



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

4 March 2013

Commencing at 6.30pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Godfrey, L (Acting Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Munn, L (Manager, Reserves, Recreation & Building Services)
Pigott, A (Acting Manager, Planning & Assessment)
Cordoba, L (Principal Officer Land Release)
Williams, A (Principal Development Officer)
Shaw, M (Manager Urban Infrastructure)
Mulroney, J (Principal Officer, Community Engagement)
Beharrell, M (Manager, Natural Environment & Education)
Angles, G (Principal Officer, Administration)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 8.18pm, recommenced at 11.39pm and concluded at 11.51pm.
2. The Community, Recreation and Economic Development Committee Meeting commenced at 8.19pm and adjourned at 9.16pm, recommenced at 11.20pm and adjourned at 11.29pm, recommenced at 11.39pm and concluded at 11.40pm.
3. The Natural Environment Committee Meeting commenced at 9.17pm and concluded at 11.19pm.
4. The Closed Session of the Community Recreation and Economic Development Meeting commenced at 11.30pm and concluded at 11.38pm.

Council Meeting

1.0 Apologies

Nil

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

1. Cr Young declared a significant non-pecuniary interest in Item C9.1 – Bungan Head Road, Newport – Report on further consultation on proposed one lane slow point. The reason provided by Cr Young was:

“Previous community involvement as secretary of the Newport Residents Association reported in Manly Daily, spoke at Traffic Committee Meeting”

2. Cr White declared a significant non-pecuniary interest in Item C9.6 – Church Point Commuter Wharf – User Fees. The reason provided by Cr White was:

“Fees may be perceived to have an impact on the property value of my house”.

3. Cr Griffith declared a significant non-pecuniary interest in Item C9.8 (item 2.10) – Minutes of the Pittwater Traffic Committee Meeting held on 12 February 2013. The reason provided by Cr Griffith was:

“My home borders Elanora Primary School and the road where changes are proposed. My children attend the school. I am a P & C member”.

4. Cr Millar declared a significant non-pecuniary interest in Item C9.8 (item 2.10) – Minutes of the Pittwater Traffic Committee Meeting held on 12 February 2013. The reason provided by Cr Millar was:

“I am employed at Elanora Heights Public School as Administrative Manager”.

5. Cr Hegarty declared a significant non-pecuniary interest in Item C10.1 – Background Report outlining Pre-Gateway Review Process for R0002/12 – 120 Mona Vale Road, 10 Jubilee Avenue and 4A boundary Street, Warriewood. The reason provided by Cr Hegarty was:

“I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate”.

6. Cr Townsend declared a significant non-pecuniary interest in Item C10.1 – Background Report outlining Pre-Gateway Review Process for R0002/12 – 120 Mona Vale Road, 10 Jubilee Avenue and 4A boundary Street, Warriewood. The reason provided by Cr Townsend was:

“Sitting delegate of JRPP. Determination of Planning Assessment of item”

7. Cr Hegarty declared a significant non-pecuniary interest in Item C10.2 –Planning Assessment R0002/12 – 120 Mona Vale Road, 10 Jubilee Avenue and 4A boundary Street, Warriewood . The reason provided by Cr Hegarty was:

“I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate”.

8. Cr Townsend declared a significant non-pecuniary interest in Item C10.2 –Planning Assessment R0002/12 – 120 Mona Vale Road, 10 Jubilee Avenue and 4A boundary Street, Warriewood. The reason provided by Cr Townsend was:

“Sitting delegate of JRPP. Determination of Planning Assessment of item”.

9. Cr Young declared a significant non-pecuniary interest in Item C10.4 – N0466/11 – 316 – 324 Barrenjoey Road and 2 The Boulevard, Newport. The reason provided by Cr Young was:

“Previous community involvement as secretary of the Newport Residents Association. Wrote submission and attended Land and Environment Court on site meetings, and attended Development Unit”.

