



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

6 October 2015

Commencing at 6.31pm

ATTENDANCE

Members

Hegarty, J (Chair)
Grace, B
Griffith, S
McTaggart, A
Millar, K
White, I
Young, S

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Godfrey, L (Manager, Community and Library Services)
Lawler, S (Acting Manager, Reserves, Recreation & Building Services)
Pang, J (Manager, Catchment Management & Climate Change)
Thana, M (Acting Chief Financial Officer)
Ratnakumar, C (Financial Accountant)
Hurst, J (Project Accountant)
Kwok, R (Civil Design & Traffic Engineer)
Gallery, S (Principal Officer, Governance)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

TABLE OF CONTENTS

Item No	Item	Page No
	Council Meeting	5
1.0	Apologies	5
2.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	6
3.0	Confirmation of Minutes	6
4.0	Public Addresses	6
5.0	Councillor Questions with Notice	7
6.0	Mayoral Minutes	7
7.0	Business by Exception	7
	Connecting Communities Committee	8
9.0	Connecting Communities Committee Business	8
C9.7	Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015	8
C9.5	Officers Nominated as Designated Persons Report	9
C9.1	Annual Financial Reports for 2014/15 - Submission to Audit	9
C9.2	Financial Report for the Period Ending 30 June 2015	9
C9.3	Investment Balances as at 31 August 2015	10
C9.4	Surf Club Subsidies 2015	10
C9.6	Tabling of Pecuniary Interest Returns Report	10

Item No	Item	Page No
	Natural Environment Committee	11
10.0	Natural Environment Committee Business	11
C10.1	Pittwater Estuary Mapping of Sea Level Rise Impacts Study	11
C10.2	Adoption of Revised Climate Change Policy No. 176	12
	Council Meeting	12
8.0	Council Meeting Business	12
C8.1	Matter of an Urgent Nature - Save Our Councils Coalition (Motion submitted by Cr Young)	13
C8.2	Matter of an Urgent Nature - Local Government NSW "Our Council, Our Voice, Our Choice" Campaign (Motion submitted by Cr Hegarty)	14
C8.3	Matter of an Urgent Nature - Agenda for Councillor Briefings (Motion submitted by Cr Griffith)	14
C8.4	Matter of an Urgent Nature - Communications with Councillors (Motion submitted by Cr Griffith)	15
C8.5	Matter of an Urgent Nature - Public Facilities at Elanora Heights	15
11.0	Adoption of Connecting Communities Committee Recommendations	16
12.0	Adoption of Natural Environment Committee Recommendations	16

Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 7.06pm, recommenced at 8.10pm and concluded at 9.50pm.
2. The Connecting Communities Committee Meeting commenced at 7.07pm and concluded at 7.48pm.
3. The Natural Environment Committee Meeting commenced at 7.49pm and concluded at 8.09pm.
4. The first item of business on the Agenda was the election of a Councillor to Chair the meeting as both the Mayor and Deputy Mayor were absent.

Council Meeting

COUNCIL DECISION

That Cr Hegarty be elected to Chair the Council Meeting of 6 October 2015 in the absence of both the Mayor and the Deputy Mayor.

(Cr Millar / Cr White)

Note:

Cr Hegarty assumed the Chair.

1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Townsend and Cr Ferguson and leave of absence be granted from the Council Meeting held on 6 October 2015.

(Cr White / Cr Young)

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

1. Cr Millar declared a significant non-pecuniary interest in Item C9.7 – Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015 (TC4.5 Nabilla Road Palm Beach Proposed Double Separation Lines) and elected to not take part in any discussion or voting on this item. The reason provided by Cr Millar was:

“One of the registered speakers is a close friend of someone close to me (he did not speak after all.”

2. Cr Grace declared a less than significant non-pecuniary interest in Item C9.7 – Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015 (TC4.5 Nabilla Road Palm Beach Proposed Double Separation Lines) and elected to not take part in any discussion or voting on this item. The reason provided by Cr Grace was:

“I am an acquaintance of the person registered to speak (Sam Silvestre) and the person who did speak (Mark Flew).”

3.0 **Confirmation of Minutes**

COUNCIL DECISION

That the Minutes of the Council Meeting held on 21 September 2015 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 Millar / Cr White)

4.0 **Public Addresses**

C9.7 Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015:

TC4.1 – Powderworks Road North Narrabeen – Proposed Traffic Calming Scheme – With the leave of the Council Ms Cristina Zdroykowski, Ms Natasha Schultz and Mr Nigel Olsen addressed the meeting speaking against the recommendation on this item.

