



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

4 November 2013

Commencing at 6.31pm

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Hunt, C (Director, Urban & Environmental Assets)
Godfrey, L (Acting Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Pigott, A (Manager, Planning and Assessment)
Cordoba, L (Principal Officer Land Release)
Reid, P (Manager, Corporate Strategy & Commercial)
Mulroney, J (Principal Officer Community Engagement)
Pang, J (Manager, Catchment Management & Climate Change)
Angles, G (Principal Officer Administration)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 6.39pm, recommenced at 7.57pm and concluded at 8.20pm.
2. The Connecting Communities Committee Meeting commenced at 6.40pm and concluded at 7.28pm.
3. The Natural Environment Committee Meeting commenced at 7.29pm and concluded at 7.56pm.

Council Meeting

1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Griffith and Cr White and leave of absence be granted from the Council Meeting held on 4 November 2013.

(Cr Hegarty / Cr Ferguson)

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

1. Cr Townsend declared a significant non-pecuniary interest on Item C10.1 – Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Townsend was:

"As a delegate on the JRPP, this item may be referred to the JRPP at some point in the future."

2. Cr Hegarty declared a significant non-pecuniary interest on Item C10.1 – Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Hegarty was:

"As I sit as Council's delegate on the JRPP which this application may be presented to in the future."

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 21 October 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 Hegarty / Cr Ferguson)

4.0 Public Addresses

Proceedings in Brief

C9.2 – Adoption of Community Engagement Policy - with the leave of the Council Mr Ross Smith addressed the meeting speaking in support of the recommendation on this item.

5.0 Councillor Questions on Notice

Nil.

7.0 Business by Exception

COUNCIL DECISION

That Items C6.1, C8.2, C8.3, C9.1 and C10.3 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Ferguson)

Notes:

1. The Council Meeting adjourned at 6.39pm and the Connecting Communities Committee Meeting commenced at 6.40pm.
2. Cr Millar assumed the Chair.

Connecting Communities Committee

9.0 Connecting Communities Committee Business

C9.2 Adoption of Community Engagement Policy

COMMITTEE RECOMMENDATION

1. That Council note the comments from the period of public exhibition.
2. That the revised Community Engagement Policy (at **Attachment 2**) be adopted.

(Cr Millar / Cr Townsend)

C9.3 Policy 169 - Open Air Cinema Events on Council Controlled Land

COMMITTEE RECOMMENDATION

1. That Council adopt draft Policy 169 'Open Air Cinema Events on Council Controlled Land' as shown at **Attachment 2** for the purpose of public exhibition.
2. That draft Policy 169 'Open Air Cinema Events on Council Controlled Land' be placed on public exhibition for a period of 28 days.
3. That on completion of the public exhibition period, a further report be provided to Council addressing any public submissions received.

(Cr Townsend / Cr Hegarty)

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 Ferguson)

Note:

The following unsuccessful motion was moved by Cr Millar and seconded by Cr Young:

- “1. That Council adopt draft Policy 169 ‘Open Air Cinema Events on Council Controlled Land’ as shown at **Attachment 2** for the purpose of public exhibition, with the following amendment to Conditions of Operation:*
 - Open air cinema events will have either a “G”, “PG” or “M” rating. No films with ratings of “MA” or “R” will be permitted. “M” rated movies to only be shown after 8.00pm **at Pittwater Park.***
- 2. That draft Policy 169 ‘Open Air Cinema Events on Council Controlled Land’ be placed on public exhibition for a period of 28 days.*
- 3. That on completion of the public exhibition period, a further report be provided to Council addressing any public submissions received.”*

C9.1	Mona Vale General Cemetery - Proposed Changes to Fees and Charges
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COUNCIL DECISION (By Exception)

That the recommended fees and charges for Mona Vale General Cemetery as set out in **Attachment 1** of this report be adopted

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Young / Cr Grace)

Notes:

1. The Connecting Communities Committee Meeting concluded at 7.28pm and the Natural Environment Committee Meeting commenced at 7.29pm.
2. Cr Ferguson assumed the Chair for Item C10.1 during Cr Townsend's absence.

Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1 Pre-Gateway Review Request of Council s Determination of Planning Proposal PP0002/13 - 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood

COMMITTEE RECOMMENDATION

That Council note the contents of this report and:-

- Advise the Minister and the Director-General in the strongest terms that the request by the proponent to seek a review of the Planning Proposal is invalid as the application was not made within the 40 day time frame stipulated by the Department's procedure. The Minister be further advised that failure to reject the proponent's application on this basis would undermine the Government's credibility and community relations, particularly given the Government's stated ambition reflected in the current Bill before Parliament of accountability, reliance on strategic planning, community trust and engagement.
- Forward to the Department of Planning & Infrastructure the tabled submission that highlights the total lack of strategic merit of the Planning Proposal and its gross inconsistency with the Warriewood Valley Strategic Review adopted by Director-General of the Department of Planning & Infrastructure and Council.

(Cr Millar / Cr Grace)

Notes:

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

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

2. Cr Townsend left the meeting at 7.29pm and returned at 7.48pm, having declared a significant non-pecuniary interest on Item C10.1 – Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Townsend was:

"As a delegate on the JRPP, this item may be referred to the JRPP at some point in the future."

