declared a less than significant non pecuniary interest in Item C12.1 – Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and to take part in discussion and voting on this item. The reason given by Cr Millar was:

“I live in Warriewood Valley, however this should not exclude me from participating in discussion and debate.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 7 March 2016 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 Ferguson / Cr Millar)

6.0 Public Addresses

C12.1 – Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) – with the leave of the Council Mr Chris Hornsby (President, Warriewood Residents Association) addressed the meeting speaking in support of the recommendation on this item.

7.0 Councillor Questions with Notice

Nil.

8.0 Mayoral Minutes

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.2, C11.4, C11.6 and C11.7 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr White / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Sustainable Towns and Villages Committee Meeting now commence.

(Cr White / Cr Millar)

Notes:

1. The Council Meeting adjourned at 9.09am and the Sustainable Towns and Villages Committee Meeting commenced at 9.10am.
2. Cr Griffith assumed the Chair.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1 Warriewood Valley Open Space- Southern Component of Central Local Park (Sector 9)

COMMITTEE RECOMMENDATION

1. That Council note:
 - a. The comprehensive community engagement that has occurred in relation to this matter
 - b. The terms of the Memorandum of Understanding
 - c. The independent valuation advice
 - d. The terms of the Deed of Agreement
 - e. That the cash adjustment from the proposed land transfers will be reinvested into the Section 94 fund to implement the plan as endorsed by Council.
 - f. The findings of the probity report prepared by Procure Group (Attachment 6).
2. That Council endorse the proposed terms of the land swap and authorise the General Manager to sign the deed of agreement for the land swap.

3. That Council support the progression of the land swap agreement, comprising:
 - a. Preparation and lodgement of a Planning Proposal to amend Pittwater LEP 2014 to reallocate dwelling yield and rezone the future park to a recreation zone as outlined in the Deed of Agreement,
 - b. Preparation and lodgement of a development application to subdivide/consolidate the existing land parcels to enable the transfer of land to occur.
4. That a future report be brought to Council at the completion of the transaction.
5. That Council endorse the concept masterplan for the southern component of the Central Local Park (Figure 2) to enable it to be progressed following the land swap.
6. That Council include stakeholders in the design of the southern component of the Central Local Park (Sector 9).

(Cr Millar / Cr Ferguson)

Note:

Cr Millar declared a less than significant non pecuniary interest in Item C12.1 – Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and to take part in discussion and voting on this item. The reason given by Cr Millar was:

“I live in Warriewood Valley, however this should not exclude me from participating in discussion and debate.”

C12.2	Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 17 February 2016
--------------	---

COMMITTEE RECOMMENDATION

1. That Council note the Minutes of the Leading & Learning Reference Group Meeting held on 17 February 2016 that relate to the discussion on:
 - Local Government Reform Update
 - Complying Development Medium Density
 - Verbal Update on Place Planning – Mona Vale
2. That Council note the further issues addressed under Emerging Business:
 - Greater Sydney Commission

(Cr Ferguson / Cr Grace)

Procedural Motion (COUNCIL DECISION)

That the Sustainable Towns and Villages Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Ferguson / Cr Townsend)

Notes:

1. The Sustainable Towns and Villages Committee Meeting concluded at 9.33am and the Council Meeting recommenced at 9.34am.
2. Cr Townsend resumed the Chair.

10.0 Council Meeting Business

**C10.1 Notice of Motion - NSW Government Merger Proposals
(Submitted by Cr Grace)**

COUNCIL DECISION

That Council write to Local Government NSW to seek urgent information on the legality of the NSW Local Government Reform Process.

(Cr Townsend / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr McTaggart / Cr Griffith)

Notes:

1. The following unsuccessful motion was moved by Cr Grace and seconded by Cr Griffith:
 1. *That Pittwater Council support Woollahra Council in its opposition to the State Government's forced amalgamation.*
 2. *That Pittwater Council seek urgent information from Woollahra Council regarding their proposed legal proceedings against the NSW Government merger proposal process and that this information be provided to Councillors as soon as received.*
 3. *That following the receipt of this information from Woollahra Council, Pittwater Council seek approval to join them in these proceedings by whatever means Council recommends.*
2. The Council Meeting adjourned at 10.12am to attend to a matter of disorder. The meeting recommenced at 10.17am.
3. Cr Griffith and Cr Young left the meeting at 10.33am to attend the Sydney Coastal Council Group Meeting and did not return to the meeting.

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Leading and Learning Committee Meeting now commence.