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 18 February 2013 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 Hegarty)

4.0 Public Addresses

C6.1 – Collaboration of SHOROC Councils and the Independent Local Government Review – With the leave of the Council, Mr Harvey Rose addressed Council speaking in support of the recommendation.

C9.1 – Bungan Head Road, Newport – Report on Further Consultation on proposed one lane slow point - With the leave of the Council, Mr Anthony Bloom addressed Council speaking against the recommendation. Mr Paul Mclean addressed Council speaking in support of the recommendation.

C9.6 – Church Point Commuter Wharf – User Fees - With the leave of the Council, Mr Bill Gye and Mr Michael Weiner addressed Council speaking in support of the recommendation.

C9.7 – Review of Reference Groups - With the leave of the Council, Mr Hans Hui addressed Council speaking against the recommendation.

C9.8 – Minutes of the Pittwater Traffic Committee Meeting held on 12 February 2013 – With the leave of the Council, Mr Kyle Jensen, Mrs Valerie Jensen, Mr Steve McInnes and Mr David Garrett addressed Council speaking against the recommendation. Mr Justin Wolfe, Mr Greg Whitney and Judy McEnnally addressed Council speaking in support of the recommendation.

C10.1 – Background Report outlining Pre-Gateway Review Process for R0002/12 – 120 Mona Vale Road, 10 Jubilee Avenue and 4a Boundary Street Warriewood – With the leave of the Council, Mr Charles Hill, Ms Stella Walter and Mr Mark Couston addressed Council speaking against the recommendation. Mr David Palmer addressed Council speaking in support of the recommendation.

C10.2 – Planning Assessment of R0002/12 - 120 Mona Vale Road, 10 Jubilee Avenue and 4a Boundary Street Warriewood – With the leave of the Council, Mr Charles Hill, Ms Gabrielle Morrish and Mr Roy Mustaca addressed Council speaking against the recommendation. Ms Marita Macrae, Ms Connie Harris and Mr Henry Wardlaw addressed Council speaking in support of the recommendation.

C10.4 – N0466/11 – 316-314 Barrenjoey Road and 2 The Boulevarde Newport - With the leave of the Council, Mr Jeffrey Brady and Ms Patricia Fry and Mr David Catchlove addressed Council speaking in support of the recommendation.

5.0 Councillor Questions on Notice

Nil.

6.0 Mayoral Minutes

C6.1 Mayoral Minute Council Collaboration

COUNCIL DECISION

1. That Pittwater Council endorse the SHOROC Board resolution on 20 February 2013 regarding regional collaboration and forced amalgamations.
2. That Pittwater council continue to collaborate regionally on policy and operational issues as an alternative to forced amalgamations.

(Cr Townsend)

Note:

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Griffith	
Cr Grace	
Cr Hegarty	
Cr McTaggart	
Cr Millar	
Cr Townsend	
Cr White	
Cr Young	

7.0 Business by Exception

COUNCIL DECISION

That Items C9.4, C10.3 and C10.5 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr White / Cr Hegarty)

8.0 Council Meeting Business

Nil.

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Griffith)

Notes:

1. The Council Meeting adjourned at 8.18pm and the Community, Recreation and Economic Development Committee Meeting commenced at 8.19pm.
2. Cr Millar assumed the Chair.

Community, Recreation and Economic Development Committee

9.0 Community, Recreation and Economic Development Committee Business

C9.1 Bungan Head Road, Newport - Report on Further Consultation on Proposed One Lane Slow Point

COMMITTEE RECOMMENDATION

1. That the report be noted.
2. That the proposed one lane slow point and associated works (shown on Council Plan No. 24-TC-2012) in Bungan Head Road (between Karloo Parade and Myola Road) be constructed as an interim measure to improve safety and that funding of \$75,000 be included in Council's 2013/14 Delivery Plan for this purpose.
3. That future works to construct a new retaining wall on a widened road alignment to accommodate two trafficable lanes and separate pedestrian footpath be carried out when funds are available.

