



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

20 May 2013

Commencing at 6.31pm

ATTENDANCE

Members

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

Officers

Evans, S (Acting General Manager)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Shaw, M (Manager, Urban Infrastructure)
Davies, P (Principal Engineer, Investigation, Strategy & Design)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Davis, G (Principal Officer, Commercial)
Veness, G (Senior Property Officer)
Jones, M (Chief Financial Officer)
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 7.44pm, recommenced at 9.30pm and concluded at 9.33pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.45pm and concluded at 9.22pm.
3. The Governance Committee Meeting commenced at 9.23pm and concluded at 9.29pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 – Ms Marcia Rackham

The Draft Pittwater Heritage Report was reported to Council in November 2012 and I note that it is now not due for completion until next year. Is this a usual amount of time for a study to take before being presented to Council? Why has this report taken so long?

Answer:

The Acting General Manager responded that the process has taken some time and that the efforts of Ms Rackham and other members of the community heritage working group were greatly appreciated. The timing has coincided with other urgent matters such as the Council's new LEP, the White Paper / Bills on planning reform and it has been a particularly busy time for Council staff. Councillors will be briefed next Monday night and it is anticipated that the report will be completed in the next few months.

Question 2 – Ms Marcia Rackham

The Kitchener Park Plan of Management states that it is intended to be reviewed on a five yearly basis. The plan was adopted by Pittwater Council in September 2009. Does Pittwater Council intend to review the plan in the 5th year, which will be next year 2014?

Answer:

The Director, Urban & Environmental Assets, advised that the plan remains valid as to intended outcomes and that there were no plans as yet to review in 2014. He advised that Plans of Management (PoM) are reviewed when resources permit or when there are significant changes being recommended. A number of other PoMs need to be compiled as a higher priority. The Kitchener Park PoM still remains valid in terms of intended outcomes.

Question 1 – Mr Mark Edwards

Why does Pittwater Council want to build a carpark for 77 vehicles in Beeby Reserve corner of Barrenjoey Road and Golf Avenue Mona Vale?

Answer:

The Director, Urban & Environmental Assets, advised that the adopted PoM for Kitchener Park includes the provision of a carpark on part of Beeby Reserve. Council has approved the construction of this carpark which will provide additional carparking for this high use reserve precinct. The item on tonight's agenda is for consideration of 4 hour parking restrictions at this carpark, the decision already having been made regarding its construction.

Question 2 – Mr Mark Edwards

Why was a report written to the Traffic Committee meeting on 9 April 2013 proposing 15 car spaces be permit parking for Council Staff in the proposed Beeby Reserve Carpark when this is not consistent with the Crown Lands Act which requires any carparking provided must be ancillary to the uses of the reserve to which it relates?

Answer:

The Director, Urban & Environmental Assets, advised that the subject 15 restricted spaces currently apply to the carpark at the western side of the Memorial Hall. It had been considered as an option as the alternate location would free up the existing spaces for the Town Centre. This option is no longer being suggested and as such Beeby Reserve will not have restricted spaces. The recommendation is for 4 hour parking and this will apply to all spaces. The spaces being provided are within the overall Kitchener Park PoM reserve precinct and the 4 hour parking restriction discourages longer stay commuter parking in this location.

Question 1 – Mr Phil Walker

Is Council not concerned re rainwater runoff from the carpark with no kerbing, guttering or drainage will flow directly down hill to the Scout and Guide halls, possibly damaging the structures and flooding surrounding grounds?

Answer:

The Manager, Urban Infrastructure, advised that the design of the carpark has since been enhanced and that construction will include kerb and guttering. The Traffic Committee was asked to consider restrictions on carparking only.

Question 2 – Mr Phil Walker

Advice from the Crown is that the Crown Land component of Council's Kitchener Park Masterplan 2009 was never adopted as a Plan of Management under the Crown Lands Act 1989. When does Council intend to apply for this to be done?

Answer:

The Director, Urban & Environmental Assets, advised that the Crown and Council were involved in the preparation of the PoM for Kitchener Park and the Crown has previously been provided the final version of the PoM as adopted by Council. Whether the Crown has subsequently adopted the PoM is a matter for the Crown. Council has a valid PoM that it is administering and keeps the Crown informed of matters arising.

Question 1 – Mr Ross Smith

What processes will Council follow before commencing any construction works, tree removal or earth moving in relation to the Beeby Reserve carpark? Will there be a development application lodged to allow the public to comment or object?

Answer:

The Director, Urban & Environmental Assets, advised that the adopted PoM includes the carpark at Beeby Reserve and Council has approved its construction. A development application is not required and the project will be administered as an activity under Part V of the EP&A Act.

