



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

15 February 2010

Commencing at 6.30pm.

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)
Hunt, C (Director, Urban & Environmental Assets)
Godfrey, L (Acting Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Cordoba, L (Acting Manager, Planning & Assessment)
Pigott, A (Principal Strategic Planner)
Williams, A (Principal Development Officer)
Hay, G (Executive Development Officer)
Haron, D (Executive Strategic Planner)
Jones, M (Chief Financial Officer)
Beharrel, M (Manager, Natural Environment & Education)
Davies, P (Principal Engineer, Roads Traffic & Emergency Management)
Reid, P (Team Leader, Corporate Strategy)
Robins, R (Principal Officer, Administration)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.
Council acknowledges their traditional custodianship of the Pittwater area

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Notes:

1. The Council Meeting commenced at 6.30pm, adjourned at 7.32pm, recommenced at 9.49pm, and concluded at 9.59pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.33pm and concluded at 8.48pm.
3. The Governance Committee Meeting commenced at 8.49pm, moved into Closed Session at 9.22pm, resumed in Open Session at 9.42pm and concluded at 9.48pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions

Question 1 Mr Frank Makin

When will Council provide Bayview-Church Point Residents Association with copies of all Council records that evaluate the Association's proposal of December 2007 requested in the letter of the Association to Council dated 11 December 2009 headed Church Point Plan of Management and delivered to Council on that date?

Answer:

The Director, Urban & Environmental Assets advised that Council has previously looked at the Bayview Church Point Residents Association's decked carpark proposal adjoining McCarrs Creek Road to the west of Holmeport Marina. Given that this proposal involves major excavation of a steep road embankment currently vegetated with spotted gums, and an important corridor for the ecologically endangered spotted gum community, it was not considered feasible to further pursue this proposal. The sensitivity of this foreshore environmental setting was reinforced by the recent proposal to install a much smaller dinghy storage facility. Reference was also made to the adjoining Holmeport Marina and access required through that site. This access advice needs to be clarified in that this related to another separate proposal to construct decked carparking on that particular site which was also considered by Council and the Department of Lands. The proposal was reliant upon the Marina lessee's agreement, which was not forthcoming.

Question 2 Mr Frank Makin

Would Council please advise when Council will debate the proposal by Council staff to make Thomas Stephens Reserve adjoining the public wharf at Church Point an Alcohol Prohibited area?

Answer:

The General Manager advised that this report has been on public exhibition and that Council staff were currently reviewing submissions. A report back to Council was planned within the next two to three months.

Question 3 Mr Kyle Hill

If Foamcrest Avenue Newport is reclassified as a “collector road” carrying potentially up to 7,000 vehicles per day including a large number of trucks, what noise abatement measures will Council put in place to protect the approximate 500 residents?

Answer:

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

Question 4 Mr Ian Heard

Will the 500 or so residents of Foamcrest Avenue be consulted on the reclassification of Foamcrest Avenue as a “collector road” or will it be done with the stroke of a pen?

Answer:

The Director, Urban & Environmental Assets advised that there will be consultation on the reclassification of roads.

Question 5 Mr Ian Heard

Is it true to say that a reclassification to “collector road” will also justify a significantly greater traffic volume on Foamcrest Avenue?

Answer:

The Director, Urban & Environmental Assets advised that the classification of roads recognizes that a hierarchy of roads exists within a network of roads. As such, it facilitates the strategic grouping of roads. Foamcrest Avenue is already acting as a collector road and as such it is a more appropriate classification for this road.

Question 6 Mr Phil Walker

Could you, Mr Mayor, please investigate the failure of this Council’s staff to produce accurate and balanced reports to Council, using the Kitchener Park Management Plan and Pittwater RSL Futsal Courts as examples, and investigate the General Manager’s failure to investigate his staff?

Answer:

The Mayor advised that he would take the question on notice.

Question 7 Mr Phil Walker

Could you, Mr Mayor, confirm that I attended a meeting with you on Monday regarding inaccurate and misleading staff reporting on the Pittwater RSL Futsal Courts approval?

Could you also confirm that the Senior Planner, instead of applying Council’s Acoustic Control for Warriewood Valley and following up compliance issues, suggested instead – and I quote – “Phil, you should think about moving”?

Could you also confirm that you, Mr Mayor, suggested – and I quote – “You should find something else to think about at night”?

Answer:

The Mayor advised that he would take the question on notice.

Note:

The General Manager requested that it be put on the record that he refuted Mr Walker's comments which he considered to be inaccurate.