(Cr White / Cr Griffith)

Note:

Cr Young left the meeting at 8.19pm and returned at 8.27pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Young was:

“Previous community involvement as secretary of the Newport Residents Association reported in Manly Daily, spoke at Traffic Committee Meeting”.

C9.4	Expression of Interest E04/12 - Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale
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COUNCIL DECISION (By Exception)

1. That in accordance with Section 55 of the *Local Government Act* and the Local Government (General) Regulation, the Expressions of Interest from the following Companies for the provision of a multi storey car park, Bungan Lane, Mona Vale (EO4/12) be accepted and these companies be invited to submit detailed tenders through a subsequent select tender process.

ADCO Constructions Pty Ltd
Cockram Construction
Haslin Construction Pty Ltd
Hindmarsh Construction Australia
Lipman Pty Ltd
Parkview Group Australia Pty Ltd

2. That the unsuccessful respondents be advised of Council's decision.

(Cr White / Cr Hegarty)

C9.6	Church Point Commuter Wharf - User Fees
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COMMITTEE RECOMMENDATION

That the negotiated fee for a boat tie-up at Church Point Commuter Wharf be noted and modified in conjunction with the 2013/14 Delivery Plan.

(Cr Townsend / Cr Hegarty)

Note:

Cr White left the meeting at 8.28pm and returned at 8.30pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr White was:

"Fees may be perceived to have an impact on the property value of my house".

C9.7 Review of Reference Groups

COMMITTEE RECOMMENDATION

1. That the findings of the survey highlighted by this report be noted.
2. That Council adopt the proposed amendments to the Reference Group Charter.
3. That Council note that an Expression of Interest process will be initiated from Saturday 9 March 2013 for a period of 28 days.
4. That a Panel be created to review applications and select members to each reference group. The panel shall consist of:
 - 3 Councillors (one from each ward)
 - Director of Environmental Planning and Community Division
 - Director of Urban and Environmental Assets
5. That unsuccessful suitable applicants for appointment to the reference group be placed on a merit based list to fill any vacancies.

(Cr Townsend / Cr Griffith)

FURTHER COMMITTEE RECOMMENDATION

That Cr Griffith, Cr Ferguson and Cr Hegarty be the nominated Councillors on the Panel.

(Cr Townsend / Cr Ferguson)

Note:

The following unsuccessful amendment which was moved by Cr Young and seconded by Cr Grace:

- “1. That the findings of the survey highlighted by this report be noted.*
- 2. That Council adopt the proposed amendments to the Reference Group Charter.*
- 3. That Council note that an Expression of Interest process will be initiated from Saturday 9 March 2013 for a period of 28 days.*
- 4. That a Panel be created to review applications and select members to each reference group.*

The panel shall consist of:

 - 3 Councillors (one from each ward)*
 - Director of Environmental Planning and Community Division*
 - Director of Urban and Environmental Assets*
- 5. That unsuccessful suitable applicants for appointment to the reference group be placed on a merit based list to fill any vacancies.*
- 6. That the proposed Leading and Learning Reference Group be called the Governance and Learning Reference Group.”*

C9.8	Minutes of the Pittwater Traffic Committee Meeting held on 12 February 2013
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COMMITTEE RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 12 February 2013 be adopted, save for item TC4.10 for further discussion with the Community and item TC4.3 for further investigation by staff.

(Cr Townsend / Cr Ferguson)

Notes:

1. Cr Millar left the meeting at 9.02pm and returned at 9.15pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Millar was:

"I am employed at Elanora Heights Public School as Administrative Manager".

2. Cr Griffith left the meeting at 9.02pm and returned at 9.15pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Griffith was:

"My home borders Elanora Primary School and the road where changes are proposed my children attend the school. I am a P & C member".

3. Cr Townsend assumed the Chair.

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Grace)

Notes:

1. The Community, Recreation and Economic Development Committee Meeting adjourned at 9.17pm and the Natural Environment Committee Meeting commenced at 11.19pm.
2. Cr White assumed the Chair.