Question 2 – Mr Ross Smith

The proposed carpark is for ancillary parking for the recreational users of Beeby and Kitchener Park public reserves. How does Pittwater Council propose to stop hotel patrons, shoppers, local workers and other people parking there? It is noted the proposed 4 hour timed parking restriction will not address this issue.

Answer:

The Director, Urban & Environmental Assets, advised that the purpose of this carpark is to be an adjunct to the reserve precinct. Council is not in a position to check what a person subsequently does after parking their vehicle. This is the practical reality with most public carparks. The matter before Council is to consider the 4 hour parking restriction.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Townsend and leave of absence be granted from the Council Meeting held on 20 May 2013.

(Cr Hegarty / Cr Young)

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

1. Cr Griffith declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Griffith was:

“Our property adjoins area of proposed change. My children attend Elanora Primary School.”

2. Cr Millar declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Millar was:

“I am employed by Dept Education & Communities as Administrative Manager at Elanora Heights Public School.”

COUNCIL DECISION

That the declarations of non-pecuniary interest by Cr Griffith and Cr Millar be noted.

(Cr Young / Cr McTaggart)

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 6 May 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)

6.0 Public Addresses

C12.1 – N0016/13 – 105 Elimatta Road Mona Vale – Alterations & Additions – with the leave of the Council Ms Colleen Sheerin and Ms Rebecca Sheerin addressed the meeting speaking against the Development Officer’s recommendation on this item. With the leave of the Council Ms Sarah Reilly and Mr Vaughan Milligan addressed the meeting speaking in support of the Development Officer’s recommendation on this item.

C12.2 – N0280/12 – 16 Watkins Road Avalon Beach – Alterations and additions to the existing dwelling, a separately accessible structure and a new swimming pool – with the leave of the Council Mr Anthony Solomon addressed the meeting speaking in support of the Development Officer’s recommendation on this item.

C12.3 – N0357/12 – 93 Florence Terrace Scotland Island – Construction of a new dwelling, boatshed, boat launching ramp and installation of a wastewater disposal system – with the leave of the Council Mr Stephen Hampson addressed the meeting speaking in support of the Development Officer’s recommendation on this item.

C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – with the leave of the Council Mr Rodney Rodwell and Mr Paul Vallejo addressed the meeting speaking against the recommendation on this item. With the leave of the Council Mr Justin Wolfe and Mr John Drake addressed the meeting on behalf of the Elanora Heights Public School P&C Association speaking in support of the recommendation on this item.

C12.6 – Minutes of the Pittwater Traffic Committee Meeting held on 9 April 2013 - Item TC4.8 – Barrenjoey Road and Golf Avenue Mona Vale – Car Park Restrictions - with the leave of the Council Mr Ross Smith and Mr Phil Walker addressed the meeting speaking against the recommendation on this item. With the leave of the Council Mr Aaron Hendrikson (President, Mona Vale Chamber of Commerce) addressed the meeting speaking in support of the recommendation on this item.

7.0 Councillor Questions on Notice

Nil.

8.0 Mayoral Minutes

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.1, C11.2 and C11.5 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

10.0 Council Meeting Business

Nil.

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Young)

Notes:

1. The Council Meeting adjourned at 7.44pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.45pm.
2. Cr Griffith assumed the Chair.

Planning an Integrated Built Environment Committee

12.0 Planning an Integrated Built Environment Committee Business

C12.1 N0016/13 - 105 Elimatta Road Mona Vale - Alterations and additions

COMMITTEE RECOMMENDATION

1. That the matter be deferred for further consideration by the applicant in an attempt to reach agreement with the objectors with the assistance of Council Officers.
2. That if no agreement is reached then the matter be returned to Council.

(Cr Grace / Cr McTaggart)

Notes:

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

Aye (For)

Cr Young
Cr Millar
Cr Grace
Cr Hegarty
Cr McTaggart
Cr White

No (Against)

Cr Griffith
Cr Ferguson

2. The following unsuccessful motion was moved by Cr White and seconded by Cr Young:

"That the recommendation in the Development Officer's report be endorsed and development application N0016/13 for alterations and additions at 105 Elimatta Road Mona Vale be granted development consent subject to the conditions contained in the draft determination."

3. A division was taken on the unsuccessful motion resulting in the following voting:

Aye (For)

Cr White
Cr Ferguson
Cr Griffith

No (Against)

Cr Grace
Cr Hegarty
Cr McTaggart
Cr Young
Cr Millar

C12.2	N0280/12 - 16 Watkins Road Avalon Beach - Alterations and additions to the existing dwelling, a separately accessible structure and a new swimming pool
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COMMITTEE RECOMMENDATION

That the Development Officer's report be endorsed and development application N0280/12 for alterations and additions to the existing dwelling, a separately accessible structure and a new swimming pool at 16 Watkins Road Avalon Beach be granted consent subject to the attached draft determination.