Question 8 Mr James Fairley

Would you, Mr Mayor, please investigate and advise the reason(s) why the Manager, Reserves, Recreation & Building Services, reported that the environmental consultant had recommended approval of the lighting (at Bayview Tennis Courts) when no such statement is made in its report?

Answer:

The Mayor advised that he would take the question on notice.

Question 9 Mr James Fairley

Would you also, Mr Mayor, please investigate and advise why Council's Senior Management Team approved the inclusion of this incorrect and misleading report by the Manager, Reserves, Recreation & Building Services, in the agenda for the Council Meeting of 6 April 2009, as reported by the statement on the agenda that: "The Senior Management Team has approved the inclusion of all reports in this agenda"?

Answer:

The Mayor advised that he would take the question on notice.

Question 10 Mr Angelo Quaglia

Have any of Central Ward Councillors, or for that matter any Councillors, inspected the safety of the "so called" roundabout at the Seaview Avenue / Foamcrest Avenue intersection and are they satisfied with its safety?

Answer:

The Mayor advised that he would take the question on notice.

Note:

A number of Councillors commented that they have used the subject roundabout and if motorists obey the road rules it functions reasonably well. Cr Hock advised that the roundabout was currently flat and this affected its use with some motorists not using it properly. The Director, Urban & Environmental Assets, advised that it is the intention that the current painted roundabout will be upgraded to a raised roundabout with some adjustments to kerbs when funding becomes available for this project.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr White and leave of absence be granted from the Council Meeting held on 15 February 2010 for his early departure at 7.12pm.

(Cr Hegarty / Cr Dunbar)

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

Cr James declared a significant non-pecuniary interest in Item C11.5, Minutes of the Pittwater Traffic Committee Meeting held on 8 December 2009 - Issue 2.5 - and took no part in discussion and voting on this item. The reason provided by Cr James was:

"One of the speakers to Issue 2.5 of the Traffic Committee Report, Ms Lynda James, is related to me by marriage".

Cr Hegarty declared a less than significant non-pecuniary interest in Item C11.2, Rezoning Application R0001/05 4 & 8 Forest Road Warriewood (Sector 5 of Warriewood Valley), and elected to remain in the chamber during consideration on this item. The reason provided by Cr Hegarty was:-

"The application is in the near vicinity to Mater Maria School where my daughters attend and it is mentioned in the staff report. I don't believe this to be of significance to my decision-making".

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 1 February 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 Minutes)

COUNCIL DECISION

That Items C10.2, C10.4 and C10.6 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

Procedural Motion (COUNCIL DECISION)

That Mr Richard Whitaker be granted leave to address the meeting on Item C11.2.

(Cr Townsend / Cr Hegarty)

Proceedings in Brief

C11.1 N0346/09 16 Emma Street Mona Vale – demolition of the existing dwelling and construction of a new dwelling and swimming pool – Mr Douglas McKay, Mr Sean Pinwill and Ms Kylie Pinwill with the leave of the Council addressed the meeting on this item.

C11.2 Rezoning Application (R0001/05) 4 & 8 Forest Road Warriewood (Sector 5 of Warriewood Valley) – Mr Richard Whitaker, Mr Lance Doyle and Ms Teresa Gualtieri with the leave of the Council addressed the meeting on this item.

C11.5 Minutes of the Pittwater Traffic Committee Meeting held on 8 December 2009 – Ms Anita Vosper, Mr Murray Osborne, Ms Sandra Lyndon-James and Ms Patricia Rott with the leave of the Council addressed the meeting on this item.

Notes:

1. Cr White retired from the meeting at 7.12pm
2. Cr James left the meeting at 7.22pm and returned at 7.32pm, having declared a significant non-pecuniary interest in Item C11.5, and took no part in discussion on this item.

8.0 Mayoral Minutes - Nil

9.0 Council Meeting Business

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Council Meeting adjourned at 7.32pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.33pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1 N0346/09 - 16 Emma Street, Mona Vale, for demolition of the existing dwelling and construction of a new dwelling and swimming pool

COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and Development Application N0346/09 for demolition of existing dwelling and construction of a new dwelling and swimming pool at 16 Emma Street Mona Vale, be granted development consent subject to the conditions contained in the Draft Determination and the following additional Conditions of Consent:

A. Additional Condition B29

B29 That the existing driveway be removed and the nature strip and kerb be restored to Council's requirements.

Additional Condition B30

B30 That the existing pine trees at the front of the property be removed and that no replacement plants shall be placed at the front of the house that will exceed two (2) metres at maturity.