TC4.5 – Nabilla Road Palm Beach – Proposed Double Separation Lines – With the leave of the Council Ms Diana Dennison, Mr Mark Flew and Mr Chris Stevens addressed the meeting speaking against the recommendation on this item.

Note:

Cr Grace left the meeting at 6.54pm and returned at 6.54pm, having declared a less than significant non-pecuniary interest in Item C9.7 – Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015 (TC4.5 Nabilla Road Palm Beach Proposed Double Separation Lines) and elected to not take part in any discussion or voting on this item, including public addresses. The reason provided by Cr Grace was:

"I am an acquaintance of the person registered to speak (Sam Silvestre) and the person who did speak (Mark Flew).

5.0 Councillor Questions with Notice

Nil.

6.0 Mayoral Minutes

Nil.

7.0 Business by Exception

COUNCIL DECISION

That Items C9.1, C9.2, C9.3, C9.4, C9.6 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Griffith / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Connecting Communities Committee Meeting now commence.

(Cr Griffith / Cr White)

Notes:

1. The Council Meeting adjourned at 7.06pm and the Connecting Communities Committee Meeting commenced at 7.07pm.
2. Cr Hegarty remained in the Chair for Item C9.7 as Cr Millar left the chamber due to having declared a significant non-pecuniary interest in that item.

Connecting Communities Committee

9.0 Connecting Communities Committee Business

C9.7 Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015

COMMITTEE RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 8 September 2015 be adopted excepting that TC4.1 – Powderworks Road North Narrabeen – Proposed Traffic Calming Scheme and TC4.5 – Nabilla Road Palm Beach – Proposed Double Separation Lines be deferred for the purposes of further consultation and on-site meetings with affected residents, Council staff and their local Resident Associations.

(Cr McTaggart / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

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

(Cr McTaggart / Cr Griffith)

Notes:

1. Cr Millar left the meeting at 7.07pm and returned at 7.39pm, having declared a significant non-pecuniary interest in Item TC4.5 – Nabilla Road Palm Beach – Proposed Double Separation Lines – and elected to not take part in discussion or voting on this item. The reason provided by Cr Millar was:
“One of the registered speakers is a close friend of someone close to me (he did not speak after all.”
2. Cr Grace left the meeting at 7.07pm and returned at 7.39pm, having declared a less than significant non-pecuniary interest in Item TC4.5 – Nabilla Road Palm Beach – Proposed Double Separation Lines – and elected to not take part in discussion or voting on this item. The reason provided by Cr Grace was:
“I am an acquaintance of the person registered to speak (Sam Silvestre) and the person who did speak (Mark Flew).
3. Cr Millar assumed the Chair on her return.

C9.5 Officers Nominated as Designated Persons Report

COMMITTEE RECOMMENDATION

1. That all employees of Pittwater Council holding the positions listed in Attachment 2 to this report, be nominated as 'Designated Persons' in accordance with section 441 of the *Local Government Act, 1993*.
2. That the position of 'Land Dealings Officer' in the Commercial Property and Projects Business Unit be included as a Designated Person on Attachment 2 – Designated Persons.

(Cr Griffith / Cr Hegarty)

C9.1 Annual Financial Reports for 2014/15 - Submission to Audit

COUNCIL DECISION (By Exception)

1. That the Annual Financial Reports for 2014/15 be adopted.
2. That the Mayor, Councillor, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Reports.
3. That the Annual Financial Reports for 2014/15 be referred to Council's Auditor.
4. That on receipt of the Audited Reports, a copy is forwarded to the Department of Local Government and the Australian Bureau of Statistics.
5. That Council's Auditor be invited in writing to attend the appropriate meeting to present his Report to the Council.

(Cr Griffith / Cr White)

C9.2 Financial Report for the Period Ending 30 June 2015

COUNCIL DECISION (By Exception)

1. That the financial results for the period ending 30 June 2015 be noted.
2. That Council approves the Revote of Reserve funds of \$2.146 million for major works (as per item 4.9 of this report) to be carried forward to the 2015/2016 Financial Year
3. That Council approves the Revote of General funds to be carried forward to the 2015/2016 Financial Year for the following items:

IT Purchases	\$73,852
Plant Purchases	\$86,439

(Cr Griffith / Cr White)

C9.3 Investment Balances as at 31 August 2015

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Griffith / Cr White)

C9.4 Surf Club Subsidies 2015

COUNCIL DECISION (By Exception)