(Cr White / Cr Millar)

Note:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Ferguson
Cr Griffith
Cr Grace
Cr Hegarty
Cr McTaggart
Cr Millar
Cr White

No (Against)

Cr Young

C12.3	N0357/12 - 93 Florence Terrace Scotland Island - Construction of a new dwelling, boatshed, boat launching ramp and installation of a wastewater disposal system
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COMMITTEE RECOMMENDATION

That the Development Officer's report be endorsed and development application N0357/12 for the construction of a new dwelling, boatshed, skid ramp and installation of a wastewater disposal system at 93 Florence Terrace Scotland Island be granted consent subject to the attached draft determination including the following deleted and additional conditions:

Deleted Condition B28:

This development consent does not authorise the construction of a boatshed or skid ramp, or any associated works such as excavation, retaining walls and tree removal.

Deleted Condition C7:

Prior to the issue of a Construction Certificate, all drawings and supporting documentation are to be amended to demonstrate the deletion of the boatshed and skid ramp, and all associated works including excavation, retaining walls and tree removal.

Additional Condition B1(e):

The new boatshed shall be able to withstand the forces exerted on it by wave action up to the estimated Estuarine Planning level of 2.6m AHD.

Additional Condition C12:

1. *The proponent must apply for and obtain a Part 7 permit for dredging and reclamation under the FM Act from Fisheries NSW prior to any works on site.*

Permit application forms are available at:

<http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>; and

2. *All other relevant authorities have no objections to this proposal.*

(Cr White / Cr Ferguson)

Note:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Ferguson

Cr Griffith

Cr Grace

Cr Hegarty

Cr McTaggart

Cr Millar

Cr White

Cr Young

No (Against)

Nil

C12.4	Elanora Heights Public School - Traffic and Parking Improvement Scheme
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COMMITTEE RECOMMENDATION

That this item be deferred for a period of one month to allow for clarification in regards to opening the top track adjacent to No. 25 and clarification of the processes surrounding the construction of the new footpath.

(Cr Hegarty / Cr McTaggart)

Notes:

1. The Motion was passed on the casting vote of the Chair.

2. The following unsuccessful amendment was moved by Cr White and seconded by Cr Young and was lost on the casting vote of the Chair:

"That Council approve the following parking restrictions:

1. Elanora Road

- *No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the northern side between Nos. 53 and 57.*
- *'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the western side between the existing 'No Stopping' restriction at No. 88 and Woorarra Avenue, to replace all existing parking restriction in this section.*
- *Extension of the existing P2 zone on the eastern side to No. 37.*
- *New P2 zone (same restrictions as existing zone) on the eastern side from No. 27 (at end of 'No Stopping' zone) to the statutory 'No Stopping' limit at Weeroona Avenue.*
- *'No Stopping' on the eastern side between the extended P2 zone (No. 37) and the new P2 zone (No. 27).*
- *'No Stopping' on the eastern side between the statutory 'No Stopping' zone on the south side of Weeroona intersection and the driveway to No 1 Weeroona Avenue.*

2. Georgina Avenue

- *'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the eastern side between No 21 and the statutory 'No Stopping' limit at Anana Road.*

2. *That Council approve the construction of a chicane in Woorarra Avenue in the location shown on Council's Plan 30-TC-2012."*
3. Cr Griffith left the meeting at 8.28pm and returned at 8.59pm, having declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Griffith was:

"Our property adjoins area of proposed change. My children attend Elanora Primary School."

4. Cr Millar left the meeting at 8.28pm and returned at 8.59pm, having declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Millar was:

"I am employed by Dept Education & Communities as Administrative Manager at Elanora Heights Public School."

5. Cr Grace assumed the Chair for this item.

C12.6	Minutes of the Pittwater Traffic Committee Meeting held on 9 April 2013
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee recommendations for Items TC4.1 to TC4.7 and Item TC4.9 contained in the Minutes of the Meeting of 9 April 2013 be adopted.
2. That in relation to Traffic Committee Item TC4.8 – Barrenjoey Road and Golf Avenue Mona Vale – Car Park Restrictions, it is noted that the number of car park spaces has been reduced from 81 to 77 and there will not be a restricted parking area for Special Permit Holders and as such the following be adopted in lieu of the Traffic Committee recommendation:

“That in relation to Traffic Committee Item TC4.8 – Barrenjoey Road and Golf Avenue Mona Vale – Car Park Restrictions:

- *there be no restricted parking area for Special Permit Holders*
- *4 hour parking restrictions (7am – 6pm Mon – Fri) apply to all of the proposed 77 car spaces within this car park.”*

(Cr White / Cr Millar)

Note:

Cr Griffith resumed the Chair for the remainder of the Planning an Integrated Built Environment Committee Meeting.