(Cr Ferguson / Cr Millar)

Notes:

1. The Council Meeting adjourned at 10.33am and the Leading and Learning Committee Meeting commenced at 10.34am.
 2. Cr Townsend remained in the Chair.
-

Leading and Learning Committee

11.0 Leading and Learning Committee Business

C11.1 6 Month Management Report - July-December 2015**COMMITTEE RECOMMENDATION**

That Council notes the progress being made within the 6 months from July-December 2015 towards the completion of actions identified as part of the 2015-2019 Delivery Program and Budget.

(Cr Millar / Cr Ferguson)

C11.2 Investment Balances as at 29 February 2016**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr White / Cr Ferguson)

C11.3 Tender T12/15 - Operation & Management of Monthly Markets at Governor Phillip Park, Palm Beach

COMMITTEE RECOMMENDATION

That the Recommendations for Tender T12/15 Operation and Management of Monthly Markets at Governor Phillip Park at Palm Beach as contained within the Confidential Section of this Agenda, be adopted as follows:

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, the tender received from The Parklife Partnership Pty Ltd for Operation and Management of a monthly market – Governor Phillip Park, for an amount per market of \$1,500.00 including GST be accepted, and that this company be awarded a licence for a period of one (1) year with two possible extensions of one (1) year each being available upon successful performance.
2. That the General Manager and Mayor be authorised to execute the Deed.
3. That upon receipt of Council resolution the unsuccessful tenderer be notified of the tender outcome and thanked for their participation.

(Cr Ferguson / Cr Grace)

C11.4 Report on Conference Attendance - NSW Public Libraries Association SWITCH 2015 - Cr Julie Hegarty

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr White / Cr Ferguson)

C11.5 Public Exhibition of the Avalon to Palm Beach Floodplain Risk Management Study and Plan

COMMITTEE RECOMMENDATION

1. That the Avalon to Palm Beach Floodplain Risk Management Study and Plan (NSW Public Works, February 2016) (tabled at meeting) be placed on public exhibition for a minimum period of 28 days with submissions invited from the community, supported by a program of community engagement.
2. That the Section 149(5) Planning Certificate for the properties identified as flood prone as a result of the Draft Avalon to Palm Beach Floodplain Risk Management Study and Plan be updated as an interim measure to raise awareness of the new flood information.

(Cr McTaggart / Cr Ferguson)

C11.6 Minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group Meeting held on 18 February 2016

COUNCIL DECISION (By Exception)

That the information provided in the report on the Minutes of the Avalon to Palm Beach Floodplain Risk Management Study and Plan Working Group Meeting held on 18 February 2016 be noted.

(Cr White / Cr Ferguson)

C11.7 Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group Meeting held on 4 February 2016

COUNCIL DECISION (By Exception)

That the information provided in the report on the meeting of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group be noted.

(Cr White / Cr Ferguson)

C11.8 Minutes of the Audit and Risk Committee Meeting held on 16 February 2016

COMMITTEE RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 16 February 2016 be noted.

(Cr Millar / Cr White)

C11.9 Minutes of the Leading and Learning Reference Group Meeting held on 24 February 2016

COMMITTEE RECOMMENDATION

That Council note the minutes and the outcomes of the Leading & Learning Reference Group Meeting held on 24 February 2016.

(Cr Ferguson / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Leading and Learning Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Ferguson / Cr Millar)

Notes:

1. The Leading and Learning Committee Meeting concluded at 10.47am and the Council Meeting recommenced at 10.48am.
 2. Cr Townsend remained in the Chair.
-

Council Meeting

13.0 Adoption of Leading and Learning Committee Recommendations**COUNCIL DECISION**

That the recommendations of the Leading and Learning Committee on Items C11.1, C11.3, C11.5, C11.8 and C11.9 comprising all Council members excepting for Cr Hegarty, Cr Griffith and Cr Young be and are hereby adopted.

(Cr White / Cr Ferguson)

14.0 Adoption of Sustainable Towns and Villages Committee Recommendations**COUNCIL DECISION**

That the recommendations of the Sustainable Towns and Villages Committee on Items C12.1 and C12.2 comprising all Council members excepting for Cr Hegarty, Cr Griffith and Cr Young be and are hereby adopted.

(Cr White / Cr Ferguson)

Note:

Cr Millar declared a less than significant non pecuniary interest in Item C12.1 – Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and to take part in discussion and voting on this item. The reason given by Cr Millar was:

“I live in Warriewood Valley, however this should not exclude me from participating in discussion and debate.”

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 10.50AM ON
SATURDAY, 19 MARCH, 2016**

.....
General Manager

.....
Mayor