



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

19 November 2012

Commencing at 6.31pm.

ATTENDANCE

Members

Townsend, J (Mayor & Chairperson)
Grace, B (Deputy Mayor)
Ferguson, K
Griffith, S
Hegarty, J
Millar, K
McTaggart, A
White, I
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)
Reid, P (Manager, Corporate Strategy & Commercial)
Pang, J (Manager, Catchment Management & Climate Change)
Schwecke, M (Project Leader, Water Management)
Millener, D (Principal Officer, Floodplain Management)
Dyce, L (Manager, Planning & Assessment)
Williams, A (Principal Development Officer)
Edgar, G (Executive Development Officer)
Piggott, A (Principal Officer Strategic Planning)
Tite, M (Senior Strategic Planner)
Wilkinson, K (Senior Strategic Planner)
Jones, M (Chief Financial Officer)
Munn, L (Manager, Reserves, Recreation & Building Services)
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 7.38pm, recommenced at 10.10pm and concluded at 10.32pm.
2. The Governance Committee Meeting commenced at 7.39pm and adjourned at 7.44pm, recommenced at 9.30pm and concluded at 10.09pm.
3. The Planning an Integrated Built Environment Committee Meeting commenced at 7.45pm and concluded at 9.29pm.

Council Meeting

PRESENTATION OF SUBSIDIES TO PITTWATER SURF CLUBS

The Mayor presented cheques to the Surf Life Saving Club representatives, being the annual subsidy by Council to Surf Clubs in the Pittwater area.

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 - Mr Gavin Butler

Can you confirm that the \$4.5m (removed from the Capital Sales Item in the Budget Review) relates to the sale of the Foamcrest Avenue Newport public land site?

Answer:

The General Manager confirmed that this item did relate to the sale of the Foamcrest Avenue site.

Question 2 - Mr Gavin Butler

Would you advise the reason that this expected sale income has been deleted from this year's budget?

Answer:

The General Manager advised that it was deemed unlikely that the sale of this land would be realised within this financial year.

Question 3 – Mr Bruce Harkness

About four years ago a footpath was put in opposite Bilgola Primary School on the east side of Plateau Road. Construction was stopped at the halfway point in front of No. 165 Plateau Road, leaving a gap of four houses (Nos. 159A, 159B, 161 and 163 Plateau Road). As this is a public risk and safety issue, I ask why Council did not complete this section of footpath?

Answer:

The General Manager advised that he would take this question on notice.

3.0 Apologies

Nil.

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

1. Cr Townsend declared a significant non-pecuniary interest in Item C10.3 – Legal Expenditure as at 31 October 2012 and took no part in discussion or voting on this item. The reason provided by Cr Townsend was:-

“Former volunteer at EDO.”
2. Cr Hegarty declared a significant non-pecuniary interest in Item C10.6, Newport Surf Club – Liquor Licence Application and took no part in discussion or voting on this item. The reason provided by Cr Hegarty was:

“My partner is President of the Newport SLSC.”
3. Cr Ferguson declared a significant non-pecuniary interest in Item C11.1 – N0383/10/S96/1 – 43 Bungan Head Road Newport – Modifications involving design changes, addition of a deck and relocation of secondary dwelling and took no part in discussion or voting on this item. The reason provided by Cr Ferguson was:

“Section 96 Modification 43 Bungan Head Road, Newport. Relationship through Newport Residents Association. Have been to “Bloom” Residence.”
4. Cr Young declared a significant non-pecuniary interest in Item C11.1 – N0383/10/S96/1 – 43 Bungan Head Road Newport – Modifications involving design changes, addition of a deck and relocation of secondary dwelling and took no part in discussion or voting on this item. The reason provided by Cr Young was:

“Wrote first submission for Newport Residents Association as former secretary.”

5. Cr Young declared a significant non-pecuniary interest in Item C11.3 – N0079/60/S96/1 – Section 96 Modification – 9a Darley Street, Mona Vale – Modifications Include Changes to Operating Hours, External/Internal Changes and Signage – and took no part in discussion or voting on this item. The reason provided by Cr Young was:

“Daughter has worked in the café and may work again over the school holiday.”

6. The following Councillors declared a Schedule 3A Special Disclosure of Pecuniary Interest in Item C11.5 – Draft Pittwater Local Environmental Plan 2013, having a proprietary interest in land identified in the Draft PLEP. As permitted under Section 451 of the Local Government Act, Councillors tabled their declaration forms and remained in the meeting, participating in discussion and voting on this item.

