



PITTWATER COUNCIL

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***15 April 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)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Hewitt, M (Social, Community & Economic Coordinator)  
Cordoba, L (Principal Officer, Land Release)  
Edgar, G (Executive Planning Officer)  
Reid, P (Manager, Corporate Strategy & Commercial)  
Jones, M (Chief Financial Officer)  
Tasker, P (Administration Officer/ Minute Secretary)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.30pm and adjourned at 7.01pm, recommenced at 9.41pm and concluded at 9.52pm.
  2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.02pm and concluded at 8.39pm.
  3. The Governance Committee Meeting commenced at 8.40pm and concluded at 9.40pm.
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**Council Meeting**

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**1.0 Public Forum**

Nil.

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**2.0 Resident Questions**

**Note:**

Mr Philip Walker asked two questions of a political nature. Prior to the questions being put, the following motions were adopted by Council.

**Question 1 – Mr Philip Walker**

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**Procedural Motion (COUNCIL DECISION)**

That this question be disallowed as the content is considered offensive and not in accordance with what Council considers to be the purpose of Resident Question Time.

(Cr Grace / Cr Townsend)

**Question 2 – Mr Philip Walker**

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**Procedural Motion (COUNCIL DECISION)**

That this question be disallowed as the content is considered offensive and not in accordance with what Council considers to be the purpose of Resident Question Time.

(Cr Grace / Cr Griffith)

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### **3.0 Apologies**

Nil.

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

1. Cr Hegarty declared a significant non-pecuniary interest in Item C11.5 – Newport Surf Club – Liquor Licence Application - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:  
*“My partner is the President of Newport Surf Club”.*
  2. Cr Ferguson declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Ferguson was:  
*“I am a delegate on the Joint Regional Planning Panel who will be determining an application referred to in this item.”*
  3. Cr Griffith declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Griffith was:  
*“Member of JRPP Panel with regards to this property development.”*
  4. Cr White declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr White was:  
*“Parents live directly opposite proposed development.”*
  5. Cr Young declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Young was:  
*“I took part in a protest against the proposal.”*
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### **5.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 18 March 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 Griffith)

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## 6.0 Public Addresses

**C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – State 2 Application** – with the leave of the Council Mr Robert Hack and Ms Lynne Czinner addressed the Meeting speaking against this item.

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## 7.0 Councillor Questions on Notice

Nil.

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## 8.0 Mayoral Minutes

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### C8.1 Mayoral Minute – Metropolitan Mayors Forum and Association

#### COUNCIL DECISION

1. That Council supports the formation and membership of a Sydney Metropolitan Mayors' Association and advises Canterbury City Council of this decision.
2. That all Sydney metropolitan councils be encouraged to support the formation of the MMA.
3. That subject to receipt of responses from metropolitan councils, Pittwater Council supports further meetings of interested Mayors.

(Cr Townsend / Cr Grace)

**Note:**

A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil.
Cr Griffith	
Cr Grace	
Cr Hegarty	
Cr McTaggart	
Cr Millar	
Cr Townsend	
Cr White	
Cr Young	

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## **9.0 Business by Exception**

### **COUNCIL DECISION**

That Items C11.10 and C12.4 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

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## **10.0 Council Meeting Business**

Nil.

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

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

(Cr Grace / Cr Ferguson)

### **Notes:**

1. The Council Meeting adjourned at 7.01pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.02pm.
2. Cr Townsend remained in the Chair.

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## **Planning an Integrated Built Environment Committee**

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## **12.0 Planning an Integrated Built Environment Committee Business**

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<b>C12.1</b>	<b>Council Report - N0353/12 - 79-91 Macpherson Street Warriewood - Stage 2 Application</b>
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**COMMITTEE RECOMMENDATION**

1. That the staff Assessment Report in relation to DA N0353/12, as referred to the Joint Regional Planning Panel (**Attachment 1**) be noted with disappointment.
2. That Council note the significant community concern in regard to this application and appoint the Mayor to attend the JRPP and make a submission on behalf of the wider community.

(Cr Townsend / Cr Millar)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Townsend / Cr McTaggart)

**Notes:**

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

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Grace	Nil
Cr Hegarty	
Cr McTaggart	
Cr Millar	
Cr Townsend	

2. Cr Ferguson left the meeting at 7.02pm and returned at 7.54pm, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Ferguson was:

*"I am a delegate on the Joint Regional Planning Panel who will be determining an application referred to in this item."*

3. Cr Griffith left the meeting at 7.02pm and returned at 7.54pm, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Griffith was:

*"Member of JRPP Panel with regards to this property development."*

4. Cr White left the meeting at 7.02pm and returned at 7.54pm, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr White was:

*“Parents live directly opposite proposed development.”*

5. Cr Young left the meeting at 7.02pm and returned at 7.54pm, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Young was:

*“I took part in a protest against the proposal.”*

6. Cr Griffith assumed the Chair at 7.54pm.

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## **C12.2 Enliven Pittwater**

### **COMMITTEE RECOMMENDATION**

1. That Council having considered the information and proposal contained in this report support the establishment of the Enliven Pittwater project.
2. That the following Councillor Representatives be nominated to serve on the Enliven Pittwater Leadership Group:

Delegate: Cr Griffith

Delegate: Cr Townsend

Alternative Delegate: Cr Ferguson

3. That expressions of interest be called for the social and cultural representatives of the Enliven Pittwater Leadership Group.