Natural Environment Committee

10.0	Natural Environment Committee Business
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C10.1	Background Report outlining Pre-Gateway Review Process for R0002/12 - 120 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood
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COMMITTEE RECOMMENDATION

- 1 That Council note the contents of this report.
- 2 That the General Manager write to the Director-General of the Department of Planning & Infrastructure indicating the following reasons why a decision was not made within 90 days for the Planning Proposal R0002/12 – 120-122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street:-
 - a) The information submitted in support of the Planning Proposal is deficient. The material submitted to date does not adequately demonstrate that 10 Jubilee Avenue and 4A Boundary Street are able to provide acceptable access, with reasonable environmental impacts, to 120 and 122 Mona Vale Road. The material submitted to date does not adequately demonstrate that 120 and 122 Mona Vale Road are able to support low density residential housing. The following additional information is required to enable an appropriate assessment of the proposal:
 - Access arrangements must be demonstrated to be appropriate for the number new lots proposed. This includes appropriate access for emergency vehicles. The environmental impacts of any access arrangement should also be appropriately considered and demonstrated to be acceptable.
 - Water Management must be appropriately considered inclusive of details demonstrating no detrimental impact on downstream properties.
 - A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land
 - An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed
 - A preliminary assessment of Aboriginal archaeological and cultural heritage is required
 - A revised masterplan that reflects the recommended changes to minimum lot sizes
- 3 That the General Manager write to the Director-General of Department of Planning & Infrastructure expressing Council's concern that the Department agreed to a Pre-Gateway review even though the application for review appears to have failed the Department's own test as outlined below:

"That Council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information."

(Cr Millar / Cr Griffith)

Notes:

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

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Griffith	
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr White	
Cr Young	

2. Cr Hegarty left the meeting at 9.18pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Hegarty was:

“I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate”

3. Cr Townsend left the meeting at 9.18pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Townsend was:

“Sitting delegate of JRPP. Determination of Planning Assessment of item”

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Young)

C10.2	Planning Assessment of R0002/12 - 120 to 122 Mona Vale Road, 10 Jubilee Avenue and 4 Boundary Street Warriewood
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COMMITTEE RECOMMENDATION

- 1 That Council refuse the Planning Proposal (Rezoning) Application R0002/12, 120 to 122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street for the following reasons:-
- i) The trees within 10 Jubilee Avenue and 4A Boundary Street are identified as Significant or High Landscape Significance and the potential tree loss including information on location and number of trees to be removed is unknown.
 - ii) Unacceptable impacts on flora and fauna both on and adjacent to 4A Boundary Street and 10 Jubilee Avenue.
 - iii) The resultant adverse visual impact on the Escarpment due to the significant extent of cut required for the road combined with the significant amount of vegetation and tall canopy trees required to be removed is unacceptable.

- iv) It is recognised that the application is only a Planning Proposal however, there is no certainty that the design and location of the road can comply with the relevant Australian Standards or Warriewood Valley Roads Masterplan in the following area:
 - a. The maximum longitudinal grade of the proposed access road exceeds the 15% maximum specified in the Austroad Standard to roads having the function of a Local Road and as such is not acceptable;
 - b. The proposed access road does not achieve the minimum traffic sight distances on the crest as specified in the Austroad Standard for roads having the function of a Local Road and as such is not acceptable;
 - c. The proposed intersection design of the proposed road and Boundary Street is not acceptable;
 - d. The proposed intersection design of the proposed road and Jubilee Avenue is not acceptable and does not reflect the design in the Warriewood Valley Roads Masterplan;
 - e. The proposed intersection of the proposed road with the existing Right-of-Way to the Uniting Church needs to be designed in accordance with Pittwater 21 DCP, B6.2.
 - f. The functionality of the proposed road for emergency vehicles and its use as an evacuation route has not been established.
 - g. The future traffic volumes on Jubilee Avenue and Ponderosa Parade that will exist when the Warriewood Valley Urban Land Release project is complete; and
- v) The submitted bushfire report does not accurately identify the vegetation category or site gradient. A revised report is required. It is likely that upon correct identification of these features a revised masterplan layout will be required.
- vi) Failure to satisfy s117 Direction 4.4 Planning for Bushfire Protection. Failure to adequately address risk to life and property from bushfire threat.
- vii) Inadequate information on how water can be managed on all four properties to demonstrate there is no detrimental impact on downstream properties in the catchment.
- viii) Insufficient information demonstrating compliance with State Environmental Planning Policy No 55 – Remediation of Land.
- ix) No information on aboriginal archaeological and cultural heritage assessment.
- x) The proposed access onto Mona Vale Road directly or via Boundary Street is not acceptable.
- xi) Given that 120 and 122 Mona Vale Road are visually prominent sites, concern is raised to the ability to accommodate appropriately size canopy trees in the proposed lots.
- xii) Lot layout as currently proposed will have unacceptable impacts on the existing wildlife corridor.