3. Cr Hegarty left the meeting at 7.29pm and returned at 7.48pm, having declared a significant non-pecuniary interest in Item C10.1 - Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Hegarty was:

"As I sit as Council's delegate on the JRPP which this application may be presented to in the future."

4. On her return Cr Townsend resumed the Chair.

C10.2	Narrabeen Lagoon Flood Study Final Report for Adoption (BMT WBM, 2013)
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COMMITTEE RECOMMENDATION

1. That the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4) be adopted.
2. That Pittwater Council undertake the Narrabeen Lagoon Floodplain Risk Management Study and Plan in partnership with Warringah Council.
3. That the maps as presented in the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4) are included in the Flood Hazard Maps of the Pittwater 21 Development Control Plan.
4. That the Section 149 (2) Certificate notations are updated with the flood extents as presented in the Final Narrabeen Lagoon Flood Study (BMT WBM, September 2013, version 4).
5. That the interim Section 149 (5) Certificate notation relating to the Draft Narrabeen Lagoon Flood Study be removed.
6. That the Narrabeen Creek Sea Level Rise Investigation Area be removed.

7. That the following proposed amendments to Pittwater 21 DCP C6.4, C6.5 and C6.7 be placed on statutory public exhibition for a minimum 28 days with submissions invited from the community:

*“A Water Management Report is to be prepared for each sector of the land release in accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001), **and Narrabeen Lagoon Flood Study (September 2013)** or as amended. The report must incorporate water cycle management, water quality management, watercourse and corridor management, and floodplain management. A copy of the specification **and Flood Study** can be obtained from Council.”*

8. That a public notice be placed in the Manly Daily detailing the proposed amendments to the Pittwater 21 DCP C6.4, C6.5 and C6.7, specifying the period during which submissions may be made to Council as well as places for inspection of the amendment.

(Cr Millar / Cr Ferguson)

C10.3	Minutes of the Sydney Coastal Councils Group Annual General Meeting of 21 September 2013
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COUNCIL DECISION (By Exception)

That the Minutes of the SCCG Annual General Meeting of 21 September 2013 (appended as **Attachment 1**) be noted.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Young)

Notes:

1. The Natural Environment Committee Meeting concluded at 7.56pm and the Council Meeting recommenced at 7.57pm.
2. Cr Townsend remained in the Chair.

Council Meeting

6.0 Mayoral Minutes

C6.1 Mayoral Minute - General Manager's Performance Review Policy

COUNCIL DECISION (By Exception)

That the Council adopts the draft General Manager's Performance Review policy at **Attachment 1**.

(Cr Hegarty / Cr Ferguson)

8.0 Council Meeting Business

C8.1 Notice of Motion - Grants for Wood Smoke Reduction Program 2014 (Motion submitted by Cr Hegarty)

COUNCIL DECISION

That Council apply (via the Expression of Interest process) for funding for an improved education program and practical reduction in emissions from wood fire heaters in Pittwater.

(Cr Hegarty / Cr Young)

C8.4 Council Meeting Dates for 2014

COUNCIL DECISION

That the attached 2014 Council meeting schedule be confirmed.

(Cr Townsend / Cr Ferguson)

Note:

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

“That in those months which have public holidays (April & October) an extra Council Meeting be arranged so that two meetings occur within those months.”

C8.2	Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
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COUNCIL DECISION (By Exception)

1. That the information provided in the report be noted.
2. That the attached “Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors” be adopted.
3. That Council’s Policy Register be updated to include the new Policy.
4. That a copy of the adopted Policy be provided to the Division of Local Government.

(Cr Hegarty / Cr Ferguson)

C8.3	General Review of Council Policies
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COUNCIL DECISION (By Exception)

That the Council Policies, as tabled, be adopted.

(Cr Hegarty / Cr Ferguson)

11.0	Adoption of Connecting Communities Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Natural Environment Committee on Items C9.2 and C9.3 comprising all Council members be and are hereby adopted.

(Cr Hegarty / Cr Ferguson)

12.0	Adoption of Natural Environment Committee Recommendation
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COUNCIL DECISION

That the recommendation of the Natural Environment Committee on Item C10.2 comprising all Council members be and are hereby adopted.

(Cr Hegarty / Cr Young)

FURTHER COUNCIL DECISION

That the recommendation of the Natural Environment Committee on Item C10.1, comprising all Council members excepting for Cr Townsend and Cr Hegarty, be and is hereby adopted.

(Cr Grace / Cr Young)

Notes:

1. Cr Townsend left the meeting at 8.18pm and returned at 8.19pm, having declared a significant non-pecuniary interest on Item C10.1 – Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Townsend was:

"As a delegate on the JRPP, this item may be referred to the JRPP at some point in the future."

2. Cr Hegarty left the meeting at 8.18pm and returned at 8.19pm, having declared a significant non-pecuniary interest in Item C10.1 – Pre-Gateway Review Request of Council's Determination of Planning Proposal PP0002/13 – 2 & 18 Macpherson Street & 23, 25 & 27 Warriewood Road Warriewood. The reason provided by Cr Hegarty was:

"As I sit as Council's delegate on the JRPP which this application may be presented to in the future."

3. Cr Ferguson assumed the Chair for the remainder of the meeting.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.20PM
ON MONDAY 4 NOVEMBER 2013**