



PITTWATER COUNCIL

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***1 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)  
Dyce, L (Acting Director, Environmental Planning & Community)  
Payne, J (Acting Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Jones, M (Chief Financial Officer)  
Munn, L (Manager, Reserves, Recreation & Building Services)  
Cordoba, L (Acting Manager, Environmental Planning & Assessment)  
Wilkinson, K (Strategic Planner, Land Release)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Williams, S (Senior Communications Officer)  
Hewitt, M (Social, Community & Economic Development Coordinator)  
Beharrel, M (Acting Team Leader, Catchment Management & Climate Change)  
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 9.27pm, recommenced at 9.44pm, and concluded at 9.46pm.
2. The Community, Recreation and Economic Development Committee Meeting commenced at 9.28pm and concluded at 9.35pm.
3. The Natural Environment Committee Meeting commenced at 9.36pm and concluded at 9.43pm.

## **Council Meeting**

### **1.0 Apologies - Nil**

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

Cr Dunbar declared a less than significant non-pecuniary interest in Item C7.4, 23B Macpherson Street Warriewood, and took no part in discussion and voting on this item. The reason provided by Cr Dunbar was:

*"I live in the area."*

Cr Hegarty declared a significant non-pecuniary interest in Item C7.4, 23B Macpherson Street Warriewood, and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*"My mother holds a property in close proximity to the subject land and was notified of previous development application, however I don't believe the item would impact on her interests at all."*

### **3.0 Confirmation of Minutes**

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#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 21 December 2009 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)

## 4.0 Business by Exception

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### COUNCIL DECISION

That Items C7.5 and C8.3 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

## 5.0 Public Addresses

### Proceedings in Brief

**C7.1 NOTICE OF MOTION – Banners in Avalon Area** - Mr Paul Bagnell with the leave of the Council addressed the meeting on this item.

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### Procedural Motion (COUNCIL DECISION)

That all speakers be heard on Item C7.2.

(Cr Giles / Cr Hegarty)

**C7.2 Review of Warriewood Valley Planning Framework** – Mr Robert Hack, Ms Nadia Toumi, Ms Lynne Czinner and Mr Hette Mollema with the leave of the Council addressed the meeting on this item.

**C7.3 Comprehensive Review of Warriewood Valley Section 94 Contributions Plan to Comply with Directions of the Minister for Planning, and Council's Response to the Draft Development Contributions Guidelines 2009** – Ms Lynne Czinner with the leave of the Council addressed the meeting on this item.

**C7.4 23B Macpherson Street Warriewood** – Mr Paul Waterhouse and Mr Hette Mollema with the leave of the Council addressed the meeting on this item.

## 6.0 Mayoral Minutes - Nil

## 7.0 Council Meeting Business

### C7.1 NOTICE OF MOTION - Banners in Avalon Area

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### COUNCIL DECISION

1. That staff prepare a report amending the existing "Banners on Public Land" policy to include a designated site in Avalon that could be used by local clubs (including Avalon) for the purpose of advertising for new players at the commencement of each season and for the promotion of other community events.

2. That this report be brought to Council as a matter of urgency.
3. In the interim period that Council allow the area behind the bus stop on Barrenjoey Road adjacent to the entrance to Avalon Surf Club to be used as a temporary site by the Avalon Junior Rugby League Club and Careel Bay Soccer Club for the purpose of advertising registration dates for the coming season.

(Cr Grace / Cr Hegarty)

## **C7.2 Review of Warriewood Valley Planning Framework**

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### **COUNCIL DECISION**

1. That the Draft Warriewood Valley Planning Framework 2010 be placed on public exhibition subject to Sector 9 remaining as one sector and including the increase in dwelling numbers for that sector, and that the relevant State Government agencies be consulted.
2. All landowners in Warriewood Valley Land Release Area be advised of the Draft Warriewood Valley Planning Framework 2010.
3. That a public meeting be organised as part of the consultation process and that notification of this be included in the letter to all landowners.
4. That a report be brought back to Council on the outcomes of the consultation process.
5. That Climate Change issues including the impact of sea level rise, as outlined in Council's submission to the Director-General's Draft Requirements for the Part 3A proposal on 14-18 Boondah Road Warriewood be included in the joint strategic review discussions between Council and the Department of Planning to be held in accordance with Council resolution of 21 December 2009, and in the subsequent preparation of related planning documents and instruments.
6. That opportunities for affordable housing provision be included in the joint strategic review discussions between Council and the Department of Planning, to be held in accordance with Council resolution of 21 December 2009.

(Cr Hegarty / Cr Grace)

### **Notes:**

#### **1. Dissent**

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

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

"1. That the Draft Warriewood Valley Planning Framework 2010 be placed on public exhibition, and relevant State government agencies consulted.