1. That the subsidies offered to the surf clubs this financial year be increased by 2.2% on the 2014/2015 financial year.
2. That Council pay a total direct cash subsidy of \$84,057 being:
 - A payment of \$7,881 to each of the nine (9) Surf Clubs in the Pittwater area.
 - A payment of \$6,564 to Surf Life Saving Sydney Northern Beaches Inc. for management and administration costs and IRB operations.
 - A shared user charge of \$6,564 to Warringah Surf Rescue.
3. That a donation equivalent to the rates of \$38,056 be made to Palm Beach Surf Life Saving Club, and \$10,786 to Whale Beach Surf Life Saving Club for 2015/16.
4. That the total amount of funding (\$2.4m approximately) expended on supporting surf lifesaving and lifeguard services and facilities on Pittwater beaches in 2014/15 be noted.
5. That Surf Life Saving Sydney Northern Beaches Inc. and the nine (9) Surf Clubs be invited to a cheque presentation at the Council meeting to be held on 19 October 2015 and their highly valued volunteer support to help keep our beaches safer be acknowledged.

(Cr Griffith / Cr White)

C9.6 Tabling of Pecuniary Interest Returns Report

COUNCIL DECISION (By Exception)

1. That it be noted that all Councillors and all employees nominated as 'Designated Persons' by Council resolution of 13 October 2014, have lodged pecuniary interest returns in accordance with the requirements of the Local Government Act, 1993.
2. That the pecuniary interest returns for the twelve (12) month period ending 30 June 2015 be tabled at the Council Meeting.

(Cr Griffith / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Connecting Communities Committee Meeting be concluded and the Natural Environment Committee Meeting now commence.

(Cr White / Cr Hegarty)

Notes:

1. The Connecting Communities Committee Meeting concluded at 7.48pm and the Natural Environment Committee Meeting commenced at 7.49pm.
2. Cr White assumed the Chair.

Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1 Pittwater Estuary Mapping of Sea Level Rise Impacts Study

COMMITTEE RECOMMENDATION

1. That the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), including associated inundation mapping and the estuarine planning level dataset, be adopted.
2. That the landowners of additional properties (450 lots) not previously identified as affected by an estuarine inundation hazard but now identified by the 2015 Study as subject to a current or future risk of estuarine inundation be advised in writing that such an affectation will now be included on planning certificates issued for the land.
3. That the landowners of those properties (101 lots) previously identified by the 2004 Study as affected by an inundation hazard but not identified by the 2015 Study as being subject to either a current or future risk of estuarine inundation be advised in writing that an estuarine inundation hazard affectation will no longer be included on planning certificates issued for the land.
4. That the Estuarine Risk Mapping sets produced by the 2015 Study be used to determine those properties around the Pittwater estuary that will be subject to the Estuarine Risk Management Policy for Development in Pittwater and relevant controls of Pittwater 21 DCP.
5. That an Estuarine Planning Level for the 2050 planning horizon (incorporating an allowance for sea level rise of 0.4m relative to 1990 mean sea level) be applied to all development except for 'vulnerable use' purposes as defined by clause 7.4 (3) of Pittwater LEP 2014.

6. That an Estuarine Planning Level for the 2100 planning horizon (incorporating an allowance for sea level rise of 0.9m relative to 1990 mean sea level) be applied to all development classified as a 'vulnerable use' purpose as defined by clause 7.4 (3) of Pittwater LEP 2014.
7. That subject to any directions from the NSW Government that may arise through the Stage 2 Coastal Reform process, Council's adopted sea level rise projections and the Pittwater Estuarine Inundation Mapping be reviewed following the release of the Intergovernmental Panel on Climate Change Sixth Assessment Report (AR6).

(Cr Griffith / Cr White)

C10.2 Adoption of Revised Climate Change Policy No. 176

COMMITTEE RECOMMENDATION

1. That the revised Climate Change Policy No. 176 be adopted.
2. That the revised Climate Action Plan Framework be noted as a corporate working document.

(Cr Griffith / Cr Young)

Procedural Motion (COUNCIL DECISION)

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

(Cr Millar / Cr Grace)

Notes:

1. The Natural Environment Committee Meeting concluded at 8.09pm and the Council Meeting recommenced at 8.10pm.
2. Cr Hegarty resumed the Chair.

Council Meeting

8.0 Council Meeting Business

C8.1	Matter of an Urgent Nature - Save Our Councils Coalition (Motion submitted by Cr Young)
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Note:

The Chair determined that the following Motion was a Matter of an Urgent Nature.

COUNCIL DECISION

That the following Motion be dealt with as a Matter of an Urgent Nature.

(Cr Young / Cr Griffith)

COUNCIL DECISION

1. That Pittwater Council supports the general aims of the Save Our Councils Coalition.
 - To keep our local councils local.
 - To ensure that the NSW State Government keeps its promise of “No forced amalgamations”.
2. That a letter of support from the Council to the Save Our Councils Coalition be signed by the General Manager and available Councillors.