- Cr Ferguson
- Cr Griffith
- Cr Hegarty
- Cr McTaggart
- Cr Millar
- Cr Townsend
- Cr White
- Cr Young

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 5 November 2012, 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 White / Cr Young)

6.0 Public Addresses

C10.6 – Newport Surf Club – Liquor Licence Application – with the leave of the Council Mr Rob Emerson, President of Newport Surf Life Saving Club, addressed the meeting speaking in support of the recommendation on this item.

C11.1 – N0383/10/S96/1 – 43 Bungan Head Road Newport – Modifications involving design changes, addition of a deck and relation of secondary dwelling – with the leave of the Council Mr Antony Bloom and Mr Ross Fleming addressed the meeting speaking against the recommendation on this item. Mr Vaughan Milligan and Mr Trevor Barnabas addressed the meeting speaking in support of the recommendation on this item.

C11.2 – N0373/11 – 15 Thyra Road Palm Beach – Alterations and additions to the existing dwelling, including a new double carport – with the leave of the Council Mr Maxwell Lloyd-Jones and Mr Walter Barda addressed the meeting speaking in support of the recommendation on this item.

C11.3 – N0079/60/S96/1 – Section 96 Modification – 9a Darley Street Mona Vale – Modifications Include Changes to Operating Hours, External/Internal Changes and Signage – with the leave of the Council Mr David Whitmore addressed the meeting speaking against the recommendation on this item and Mr Goldsmith addressed the meeting speaking in support of the recommendation on this item.

C11.4 – N0095/12 – 32 Emma Street Mona Vale – Alterations and additions to the existing dwelling, construction and use of an attached secondary dwelling and swimming pool – with the leave of the Council Mr Ross Smith and Ms Jackie Davey addressed the meeting speaking against the recommendation on this item. Ms Stephanie Nettleton addressed the meeting speaking in support of the recommendation on this item.

8.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.2 and C10.7 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Governance Committee Meeting now commence in order to consider Item C10.6 – Newport Surf Club – Liquor Licence Application.

(Cr White / Cr Griffith)

Notes:

1. The Council Meeting adjourned at 7.38pm and the Governance Committee Meeting commenced at 7.39pm.
2. Cr Townsend remained in the Chair.

Governance Committee

10.0 Governance Committee Business

C10.6	Newport Surf Club - Liquor Licence Application
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COMMITTEE RECOMMENDATION

- 1 That the proposed Deed of Variation of Lease included at Attachment 1 be placed on public exhibition for a period of 28 days after the inclusion of the words *"Where alcohol is served"* in Section C (iii) after the word *"premises"*.
- 2 That a further report be brought to Council after the exhibition period.

(Cr McTaggart / Cr White)

Note:

Cr Hegarty left the meeting at 7.39pm and returned at 7.44pm, having declared a significant non-pecuniary interest in Item C10.6, Newport Surf Club – Liquor Licence Application and took no part in discussion or voting on this item. The reason provided by Cr Hegarty was:

"My partner is President of the Newport SLSC."

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Millar)

Notes:

1. The Governance Committee 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

11.0	Planning an Integrated Built Environment Committee Business
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C11.1	N0383/10/S96/1 - 43 Bungan Head Road Newport - Modifications involving design changes, addition of a deck and relocation of secondary dwelling
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report not be endorsed and development application N0383/10/S96/1 for modifications involving design changes, addition of a deck and relocation of a secondary dwelling at 43 Bungan Head Road, Newport (Lot 54 DP 10423) be refused development consent for the following reasons:

The development does not satisfy the requirements of S96(1A) of the EPA Act.

(Cr Townsend / Cr Grace)

Notes:

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

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

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

"That the recommendation in the Development Officer's report be endorsed and development application N0383/10/S96/1 for modifications involving design changes, addition of a deck and relocation of a secondary dwelling at 43 Bungan Head Road, Newport (Lot 54 DP 10423) be granted development consent subject to the conditions contained in the draft determination and the following amended condition of consent B29, additional conditions B32 and C11 and the deletion of condition B30.