(Cr Townsend / Cr Griffith)

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## **C12.3 Expanded Footpath Strategy for Public Roads**

### **COMMITTEE RECOMMENDATION**

1. That the Schools Footpath Plan and the Pedestrian Amenity Plan (with its Stage 1 schedule of footpath projects) be adopted.
2. That Council staff prepare the Stage 2 schedule of projects for the Pedestrian Amenity Plan.
3. That additional funding sources to accelerate and hence expand the footpath network be investigated, including the sale of surplus road reserve assets.

4. That the Walks & Rides Masterplan (2012) Review (Attachment1) be revised and brought back to Council in a form that more adequately reflects the actual position and the Budget as outlined in the 2013 Draft Delivery Program, for example:
- Remove all completed projects.
  - Remove all school and other projects listed in the other schedules, ie:
    - Separately list the Warriewood Valley projects funded via the S94 funds;
  - Provide a mechanism to add new major projects each financial year;
  - Provide an Annual Financial update of Attachment 1.

(Cr White / Cr Townsend)

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## **C12.4 Karloo Parade Newport - Proposed Telstra Installation**

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

1. That Council endorse the proposal to enter into a Statutory Access Deed contained in Attachment 1 to this report.
2. That the General Manager be authorised to execute all legal documentation associated with the proposal.

(Cr Hegarty / Cr Ferguson)

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

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

(Cr Young / Cr Hegarty)

### **Notes:**

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.39pm and the Governance Committee Meeting commenced at 8.40pm.
2. Cr Hegarty assumed the Chair.

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## **Governance Committee**

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## **11.0 Governance Committee Business**

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

That Item C11.5 – Newport Surf Club Liquor Licence Application – be dealt with last on the Governance Committee Agenda as Cr Hegarty (Chair) has declared a significant non-pecuniary interest in this matter.

(Cr Townsend / Cr Young)

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## **C11.1 Investment Balances as at 31 March 2013**

### **COMMITTEE RECOMMENDATION**

That the information provided in the report be noted.

(Cr Grace / Cr Young)

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## **C11.2 Draft Pittwater 2025 - Our Community Strategic Plan**

### **COMMITTEE RECOMMENDATION**

1. That draft Pittwater 2025 – Our Community Strategic Plan be placed on public exhibition until 31 May 2013.
2. That following the public exhibition period a further report be brought to Council outlining any submissions received.

(Cr Townsend / Cr Griffith)

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## **C11.3 2013-2017 Draft Delivery Program & Budget**

### **COMMITTEE RECOMMENDATION**

1. That Pittwater Council's 2013-2017 Draft Delivery Program, as tabled, be placed on public exhibition until 31 May 2013.
2. That a public meeting be held on 1 May 2013 in relation to the Draft Delivery Plan & Budget.
3. That following the public exhibition period a further report be brought to Council outlining any submissions received.

4. That the key highlights for 2013-2014 include:

- Car park and access improvements, including construction of additional Mona Vale carparking.
- Coastal and Wetland walkway upgrades.
- Bushland Enhancement works and rehabilitation.
- Floodplain mitigation works and stormwater system upgrades **and maintenance**.
- Pittwater estuary and coastline remediation works.
- Local road rehabilitation and maintenance.
- Cycleways and pedestrian network upgrades.
- Avalon Surf Club Redevelopment.
- Energy and water saving initiatives.
- Wharf and waterway infrastructure upgrades.
- Warriewood Valley S94 road and drainage upgrades, including the Macpherson Street Bridge project.
- Managing natural hazards.
- South Avalon Beach Reserve upgrade.
- Scotland Island Road and Drainage infrastructure.

(Cr Millar / Cr Young)

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#### **C11.4 KU Children's Service Avalon - Lease Renewal**

##### **COMMITTEE RECOMMENDATION**

1. That the attached draft lease for Avalon Pre-School be endorsed and placed on public exhibition for 28 days after amending the value of public liability insurance required to \$20 million.
2. That following the public exhibition process a report be brought back to Council addressing any issues raised.