(Cr Young / Cr Griffith)

Note:

The following amendment moved by Cr White was withdrawn:

1. *That Pittwater Council supports the aims of the Save Our Councils Coalition.*
 - *To keep our local councils local.*
 - *To ensure that the NSW State Government keeps its promise of “No forced amalgamations”.*
2. *That a letter of support from the Council to the Save Our Councils Coalition be signed by the General Manager and available Councillors.*

C8.2	Matter of an Urgent Nature - Local Government NSW "Our Council, Our Voice, Our Choice" Campaign (Motion submitted by Cr Hegarty)
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Note:

The Chair determined that the following Motion was a Matter of an Urgent Nature.

COUNCIL DECISION

That the following Motion be dealt with as a Matter of an Urgent Nature.

(Cr McTaggart / Cr Griffith)

COUNCIL DECISION

That Pittwater Council support and promote the *"Our Council, Our Voice, Our Choice"* campaign by Local Government NSW and that Council utilises any resources deemed necessary that Local Government NSW has developed to promote and support our position of No Forced Amalgamations within the community.

(Cr Hegarty / Cr Griffith)

C8.3	Matter of an Urgent Nature - Agenda for Councillor Briefings (Motion submitted by Cr Griffith)
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Note:

The Chair determined that the following Motion was a Matter of an Urgent Nature.

COUNCIL DECISION

That the following Motion be dealt with as a Matter of an Urgent Nature.

(Cr Griffith / Cr Young)

COUNCIL DECISION

That a draft agenda for Councillor Briefings be provided to Councillors on the Wednesday prior to the briefing in order for them to prepare appropriately for the briefings.

(Cr Griffith / Cr Young)

C8.4	Matter of an Urgent Nature - Communications with Councillors (Motion submitted by Cr Griffith)
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Note:

The Chair determined that the following Motion was a Matter of an Urgent Nature.

COUNCIL DECISION

That the following Motion be dealt with as a Matter of an Urgent Nature.

(Cr Griffith / Cr Young)

COUNCIL DECISION

That the General Manager send a memorandum to Business Unit Managers to remind them of their obligations under Policy No. 166 – Customer Service Charter.

(Cr Griffith / Cr Hegarty)

C8.5	Matter of an Urgent Nature - Public Facilities at Elanora Heights
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Note:

The Chair determined that the following Motion was a Matter of an Urgent Nature.

COUNCIL DECISION

That the following Motion be dealt with as a Matter of an Urgent Nature.

(Cr Griffith / Cr Young)

COUNCIL DECISION

1. That the cost of providing a public toilet facility at Elanora Heights Kalang Road Shopping area be determined.
2. That the cost of providing a garbage bin on the north east corner of Kalang Road and St Andrews Gate be determined.
3. That costs and funding options for both of these public facilities be provided to Council by the first Council Meeting in December.

(Cr Griffith / Cr Hegarty)

11.0	Adoption of Connecting Communities Committee Recommendations
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COUNCIL DECISION

That the recommendation of the Connecting Communities Committee on Item C9.7 comprising all Council members excepting for Cr Millar and Cr Grace be and is hereby adopted.

(Cr Griffith / Cr White)

Notes:

1. Cr Millar left the meeting at 9.48pm and returned at 9.49pm having declared a significant non-pecuniary interest in Item C9.7 – Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015 (TC4.5 Nabilla Road Palm Beach Proposed Double Separation Lines) and elected to not take part in any discussion or voting on this item. The reason provided by Cr Millar was:

“One of the registered speakers is a close friend of someone close to me (he did not speak after all.”

2. Cr Grace left the meeting at 9.48pm and returned at 9.49pm having declared a less than significant non-pecuniary interest in Item C9.7 – Minutes of the Pittwater Traffic Committee Meeting held on 8 September 2015 (TC4.5 Nabilla Road Palm Beach Proposed Double Separation Lines) and elected to not take part in any discussion or voting on this item. The reason provided by Cr Grace was:

“I am an acquaintance of the person registered to speak (Sam Silvestre) and the person who did speak (Mark Flew).

FURTHER COUNCIL DECISION

That the recommendation of the Connecting Communities Committee on Item C9.5 comprising all Council members be and is hereby adopted.

(Cr White / Cr Griffith)

12.0	Adoption of Natural Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Natural Environment Committee on Items C10.1 and C10.2 comprising all Council members be and are hereby adopted.

(Cr White / Cr McTaggart)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.50PM ON
TUESDAY 6 OCTOBER 2015**