Amended Condition:

B29 *The proposed 2.2m high screening device **between the western elevation and the secondary dwelling / garage** is not approved and is to be removed. Screen planting is to be provided in the setback area between the driveway and the western boundary up until the new access stairs. Screen planting is to consist of locally native plants to a minimum height of 2 metres from natural ground level.*

Additional Conditions:

B32 *That proposed modifications to the swimming pool are not part of this consent.*

C11 *Details regarding the construction of the western boundary fence is to be submitted with the Construction Certificate. This fence is to be constructed of an opaque material.*

Deleted Condition:

B30"

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

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

4. Cr Ferguson left the meeting at 7.46pm and returned at 8.24pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting on this item. The reason provided by Cr Ferguson was:

"Section 96 Modification 43 Bungan Head Road, Newport. Relationship through Newport Residents Association. Have been to "Bloom" Residence."

5. Cr Young left the meeting at 7.46pm and returned at 8.24pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting on this item. The reason provided by Cr Young was:

"Wrote first submission for Newport Residents Association as former secretary."

C11.2	N0373/11 - 15 Thyra Road, Palm Beach - Alterations and additions to the existing dwelling, including a new double carport
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0373/11 for alterations and additions to the existing dwelling, including a new double carport at 15 Thyra Road, Palm Beach (lot 15 DP 18612) be granted development consent subject to the conditions contained in the draft determination and the following amended condition of consent B15:

Amended Condition B15

All landscaping between the southern boundary of 15 Thyra Road and the carport and bin enclosure must be maintained at a height not exceeding 2.5 metres measured from RL 15.13 metres on Australian Height Datum.

(Cr White / Cr Grace)

Note:

A division was duly taken resulting in the following voting:

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

C11.3	N0079/60/S96/1 - Section 96 Modification - 9a Darley Street, Mona Vale - Modifications Include Changes to Operating Hours, External/Internal Changes and Signage
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0079/60/S96/1 - Section 96 Modification Application for modifications including changes to operating hours, external/internal changes and signage at 9a Darley Street, Mona Vale be granted consent subject to the conditions of consent and the following deleted, amended and additional conditions of consent:

Delete Building Application Conditions:

13, 14, 15, 16, 17 and 18

(These conditions will be inserted as Town Planning Conditions as follows)

Additional Town Planning Conditions:

(r) Clear signage is to be provided adjacent to the driveway, which states: *Deliveries or patrons of the café are prohibited from parking or stopping on the driveway. Where practical, drivers are to switch off engines.*

(s) Trading hours are to be as follows:

6.30am to 6.00pm - seven (7) days	Operation of the café, patrons utilizing premises, internal music only, mechanical plant associated with kitchen operations (air conditioning, refrigeration and exhaust fans).
6.00pm to 11.00pm (Monday to Saturday) 6.00pm to 10.00pm (Sunday)	Administration, stocking and preparation only. Patrons are not permitted on the premises during these hours.

(t) The sale of alcohol is to cease at 6pm seven days a week.

(u) The rear service yard is not to be used as a dining area and is to be a restricted area for access by staff only.

(v) All tables and chairs located on the Council Road Reserve are to be moved inside the restaurant at 6pm seven days a week.

(w) The recommendations provided in section 5.1 of the acoustic report prepared by Atkins Acoustic dated May 2012 are to be implemented into the development in there entirety.

(x) Customer numbers utilizing the external dining area of the café/restaurant/retail premises is to be limited to a maximum of twenty-one (21) persons.

- (y) The kitchen exhaust fan system is to be repaired and replaced in accordance with the recommendation on Page 11 of the acoustic report prepared by Atkins Acoustic dated May 2012. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.
- (z) Acoustic screens with absorptive lining are to be installed around the refrigeration compressors located on the southern façade of the kitchen, or the compressors are to be relocated, to provide the noise reductions required in the acoustic report by Atkins Acoustic dated May 2012 and in accordance of the recommendations of this report. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.
- (aa) Facade penetration for relief air for internal freezer fitted with a minimum of one (1) metre of internally line flexible duct or a crosstalk attenuator between freezer area and the southern façade to provide a minimum 7dB reduction. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.
- (ab) Eastern door to store room and fridge to remain closed when not in active use.
- (ac) Where practical, delivery vehicles are to switch off their engines and all refrigeration compressors/condensers during deliveries.
- (ad) Deliveries are to be restricted to 7.00am to 6.00pm Monday to Friday, 8.00am to 1.00pm Saturday and no deliveries on Sunday.