2. That Council write to the Director-General of Planning and Infrastructure advising Council's decision to refuse the Planning Proposal Application R0002/12 and that the Planning Proposal should not proceed to the JRPP or the Gateway as the application does not meet the assessment criteria outlined by the Department's 'A Guide to preparing local environmental plans' for the reasons outlined in section 10.4 and 10.5 of the report.
3. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application advising them of Council's decision.

(Cr White / Cr Griffith)

Notes:

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

Aye (For)	No (Against)
Cr Ferguson	Cr Grace
Cr Griffith	
Cr McTaggart	
Cr Millar	
Cr White	
Cr Young	

2. The following unsuccessful amendment which was moved by Cr Young, and seconded by Cr Ferguson:

"1 That Council refuse the Planning Proposal (Rezoning) Application R0002/12, 120 to 122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street for the following reasons:

- i) The trees within 10 Jubilee Avenue and 4A Boundary Street are identified as Significant or High Landscape Significance and the potential tree loss including information on location and number of trees to be removed is unknown.*
- ii) That council maintain its 1994 resolution:*
"that the determination of land use classifications and future rezonings will be based on environmental characteristics of the area, including vegetation, which were in existence prior to January 1994 as determined by the Environmental Studies carried out by Council for the Ingleside/Warriewood Land Release Project."
- iii) Unacceptable impacts on flora and fauna both on and adjacent to 4A Boundary Street and 10 Jubilee Avenue.*
- iv) The resultant adverse visual impact on the Escarpment due to the significant extent of cut required for the road combined with the significant amount of vegetation and tall canopy trees required to be removed is unacceptable.*
- v) It is recognised that the application is only a Planning Proposal however, there is no certainty that the design and location of the road can comply with the relevant Australian Standards or Warriewood Valley Roads Masterplan in the following area:*
 - a. The maximum longitudinal grade of the proposed access road exceeds the 15% maximum specified in the Austroad Standard to roads having the function of a Local Road and as such is not acceptable.*