2. All landowners in Warriewood Valley Land Release Area be advised of the Draft Warriewood Valley Planning Framework 2010.
3. That a report be brought back to Council on the outcomes of the consultation process.
4. That Climate Change issues including the impact of sea level rise, as outlined in Council's submission to the Director-General's Draft Requirements for the Part 3A proposal on 14-18 Boondah Road Warriewood be included in the joint strategic review discussions between Council and the Department of Planning to be held in accordance with Council resolution of 21 December 2009, and in the subsequent preparation of related planning documents and instruments.
5. That opportunities for affordable housing provision be included in the joint strategic review discussions between Council and the Department of Planning, to be held in accordance with Council resolution of 21 December 2009."

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**Procedural Motion (COUNCIL DECISION)**

That Cr Hegarty be granted an extension of two minutes to complete her address.

(Cr James / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

That Cr Grace be granted an extension of two minutes to complete his address.

(Cr Hegarty / Cr Townsend)

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**Procedural Motion (COUNCIL DECISION)**

That Cr James be granted an extension of two minutes to complete his address.

(Cr Grace / Cr Giles)

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**C7.3 Comprehensive Review of Warriewood Valley Section 94 Contributions Plan to Comply With Directions of the Minister for Planning, and Council's Response to the Draft Development Contributions Guidelines 2009**

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**COUNCIL DECISION**

1. That the contents of this report be noted.
2. That the recommendations of the "Independent Review" of the Warriewood Valley Section 94 Contributions Plan (Amendment No.16) carried out by Hill PDA be noted.



3. That the Department of Planning be advised of Council's actions and intended review of the Warriewood Valley Section 94 Contribution Plan as outlined in this report in relation to the Ministerial Direction. That the Department of Planning be provided with a copy of the "Independent Review" proposed by Hill PDA and a copy of this report.
4. That Council endorse the "Business Plan" submissions to the Minister for Planning for inclusion of the Library element and childcare facility proposal in the Community Services element as "non-essential infrastructure" in a reviewed Warriewood Valley Section 94 Contributions Plan, as contained in Attachments 4 and 5 to this report.
5. That Council request the Minister for Planning to vary the Ministerial Direction of 10<sup>th</sup> July 2009 to allow Council to set a contribution rate in a reviewed Warriewood Valley Section 94 Contributions Plan which includes a component towards administration and management costs commensurate with that recommended in the "Independent Review" carried out by Hill PDA and the Draft Local Development Contributions Guidelines.
6. That Council request the Minister for Planning to confirm that the current Warriewood Valley Section 94 Contributions Plan Amendment No.16 continues to apply to any Development Application to be determined prior to a reviewed Plan referred to in Recommendation 7 (below) coming into force, subject to any contributions not exceeding \$62,100 per equivalent dwelling.
7. That Warriewood Valley Section 94 Contributions Plan be reviewed and reported to Council following formal response from the Department of Planning in relation to Council's submission of the "Independent Review" carried out by Hill PDA, the "Business Plans" for the Library element and childcare facility proposal within the Community Services element supporting their inclusion in a reviewed Plan as non-essential infrastructure and a copy of this report.
8. That Council's submission to the Department of Planning on the Draft Local Development Contributions Guidelines as contained in Attachment 3 to this report, be forwarded to the Director General of the Department of Planning.

(Cr Giles / Cr Townsend)

## **C7.4 23B Macpherson Street, Warriewood**

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### **COUNCIL DECISION**

That the matter be deferred to obtain legal advice on the opportunities of inserting into the LEP that any size over 2,222 square metres of the Focal Neighbourhood Centre is prohibited.

(Cr Grace / Cr Townsend)

### **Notes**

1. Cr Dunbar left the meeting at 8.38pm due to a less than significant non-pecuniary interest, returned at 9.28pm, and took no part in discussion or voting on this matter.

2. Cr Hegarty left the meeting at 8.38pm due to a significant non-pecuniary interest and took no part in discussion or voting on this matter, and did not return for the remainder of the meeting.
3. The following Motion, moved by Cr Giles and seconded by Cr James, was withdrawn by Cr Giles with the seconder's consent:

"That the report be noted."

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### **Procedural Motion (COUNCIL DECISION)**

That Cr Grace be granted an extension of two minutes to complete his address.

(Cr Townsend / Cr Rose)

## **C7.5 Delegations over Christmas - New Year Recess 2009/2010**

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### **COUNCIL DECISION (By Exception)**

That Council note there were no policy making or regulatory functions undertaken by the Mayor or the delegated Committee of Council during the 2009/2010 recess period.