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 reasonable preservation of views for the neighbouring property.

(Cr Dunbar / Cr Giles)

Notes:

1. A Division was duly taken resulting in the following voting:

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

2. The Committee Recommendation was carried on the casting vote of the Committee Chairperson, Cr Hegarty.

C11.2 Rezoning Application (R0001/05) - 4 and 8 Forest Road, Warriewood (Sector 5 of Warriewood Valley)

COMMITTEE RECOMMENDATION

1. That Council continue progressing the statutory rezoning process to rezone Sector 5 of Warriewood Valley to 2(f) Urban Purposes – Mixed Residential to allow residential development.
2. That Council forward to the Department of Planning, the amended Planning Proposal (Attachment 4) for their consideration.
3. That the applicant and owners of Sector 5, and all persons who have made a submission, including the RFS, be formally advised of Council's decision.
4. That should the Director of the Department of Planning not consider it necessary to re-notify the Planning Proposal for the rezoning of 4 & 8 Forest Road, Warriewood, that the progressing of the Statutory Rezoning process to rezone Sector 5 of Warriewood Valley to 2(f) Urban Purposes be delegated to the General Manager in accordance with Part 1 of this recommendation.

(Cr Giles / Cr James)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)

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

No (Against)

Nil

C11.3 Strategic Planning for Sea Level Rise and Climate Change Influenced Inundation

COMMITTEE RECOMMENDATION

1. That Council recognises that adoption of the benchmarks within the NSW Sea Level Rise Policy requires the review of existing land-use planning policies and risk management studies (e.g. flood studies).

2. That as well as the NSW Sea Level Policy Statement benchmarks, Council adopt the requirement for rainfall sensitivity analysis contained within the "*Practical Consideration of Climate Change, October 2007*" (Department of Environment and Climate Change) in the review of flood studies.
3. That where relevant risk management studies will not be completed by the end of 2010, interim hazard identification will be undertaken in line with guidelines being prepared by the DoP and DECCW.
4. That Council staff prepare an amendment to the development control *B3.23 Climate Change* to include the *NSW Sea Level Rise Policy Statement* benchmarks for intensification of development in flood affected areas.

(Cr James / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Rose)

C11.4 Status Update on the North Narrabeen Village Masterplan

COMMITTEE RECOMMENDATION

1. That Council defer finalisation of the North Narrabeen Village Masterplan until the adoption of the:
 - NSW Department of Planning "*Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise*", and
 - Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studiesto allow consideration of the appropriate planning responses.
2. That a report be presented to Council by 30 June 2010 on the status of the deferral.

(Cr James / Cr Dunbar)

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)

C11.5 Minutes of the Pittwater Traffic Committee Meeting held on 8 December 2009

COMMITTEE RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the meeting of 8 December 2009 be adopted.

(Cr Giles / Cr Dunbar)

Note:

Cr James left the meeting at 8.15pm, returned at 8.18pm, having declared a significant non-pecuniary interest, and took no part in discussion or voting on this item.

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Giles)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.48pm and the Governance Committee Meeting commenced at 8.49pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.1 Financial Report for the Period ending 31 December 2009 of the 2009/2010 Financial Year

COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 31 December 2009 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Hegarty /Cr Rose)

C10.2 Legal Expenditure for the Month of December 2009

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.3 Investment Balances for the Month of December 2009

COMMITTEE RECOMMENDATION

That the information provided in the report be noted, including the year to date (December) net investment return of \$ 810,279.

(Cr Grace / Cr Rose)

C10.4 December 2009 Quarterly Management Report

COUNCIL DECISION (By Exception)

That the Quarterly Management Report and the Best Practice Review Action updates for the period ending 31 December 2009 (Quarter 1) be noted.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

That the Committee resolve into Closed Session and that in the public interest and in accordance with Section 10A(2)(a) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C10.5. Section 10A(2)(a) permits the Committee to close the meeting to consider:

- (a) *personnel matters concerning particular individuals;*

(Cr Grace / Cr Giles)

Notes:

1. The Chairperson invited those in attendance to make verbal representations to the Committee on whether the meeting should be closed to consider Item C10.5. There were no requests to make a verbal representation.

2. At 9.22pm the Committee resolved into Closed Session with the press and public excluded to consider the personal information contained in the attachment to Item C10.5.
3. Cr Hegarty retired from the meeting at 9.22pm.

Procedural Motion (COUNCIL DECISION)

That the Governance Committee resolve into Open Session.