Amended Town Planning Condition:

- (h) The garage at the rear of the premises is to be used exclusively as off street parking in association of the use of the subject site. In this regard, the garage is not to be used as a storage area.

(Cr Townsend / Cr Grace)

Notes:

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

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

2. The following unsuccessful amendment was moved by Cr McTaggart and seconded by Cr Millar:

"That the recommendation in the Development Officer's report be endorsed and development application N0079/60/S96/1 - Section 96 Modification Application for modifications including changes to operating hours, external/internal changes and signage at 9a Darley Street, Mona Vale be granted consent subject to the conditions of consent and the following deleted, amended and additional conditions of consent:

Delete Building Application Conditions:

13, 14, 15, 16, 17 and 18

(These conditions will be inserted as Town Planning Conditions as follows)

Additional Town Planning Conditions:

- (r) *Clear signage is to be provided adjacent to the driveway, which states: Deliveries or patrons of the café are prohibited from parking or stopping on the driveway. Where practical, drivers are to switch off engines.*
- (s) *Trading hours are to be as follows:*

<i>6.30am to 6.00pm - seven (7) days</i>	<i>Operation of the café, patrons utilizing premises, internal music only, mechanical plant associated with kitchen operations (air conditioning, refrigeration and exhaust fans).</i>
<i>6.00pm to 9.00pm (Monday to Saturday)</i> <i>6.00pm to 9.00pm (Sunday)</i>	<i>Administration, stocking and preparation only. Patrons are not permitted in the premises during these hours.</i>

- (t) *The sale of alcohol is to cease at 6pm seven days a week.*
- (u) *The rear service yard is not to be used as a dining area and is to be a restricted area for access by staff only.*
- (v) *All tables and chairs located on the Council Road Reserve are to be moved inside the restaurant at 6pm seven days a week.*
- (w) *The recommendations provided in section 5.1 of the acoustic report prepared by Atkins Acoustic dated May 2012 are to be implemented into the development in there entirety.*
- (x) *Customer numbers utilizing the external dining area of the café/restaurant/retail premises is to be limited to a maximum of twenty-one (21) persons.*
- (y) *The kitchen exhaust fan system is to be repaired and replaced in accordance with the recommendation on Page 11 of the acoustic report prepared by Atkins Acoustic dated May 2012. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.*
- (z) *Acoustic screens with absorptive lining are to be installed around the refrigeration compressors located on the southern façade of the kitchen, or the compressors are to be relocated, to provide the noise reductions required in the acoustic report by Atkins Acoustic dated May 2012 and in accordance of the recommendations of this report. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.*

- (aa) *Facade penetration for relief air for internal freezer fitted with a minimum of one (1) metre of internally line flexible duct or a crosstalk attenuator between freezer area and the southern façade to provide a minimum 7dB reduction. Certification from Atkins Acoustic or another qualified acoustic consultant confirming this work has been carried out in a satisfactory manner is to be provided to Council before 31 March 2013.*
- (ab) *Eastern door to store room and fridge to remain closed when not in active use.*
- (ac) *Where practical, delivery vehicles are to switch off their engines and all refrigeration compressors/condensers during deliveries.*
- (ad) *Deliveries are to be restricted to 7.00am to 6.00pm Monday to Friday, 8.00am to 1.00pm Saturday and no deliveries on Sunday.*

Amended Town Planning Condition:

- (h) *The garage at the rear of the premises is to be used exclusively as off street parking in association of the use of the subject site. In this regard, the garage is not to be used as a storage area."*

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

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

4. Cr Young left the meeting at 8.28pm and returned at 8.48pm having declared a significant non-pecuniary interest in this item and took no part in discussion or voting on this item. The reason provided by Cr Young was:

"Daughter has worked in the café and may work again over the school holiday."

C11.4 N0095/12 - 32 Emma Street Mona Vale - Alterations and additions to the existing dwelling, construction and use of an attached secondary dwelling and swimming pool
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0095/15 for alterations and additions to the existing dwelling, construction and use of an attached secondary dwelling and swimming pool at 32 Emma Street, Mona Vale (Lot 13 DP 221609) be granted consent subject to the conditions of consent in the draft determination and the following amended and additional conditions of consent:

Amended Conditions:

- C3** The proposed enclosed garage and granny flat as shown on the lower level plan are to be internally redesigned to meet the requirements for Off-Street Car Parking under Australian Standard AS2890.1. **In this regard, the garage shall be redesigned to have a minimum clear internal width of 3 metres for the entirety of its length.** No external walls are to be modified to achieve compliance with the Australian Standard. Relevant detail is to be submitted on amended architectural plans submitted with the Construction Certificate. This condition has been imposed in order to enforce Australian Standards requirements.
- C10** The finished surface materials, including colours and texture of **the proposed additions shall be consistent with the existing development.** Colours and materials shall be non-glare and of low reflectivity. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.