(Cr Hegarty / Cr Giles)

## **C7.6 Minutes of the Environmental Infrastructure Levy Advisory Committee Meeting held 9 December 2009**

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### **COUNCIL DECISION**

1. That the Minutes of the Environmental Infrastructure Levy Advisory Committee Meeting held on 9 December 2009 be noted.
2. That the endorsement by the Committee of the 2010/2011 major works program (with the exception of the Church Point Seawall) for inclusion in the draft Pittwater Council Management Plan 2010-2014 be noted.
3. That the Environmental Infrastructure Levy Advisory Committee be thanked for their individual participation.

(Cr Townsend / Cr Giles)

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## **Procedural Motion (COUNCIL DECISION)**

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

(Cr Rose / Cr Giles)

### **Notes:**

1. The Council Meeting adjourned at 9.27pm and the Community, Recreation and Economic Development Committee commenced at 9.28pm.
2. Cr Rose remained in the Chair.

## **Community, Recreation and Economic Development Committee**

### **8.0 Community, Recreation and Economic Development Committee Business**

#### **C8.1 Pittwater Volunteer Awards Program 2010**

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#### **COMMITTEE RECOMMENDATION**

That the following Councillors be appointed to the Pittwater Volunteer Awards Program Assessment Panel:

South Ward:	Cr Hegarty
North Ward:	Cr Grace
Central Ward:	Cr Dunbar

(Cr Giles / Cr James)

#### **C8.2 Mona Vale CBD Safety Working Party**

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#### **COMMITTEE RECOMMENDATION**

1. That Council support the expansion of the Mona Vale CBD Safety Working Party to include the village centres of Newport and Avalon.
2. That Council support the change of name of the group to the 'Pittwater Villages Safety Working Party'.
3. That an invitation be extended to representatives of the Avalon and Newport Chambers of Commerce to be members of the expanded working party.

(Cr Townsend / Cr Rose)

## **C8.3 Policy - Closed Circuit Television (CCTV)**

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### **COUNCIL DECISION (By Exception)**

1. That Council's draft policy on CCTV as outlined in Attachment 1 be adopted as an interim policy.
2. That Council's draft policy be placed on exhibition for public comment.
3. That the results of the exhibition be reported back to Council for consideration.

(Cr Hegarty / Cr Giles)

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### **Procedural Motion (COUNCIL DECISION)**

That the Community, Recreation and Economic Development Committee Meeting be concluded and the Natural Environment Committee Meeting now commence.

(Cr Rose / Cr White)

#### **Notes:**

1. The Community, Recreation and Economic Development Committee Meeting concluded at 9.35pm and the Natural Environment Committee Meeting commenced at 9.36pm.
2. Cr Rose remained in the Chair.

## **Natural Environment Committee**

### **9.0 Natural Environment Committee Business**

#### **C9.1 Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 5 December 2009**

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### **COMMITTEE RECOMMENDATION**

1. That the Minutes of the SCCG Ordinary Meeting of 5 December 2009 be noted.
2. That in support of the SCCG initiative to promote the NSW Shark Smart Program, Council also includes a link to the Shark Smart webpage on the Pittwater website.

(Cr James / Cr Giles)

## **C9.2 Minutes of the Narrabeen Lagoon Joint Estuary Floodplain Management Committee held on 27 August 2009**

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### **COMMITTEE RECOMMENDATION**

That the minutes of the Narrabeen Lagoon Joint Estuary/Floodplain Management (NLJEFM) Committee Meeting held 27 August 2009 be noted.

(Cr James / Cr Giles)

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### **Procedural Motion (COUNCIL DECISION)**

That the Natural Environment Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Grace / Cr Giles)

#### **Notes:**

1. The Natural Environment Committee Meeting concluded at 9.44pm and the Council Meeting recommenced at 9.45pm.
2. Cr Rose assumed the Chair.

## **Council Meeting**

### **10.0 Adoption of Community, Recreation and Economic Development Committee Recommendations**

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#### **COUNCIL DECISION**

That the recommendations of the Community, Recreation and Economic Development Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Grace)

## **11.0                    Adoption of Natural Environment Committee Recommendations**

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### **COUNCIL DECISION**

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

(Cr Giles / Cr Grace)

## **12.0                    Councillor Questions**

### ***Question 1 - Cr Hegarty:***

Has Council received formal notification from the EPA that the capping of the STP has been successful and will allow habitation of new dwellings within the previously established STP Buffer Area?

### ***Answer:***

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

## **13.0                    Response to Councillor Questions Taken on Notice at Previous Meetings – Nil**

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 9.46PM ON  
MONDAY 1 FEBRUARY 2010**