(Cr Grace / Cr Rose)

Note:

The Governance Committee resolved into Open Session at 9.42pm.

C10.5 Appointment of Internal Audit Committee Members

COMMITTEE RECOMMENDATION

That the matter of appointment of the Internal Audit Committee be deferred and the process completed with a view to looking at all candidates who meet the criteria.

(Cr Rose / Cr Giles)

Notes:

1. The following unsuccessful Motion was moved by Cr Townsend and seconded by Cr Rose:

“That consideration of the matter be deferred to allow for the interview of a further applicant for membership of the Internal Audit Committee and that the matter be reported to the next Governance Committee Meeting.”

2. The following unsuccessful Amendment was moved by Cr Giles and seconded by Cr James:

“1. That Mr Neil Adams and Mr John Gordon be appointed as independent members of the Internal Audit Committee, one of whom will be elected as Chair.

2. That Council nominate a Councillor to act as an alternative delegate to the Committee should either the Mayor or Deputy Mayor be unable to attend an Audit Committee meeting.

3. That applicants not selected to become members of the Audit Committee be thanked for their interest.”

C10.6 Monthly Contractors and Staff Report - Dec 2009

COUNCIL DECISION (By Exception)

1. That the report on the monthly appointments for staff and engagement of contracts as at 31 December 2009 as provided by the Business Unit Managers at Attachment A be noted.
2. That the terminations and appointments of staff during December 2009 be noted.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Rose)

Notes:

1. The Governance Committee Meeting concluded at 9.48pm and the Council Meeting recommenced at 9.49pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendations of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Grace / Cr Hock)

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.1, C11.2, C11.3 and C11.4 of the Planning an Integrated Built Environment Committee comprising all Council members be and are hereby adopted.

(Cr Grace / Cr Townsend)

COUNCIL DECISION

That the recommendation on Items C11.5 of the Planning an Integrated Built Environment Committee comprising all Council members, excepting for Cr James, be and is hereby adopted.

(Cr Grace / Cr Townsend)

Note:

Cr James retired from the meeting at 9.52pm and took no part in voting on Item C11.5

14.0 Councillor Questions

Questions - Cr Townsend

At the Meriton public meeting on 13 February 2010 there were a number of Meriton's information posters setting out the proposed development. On poster 08 it said:

"Pittwater Council's planned road and intersection upgrade in Warriewood Valley will cater for the traffic generated by the development. Planned intersection upgrades include:

- Roundabouts at: Boondah Road and Macpherson Street
Garden Street and Macpherson Street
Warriewood Road and Macpherson Street
(including realignment)
- New traffic signals at Mona Vale Road and Ponderosa Parade
- Additional capacity at the following intersections:
Warriewood Road and Pittwater Road
Jacksons Road and Pittwater Road"

Question 1 – Cr Townsend

Who is paying for these planned road and intersection upgrades?

Answer:

The projects specified are those included in the current approved Roads Master Plan and are to cater for the estimated traffic generated by the development of the Valley based on the current approved dwelling yield. Both the intersection and road designs are such that all roads will be at capacity (Macpherson / Garden Street) or near capacity (Warriewood Road) when development is complete based on approved dwelling yields. The projects themselves are to be funded by developer contributions to the Warriewood Valley Section 94 Contributions Plan. This plan is currently under review in response to the State Governments cap on developer contributions.

Question 2 – Cr Townsend

In Council's traffic management plan for Warriewood Valley, how many cars traveling to and from 14-18 Boondah Road were allowed for?

Answer:

Based on the approved yield of the site (140 dwelling units), the traffic generation allowed for in the current Roads Master Plan would be approximately 1,400 vehicles per day (vpd). The proposed 590 dwelling units would generate traffic volumes of approximately 5,900 vpd, an increase of approximately 4,000 vpd. The proposed development of 590 dwellings will generate traffic volumes that will require road improvements over and above those provided for in the current approved Roads Masterplan for the Warriewood Valley.

Question 3 Cr Townsend

Meriton, its consultants and its posters infer that Council's traffic plan accommodates the vehicle volume arising from its development. From your response that does not appear to be the case. Should we now write to both Meriton and the State Government to inform them that the information they are promoting during the public consultation process is in fact incorrect?

Answer:

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

Question 4 Cr Dunbar

Concerning pollution at Bayview Golf Course: Could we ask the Water Board if during large storms sewerage is discharged into Bayview Golf Course?

Answer:

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

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.59 PM ON
MONDAY 15 FEBRUARY 2010**