Additional Conditions:

- B26** The spa/pool backwash and any overflow waters are to be disposed to the Sydney Waters sewer.
- B27** The windows provided on the western elevation of the proposed secondary dwelling shall have a minimum sill height of 1.7m above the floor level.
- B28** **That the spa/pool be relocated 1 metre to the east of the plan to allow for greater vegetation in accordance with C12.**
- C12** Landscaped screening is to be provided for the entire length of the proposed swimming pool along the northern and western boundaries to a minimum mature height of 2.5m. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed. Relevant details of proposed planting be submitted in a Landscape Plan with planting schedule with the Application for the Construction Certificate.

(Cr White / Cr McTaggart)

Notes:

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

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

2. The following amendment was withdrawn by Cr Young with the agreement of Cr Griffith (seconder):

"That the recommendation in the Development Officer's report be endorsed and development application N0095/15 for alterations and additions to the existing dwelling, construction and use of an attached secondary dwelling and swimming pool at 32 Emma Street, Mona Vale (Lot 13 DP 221609) be granted consent subject to the conditions of consent in the draft determination and the following amended and additional conditions of consent:

Amended Conditions:

- C3 The proposed enclosed garage and granny flat as shown on the lower level plan are to be internally redesigned to meet the requirements for Off-Street Car Parking under Australian Standard AS2890.1. In this regard, the garage shall be redesigned to have a minimum clear internal width of 3 metres for the entirety of its length. No external walls are to be modified to achieve compliance with the Australian Standard. Relevant detail is to be submitted on amended architectural plans submitted with the Construction Certificate. This condition has been imposed in order to enforce Australian Standards requirements.*
- C10 The finished surface materials, including colours and texture of the proposed additions shall be consistent with the existing development. Colours and materials shall be non-glare and of low reflectivity. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a Schedule of Finishes.*

Additional Conditions:

- B26 The spa/pool backwash and any overflow waters are to be disposed to the Sydney Waters sewer.*
- B27 The windows provided on the western elevation of the proposed secondary dwelling shall have a minimum sill height of 1.7m above the floor level.*
- B28 That the spa/pool be relocated 1 metre to the east of the plan to allow for greater vegetation in accordance with C12.*
- C12 Landscaped screening is to be provided for the entire length of the proposed swimming pool along the northern and western boundaries to a minimum mature height of 2.5m. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed. Relevant details of proposed planting be submitted in a Landscape Plan with planting schedule with the Application for the Construction Certificate."*

C11.5 Draft Pittwater Local Environmental Plan 2013

COMMITTEE RECOMMENDATION

1. That the information in the report be noted.
2. That the draft Pittwater Local Environmental Plan 2013 written instrument and maps, as tabled, be adopted.

3. That the draft Pittwater Local Environmental Plan 2013 written instrument, maps and supporting documentation be submitted to the NSW Department of Planning and Infrastructure, in accordance with Section 64 of the *Environmental Planning and Assessment Act 1979*, with a request that the draft Local Environmental Plan be certified under Section 65 of the *Environmental Planning and Assessment Act 1979* for public exhibition.
4. That once a Section 65 certificate is received, the draft Pittwater Local Environmental Plan 2013 be placed on public exhibition for a minimum of 6 weeks in accordance with the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*.
5. That public notice of the exhibition be given in accordance with Section 66 of the *Environmental Planning and Assessment Act 1979*.
6. That written notice of the exhibition be given to all relevant public authorities, bodies and councils consulted pursuant to Section 62 of the *Environmental Planning and Assessment Act 1979*.
7. That written notice of the exhibition be given to all owners of land in the Pittwater LGA.
8. That following exhibition, Council shall consider a report on the outcomes of the exhibition and any submissions received.
9. That Council staff commence work on the preparation of an amended Development Control Plan consistent with the provisions and terminology of the draft Pittwater Local Environmental Plan 2013.