- b. *The proposed access road does not achieve the minimum traffic sight distances on the crest as specified in the Austroad Standard for roads having the function of a Local Road and as such is not acceptable;*
 - c. *The proposed intersection design of the proposed road and Boundary Street is not acceptable;*
 - d. *The proposed intersection design of the proposed road and Jubilee Avenue is not acceptable and does not reflect the design in the Warriewood Valley Roads Masterplan;*
 - e. *The proposed intersection of the proposed road with the existing Right-of-Way to the Uniting Church needs to be designed in accordance with Pittwater 21 DCP, B6.2.*
 - f. *The functionality of the proposed road for emergency vehicles and its use as an evacuation route has not been established.*
 - g. *The future traffic volumes on Jubilee Avenue and Ponderosa Parade that will exist when the Warriewood Valley Urban Land Release project is complete; and*
- vi) *The submitted bushfire report does not accurately identify the vegetation category or site gradient. A revised report is required. It is likely that upon correct identification of these features a revised masterplan layout will be required.*
 - vii) *Failure to satisfy s117 Direction 4.4 Planning for Bushfire Protection. Failure to adequately address risk to life and property from bushfire threat.*
 - viii) *Inadequate information on how water can be managed on all four properties to demonstrate there is no detrimental impact on downstream properties in the catchment.*
 - ix) *Insufficient information demonstrating compliance with State Environmental Planning Policy No 55 – Remediation of Land.*
 - x) *No information on aboriginal archaeological and cultural heritage assessment.*
 - xi) *The proposed access onto Mona Vale Road directly or via Boundary Street is not acceptable.*
 - xii) *Given that 120 and 122 Mona Vale Road are visually prominent sites, concern is raised to the ability to accommodate appropriately size canopy trees in the proposed lots.*
 - xiii) *Lot layout as currently proposed will have unacceptable impacts on the existing wildlife corridor.*
2. *That Council write to the Director-General of Planning and Infrastructure advising Council's decision to refuse the Planning Proposal Application R0002/12 and that the Planning Proposal should not proceed to the JRPP or the Gateway as the application does not meet the assessment criteria outlined by the Department's 'A Guide to preparing local environmental plans' for the reasons outlined in section 10.4 and 10.5 of the report.*
 3. *That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application advising them of Council's decision."*

3. A division was duly taken resulting in the following voting on the lost amendment:

Aye (For)	No (Against)
Cr Ferguson	Cr Griffith
Cr Young	Cr Grace
	Cr McTaggart
	Cr Millar
	Cr White

4. Cr Hegarty left the meeting at 9.18pm and returned at 10.49pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Hegarty was:

“I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate”

5. Cr Townsend left the meeting at 9.18pm and returned at 10.49pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Townsend was:

“Sitting delegate of JRPP. Determination of Planning Assessment of item”.

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 Young)

C10.3	Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council
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COUNCIL DECISION (By Exception)

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tenders received from:

- Plateau Tree Services Pty Ltd.
- C J Murphy Tree Recycling Services Pty Ltd.
- City Wide Service Solutions Pty Ltd.
- Active Tree Services.

as per the tendered schedule of rates for the Tree Maintenance Services, be accepted and that these companies be placed on a Panel for a contract period of an initial two (2) year period with one (1) year options for extension available upon successful performance.

2. That work be made available to all panel members in the services tendered on a cheapest rate/first available basis
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr White / Cr Hegarty)

C10.4	N0466/11 - 316-324 Barrenjoey Rd and 2 The Boulevarde Newport
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report not be endorsed and development application N0466/11 for shop top housing development and an attached dual occupancy at 316 – 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063) and 2 The Boulevarde, Newport (Lot 39 DP 18415) not be granted development consent due to a non-compliance with the requirements of Clause D10.6 - Height (Newport Commercial Centre) of Pittwater 21 DCP, the cumulative effect of setbacks, building separation, flood storage, basement driveway ramp gradient, private open space, basement parking access off Barrenjoey Road, arcades and orientation of single aspect units.

(Cr Grace / Cr Ferguson)

Reason for Deviation from Recommendation

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 further strengthen the reasons for Council's refusal".

Note:

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Griffith	
Cr Grace	
Cr Hegarty	
Cr McTaggart	
Cr Millar	
Cr Townsend	
Cr White	

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Griffith)

Note:

Cr Young left the meeting at 10.51pm and returned at 11.15pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Young was:

"Previous community involvement as secretary of the Newport Residents Association. Wrote submission and attended Land and Environment Court on site meetings, attended Development Unit".

C10.5	2012 Bushfire Prone Land Mapping
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COUNCIL DECISION (By Exception)

1. That the finalised Pittwater 2012 Bushfire Prone Land Map, as tabled at this meeting be forwarded to the NSW Commissioner of the Rural Fire Service for Certification.
2.
 - a) That following the NSW Rural Fire Service Commissioner certification of the Pittwater 2012 Bushfire Prone Land Map, Section 149 Certificates issued under the *Environmental Planning and Assessment Act 1979* are modified consistent with the certified Pittwater 2012 Bushfire Prone Land Map.
 - b) That following the NSW Rural Fire Service Commissioner certification of the Pittwater 2012 Bushfire Prone Land Map, Pittwater Council's Development Control Plan - B3.2 Bushfire Hazard is modified to reflect the Pittwater 2012 Bushfire Prone Land Map.