C12.5	Pittwater Heritage Report, Heritage Strategy Annual Report & Heritage Advisor Funding
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COMMITTEE RECOMMENDATION

1. That the information provided in the report be noted.
2. That the attached Heritage Management Program “Annual Report” be adopted and forwarded to the NSW Heritage Branch.
3. That Council investigate the idea of forming a Council Heritage Advisory Committee consisting of volunteers in accordance with the provision of Section 377 of the Local Government Act.

(Cr Millar / Cr Young)

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Ferguson)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 9.22pm and the Governance Committee Meeting commenced at 9.23pm.
2. Cr Grace resumed the Chair.

Governance Committee

11.0 Governance Committee Business

C11.3 Avalon & Mona Vale Bowling Clubs - Temporary Rent Reductions

COMMITTEE RECOMMENDATION

1. That Council agree to grant both the Avalon and the Mona Vale Bowling Clubs a 50% reduction in rental for a period of five years commencing from the 2013/14 financial year on condition that the money saved by the clubs as a result of the rent reduction be earmarked for future capital works as agreed with Council.
2. That the General Manager be authorised to execute any associated legal documentation under power of attorney.

(Cr Millar / Cr Griffith)

C11.4 Road Closure and Sale 58, 64 and 66 Herbert Avenue Newport

COMMITTEE RECOMMENDATION

1. That Council agree to the road closure and sale of the portions of road reserve adjoining the properties at 58, 64 and 66 Herbert Avenue Newport at the valuation figures of \$25,000.00 each (plus GST) together with all associated costs and those funds be allocated to road reserve infrastructure improvements, in particular priority footpath upgrades associated with the Walks & Rides Strategy.
2. That further opportunities to convert non-core road reserve assets to help fund high priority road asset outcomes be further explored to further assist the roll out of the Walks & Rides Strategy and other priority road related upgrades.
3. That the General Manager be authorised to execute relevant documents under power of attorney.

(Cr Hegarty / Cr Griffith)

C11.1	Quarterly Budget Review Statement for the Quarter Ending 31 March 2013
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COUNCIL DECISION (By Exception)

1. That the financial results for the period ending 31 March 2013 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Hegarty / Cr Ferguson)

C11.2	Investment Balances as at 30 April 2013
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

C11.5	Appointment of Code of Conduct Review Panel
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COUNCIL DECISION (By Exception)

1. That the following persons be formally appointed to Council's Code of Conduct Review Panel:-

John Boland
Adam Halstead
Annette Simpson
Peter Givorshner
Alison Cripps
Margaret Fahy
Richard Pinson
Kath Roach
Peter Taylor
John Lawrence
John McAteer
Jocelyn Sparks
Wendy Klaassen
Kathy Thane
Tim Rogers

2. That the rate for work undertaken by the panel be set at \$270 per hour plus GST as a sole reviewer and \$400 plus GST per meeting as part of a review Committee.
3. That the interim Conduct Review Panel be disbanded and the members be advised accordingly.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Griffith / Cr White)

Notes:

1. The Governance Committee Meeting concluded at 9.29pm and the Council Meeting recommenced at 9.30pm.
 2. Cr Grace remained in the Chair.
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Council Meeting

13.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendations of the Governance Committee on Items C11.3 and C11.4 comprising all Council members be and are hereby adopted.

(Cr Griffith / Cr Millar)

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 C12.1, C12.2, C12.3, C12.5 and C12.6 comprising all Council members be and are hereby adopted.

(Cr Hegarty / Cr Ferguson)

FURTHER COUNCIL DECISION

That the recommendation of the Planning an Integrated Built Environment Committee Meeting on Item C12.4 comprising all Council members 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 9.31pm and returned at 9.32pm having declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Griffith was:

“Our property adjoins area of proposed change. My children attend Elanora Primary School.”

2. Cr Millar left the meeting at 9.31pm and returned at 9.32pm having declared a significant non-pecuniary interest in Item C12.4 – Elanora Heights Public School – Traffic and Parking Improvement Scheme – and took no part in discussion or voting on this item. The reason provided by Cr Millar was:

“I am employed by Dept Education & Communities as Administrative Manager at Elanora Heights Public School”

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.33PM
ON MONDAY 20 MAY 2013**