(Cr Millar / Cr Ferguson)

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#### **C11.6 Appointment of Audit & Risk Committee Members**

##### **COMMITTEE RECOMMENDATION**

1. That Mr Robert Dobbie and Mr John Gordon be appointed as independent members of the Audit & Risk Committee.

2. That Mr John Gordon be elected as Chair.
3. That Councillor Millar be nominated to act as an alternative delegate to the Committee should either of the two appointed Councillors be unable to attend an Audit & Risk Committee Meeting.
4. That applicants not selected to become members of the Audit & Risk Committee be thanked for their interest.

(Cr Townsend / Cr White)

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<b>C11.7</b>	<b>Policy Review - Governance Committee</b>
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**COMMITTEE RECOMMENDATION**

That this matter be deferred to allow the Governance Policy Review Committee further time to consider the policies under review and that the Mayor and other interested Councillors be invited to attend the meeting convened to consider this item.

(Cr Hegarty / Cr Townsend)

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<b>C11.8</b>	<b>Review of Council s Privacy Management Plan</b>
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**COMMITTEE RECOMMENDATION**

1. That the draft Privacy Management Plan be incorporated into the set of policies reviewed under the governance policy review process and be placed on public exhibition for comment for a period of 28 days following deletion of Section 1.3 relating to Electoral Rolls.
2. That any submissions received be incorporated into the further governance policy review report and be presented to Council at the end of that exhibition period.

(Cr Griffith / Cr White)

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<b>C11.9</b>	<b>Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 14 February 2013</b>
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**COMMITTEE RECOMMENDATION**

That the information provided in the report be noted.

(Cr Millar / Cr Young)

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<b>C11.10</b>	<b>Minutes of the Careel Creek Floodplain Working Group Meeting on 21 March 2013</b>
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**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

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<b>C11.5</b>	<b>Newport Surf Club - Liquor Licence Application</b>
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**COMMITTEE RECOMMENDATION**

1. That Council approve the variation to the existing lease between the Club and Council.
2. That the General Manager be authorised to execute the related legal documentation associated with the Deed of Variation.

(Cr Grace / Cr White)

**Notes:**

1. **Dissent**

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

2. Cr Hegarty left the meeting at 9.24pm and returned at 9.49pm, having declared a significant non-pecuniary interest on Item C11.5 – Newport Surf Club – Liquor Licence Application. The reason provided by Cr Hegarty was:

*“My partner is President of Newport Surf Club.”*

3. Cr Townsend assumed the Chair for this item at 9.24pm.

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr White / Cr Griffith)

**Notes:**

1. The Governance Committee Meeting concluded at 9.40pm and the Council Meeting recommenced at 9.41pm.
2. Cr Townsend remained in the Chair.

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## Council Meeting

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### 13.0 Adoption of Governance Committee Recommendations

#### COUNCIL DECISION

That the recommendations of the Governance Committee on Items C11.1, C11.2, C11.3, C11.4, C11.6, C11.7, C11.8 and C11.9 comprising all Council members be and are hereby adopted.

(Cr Townsend / Cr Griffith)

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#### FURTHER COUNCIL DECISION

That the recommendations of the Governance Committee on Item C11.5 comprising all Council members excepting for Cr Hegarty be and is hereby adopted.

(Cr White / Cr Griffith)

#### **Notes:**

Cr Hegarty left the meeting at 9.24pm and returned at 9.49pm, having declared a significant non-pecuniary interest on Item C11.5 – Newport Surf Club – Liquor Licence Application. The reason provided by Cr Hegarty was:

*“My partner is President of Newport Surf Club.”*

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### 14.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

#### COUNCIL DECISION

That the recommendations of the Planning an Integrated Built Environment Committee on Items C12.2 and C12.3 comprising all Council members be and are hereby adopted.

(Cr Millar / Cr White)

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#### FURTHER COUNCIL DECISION

That the recommendations of the Planning an Integrated Built Environment Committee on Item C12.1, comprising all Council members excepting for Cr Griffith, Cr Ferguson, Cr White and Cr Young, be and is hereby adopted.

(Cr Townsend / Cr Millar)



**Notes:**

1. Cr Ferguson left the meeting at 9.50pm and did not return, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Ferguson was:

*“I am a delegate on the Joint Regional Planning Panel who will be determining an application referred to in this item.”*

2. Cr Griffith left the meeting at 9.50pm and did not return, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Griffith was:

*“Member of JRPP Panel with regards to this property development.”*

3. Cr White left the meeting at 9.50pm and did not return, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr White was:

*“Parents live directly opposite proposed development.”*

4. Cr Young left the meeting at 9.50pm and did not return, having declared a significant non-pecuniary interest in Item C12.1 – Council Report – N0353/12 – 79-91 Macpherson Street Warriewood – Stage 2 Application - and took no part in discussion and voting on this item. The reason provided by Cr Young was:

*“I took part in a protest against the proposal.”*

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 9.52PM  
ON MONDAY 15 APRIL 2013**