(Cr White / Cr Hegarty)

C10.6	Minutes of the Natural Environment Reference Group Meeting held on 13 February 2013
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COMMITTEE RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 13 February 2013 that relate to the Discussion Papers on:

- ***Community Strategic Plan Review Update***
- ***Review of Council's Reference Groups***
- ***Common Waste Service Collection System - Progress Update***

and the Actions and Progress to date, along with further initiatives and reference points to strengthen these initiatives be noted and this information be taken into consideration as part of Council's Strategic Plan, Delivery Plan and specific management plan processes.

(Cr McTaggart / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That the Natural Environment Committee Meeting be closed and the Community, Recreation and Economic Development Committee Meeting now recommence.

(Cr White / Cr Hegarty)

Notes:

1. The Natural Environment Committee Meeting closed at 11.19pm and the Community, Recreation and Economic Development Committee Meeting recommenced at 11.20pm.
2. Cr Millar assumed the Chair.

9.0	Community, Recreation and Economic Development Committee Business
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C9.2	Tender T08/11 Establishment of a Panel for Printing and Related Services to Council
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COMMITTEE RECOMMENDATION

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tenders received from:
 - SOS Print & Media Group Australia Pty Ltd
 - Blue Star Print Group

as per the tendered schedule of rates for the Provision of Printing and Related Services, be accepted and that these companies be placed on a Panel for a contract period of an initial two (2) year period with one (1) year options for extension available upon successful performance.

2. That work be made available to all panel members in the services tendered on a cheapest rate/first available basis
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Townsend / Cr Grace)

C9.5	North Narrabeen Synthetic Playing Field - User Fees
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COMMITTEE RECOMMENDATION

That the schedule of fees and charges for the hiring of the synthetic playing field at Narrabeen Sports High School, as per **Attachment 1**, be adopted.

(Cr Millar / Cr Young)

Procedural Motion (COUNCIL DECISION)

That the Community, Recreation and Economic Development Committee Meeting resolve into Confidential Session and that in the public interest and in accordance with Section 10A(2)(d) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider item C9.3 – Confidential Legal Advice - Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club. Section 10A(2)(d) permits the Committee to close the meeting to consider:

- (d) Commercial information of a confidential nature that would, if disclosed:-
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.

(Cr Young / Cr Millar)

Notes:

1. The General Manager advised the meeting that he had received no written submissions from the public seeking to address the Council on whether the meeting should be closed to discuss confidential matters relating to item C9.3. There were no requests to make a verbal representation.
2. At 11.30pm the Community Recreation and Economic Development Committee resolved into Confidential Session, with the press and public excluded, to discuss the report on item C9.3 - Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club.

Procedural Motion (COUNCIL DECISION)

That the Confidential Session of the Community Recreation and Economic Development Committee Meeting be concluded and that the Community Recreation and Development Committee Meeting move back into Open Session.

(Cr White / Cr Hegarty)

Note:

The Community Recreation and Economic Development Committee Meeting moved back into Open Session at 11.38pm

C9.3	Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club
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COMMITTEE RECOMMENDATION

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tender received from Keystone Projects Group for Renovations to Avalon Beach Surf Life Saving Club T15/12) in the amount of \$2,694,322.77 (Option 2) including GST be accepted.
2. That the General Manager be authorized to sign all contract documentation required for the execution of Tender T15/12 and to make payments and consider variations in accordance with delegations of authority.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Grace / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Confidential Session of the Community Recreation and Economic Development Committee Meeting be concluded and that the Community Recreation and Development Committee Meeting move back into Open Session.

(Cr White / Cr Hegarty)

Notes:

1. The Community Recreation and Economic Development Committee Meeting moved back into Open Session at 11.38pm
2. Upon resumption into the Open Community Recreation and Economic Development Committee Meeting the General Manager, reported on the resolution formulated in the Confidential Session.

Procedural Motion (COUNCIL DECISION)

That the Community, Recreation and Economic Development Committee Meeting be concluded and the Council Meeting now recommence.

(Cr White / Cr Hegarty)

Notes:

1. The Community, Recreation and Economic Development Committee Meeting closed at 11.39pm and the Council Meeting recommenced at 11.40pm.
2. Cr Townsend assumed the Chair.

Council Meeting

11.0 Adoption of Community, Recreation and Economic Development Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C9.2, C9.3, C9.5 and C9.7 of the Community Recreation and Economic Development Committee Meeting comprising all Council members be, and are hereby, adopted.

(Cr Griffith / Cr Hegarty)

FURTHER COUNCIL DECISION

That the recommendation on Item C9.1 of the Community Recreation and Economic Development Committee Meeting comprising all Council members with the exception of Cr Young be, and is hereby, adopted.

(Cr Grace / Cr Griffith)

Note:

Cr Young left the meeting at 11.41pm and returned at 11.42pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Young was:

“Previous community involvement as secretary of the Newport Residents Association reported in Manly Daily, spoke at Traffic Committee Meeting”.

FURTHER COUNCIL DECISION

That the recommendation on Item C9.6 of the Community Recreation and Economic Development Committee Meeting comprising all Council with the exception of Cr White be, and is hereby, adopted.

(Cr Hegarty / Cr Grace)

Note:

Cr White left the meeting at 11.43pm and returned at 11.44pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr White was:

"Fees may be perceived to have an impact on the property value of my house".

FURTHER COUNCIL DECISION

That the recommendation on Item C9.8 of the Community Recreation and Economic Development Committee Meeting comprising all Council with the exception of Cr Griffith and Cr Millar be, and is hereby, adopted.

(Cr Hegarty / Cr White)

Notes:

1. Cr Griffith left the meeting at 11.45pm and returned at 11.46pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Griffith was:

"My home borders Elanora Primary School and the road where changes are proposed. My children attend the school. I am a P & C member".

Cr Millar left the meeting at 11.45pm and returned at 11.46pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Millar was:

"I am employed at Elanora Heights Public School as Administrative Manager".

12.0	Adoption of Natural Environment Committee Recommendations
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COUNCIL DECISION

That the recommendation on Item C10.6 of the Natural Environment Committee Meeting comprising all Council members be and is hereby adopted.

(Cr Griffith / Cr Young)

FURTHER COUNCIL DECISION

That the recommendations on Items C10.1 and C10.2 of the Natural Environment Committee Meeting comprising all Council with the exception of Cr Hegarty and Cr Townsend be, and are hereby, adopted.

(Cr Young / Cr McTaggart)

Notes:

1. Cr Hegarty left the meeting at 11.47pm and returned at 11.48pm, having declared a significant non-pecuniary interest in these items and took no part in discussion or voting. The reason provided by Cr Hegarty was:

“I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate”

2. Cr Townsend left the meeting at 11.47pm and returned at 11.48pm, having declared a significant non-pecuniary interest in these items and took no part in discussion or voting. The reason provided by Cr Townsend was:

“Sitting delegate of JRPP. Determination of Planning Assessment of item”

3. Cr Grace assumed the Chair.
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FURTHER COUNCIL DECISION

That the recommendation on Item C10.4 of the Natural Environment Committee Meeting comprising all Council with the exception of Cr Young be, and is hereby, adopted.

(Cr Grace / Cr Hegarty)

Notes:

1. Cr Young left the meeting at 11.49pm and returned at 11.50pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Young was:

*“Previous community involvement as secretary of the Newport Residents Association.
Wrote submission and attended Land and Environment Court on site meetings,
attended Development Unit”.*

2. Cr Townsend assumed the Chair.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 11.51 PM ON MONDAY
4 MARCH 2013**