(Cr Townsend / Cr White)

Note:

The following Councillors declared a Schedule 3A Special Disclosure of Pecuniary Interest in Item C11.5 – Draft Pittwater Local Environmental Plan 2013, having a proprietary interest in land identified in the Draft PLEP. As permitted under Section 451 of the Local Government Act, Councillors tabled their declaration forms and remained in the meeting, participating in discussion and voting on this item.

- Cr Ferguson
- Cr Griffith
- Cr Hegarty
- Cr McTaggart
- Cr Millar
- Cr Townsend
- Cr White
- Cr Young

C11.6	Changes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
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COMMITTEE RECOMMENDATION

That Council note the contents of the report and attached submission in relation to the amendment and expansion of *State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008*.

(Cr Townsend / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Millar)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 9.29pm and the Governance Committee Meeting recommenced at 9.30pm.
2. Cr Hegarty assumed the Chair.

Governance Committee

10.0	Governance Committee Business
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C10.1	Quarterly Budget Review Statement for the Quarter Ending 30 September 2012
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COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 30 September 2012 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.
3. That it be noted that in future all financial information reported to Council (excluding Council's Investments which statutorily must be reported to Council monthly) be undertaken within Council's Quarterly Financial Reporting Framework.

(Cr Hegarty / Cr White)

Note:

The following amendment moved by Cr Young lapsed for want of a seconder:

- “ 1. That the financial results for the period ending 30 September 2012 be noted.*
- 2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.”*

C10.3	Legal Expenditure as at 31 October 2012
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COMMITTEE RECOMMENDATION

1. That the information provided in the report be noted.
2. That Pittwater Council write to the NSW State Government and the NSW Law Society expressing concern that funding has been cut to EDO NSW and that Pittwater Council supports the work of EDO NSW and considers it important that EDO NSW continues to be adequately funded.
3. That Pittwater Council request the LGA to consider Federal Funding for NSW, and that Council also lobby the local Federal Member in this regard.

(Cr Griffith / Cr Young)

Note:

Cr Townsend left the meeting at 9.47pm and returned at 9.52pm having declared a significant non-pecuniary interest in this item and took no part in discussion or voting on this item. The reason provided by Cr Townsend was:-

“Former volunteer at EDO.”

C10.4	NSW Treasury Corporation (TCorp) - Financial Assessment and Benchmarking Report (2012)
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COMMITTEE RECOMMENDATION

1. That NSW Treasury Corporation's (TCorp) Financial Assessment and Benchmarking Report (2012) of Pittwater Council be noted.
2. That the two points recommended by TCorp regarding asset maintenance and employee salary increases be highlighted and considered by Council in conjunction with its Annual Delivery Plan.

(Cr Townsend / Cr Hegarty)

C10.5	Public Exhibition of Overland Flow Report, Mapping and revised Overland Flow Development Controls
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COMMITTEE RECOMMENDATION

1. That the following Pittwater Overland Flow Mapping and Flood Study – Draft for Public Exhibition— Volume 1: Report and Volume 2: Maps and Figures (Cardno, September 2012 (tabled at meeting) be placed on public exhibition for a minimum period of 28 days with submissions invited from the community:
2. That the following proposed amendments to Pittwater 21 DCP (as it relates to the incorporation of new mapping of Category 3 Properties) be placed on statutory public exhibition for a minimum 28 days with submissions invited from the community:
 - Pittwater 21 DCP Map No. *MDCP089 — Land affected by Overland Flow Path – Major, and Map No. MDCP090 — Land affected by Overland Flow Path – Minor* (Attachment 1) be endorsed for the purpose of identifying those properties which will require notification on a Section 149 Planning Certificate as to the flood-related development controls that apply to the land.
 - B5.12 Stormwater Drainage Systems and Natural Watercourses (Attachment 2);
 - B3.22 Flood Hazard — Flood Category 3 — Overland Flow Path – Major – All Development (Attachment 2);
 - B3.24 Flood Hazard — Flood Category 3 — Overland Flow Path – Minor – All Development (Attachment 2);
 - Appendix 8 — Flood Risk Management Policy for Development in Pittwater (Attachment 3).
3. That the Pittwater 21 DCP Map No. *MDCP089 — Land affected by Overland Flow Path – Major, and Map No. MDCP090 — Land affected by Overland Flow Path – Minor* (Attachment 1) be endorsed for the purpose of identifying those properties which will require a notification (Attachment 4) on a Section 149 Planning Certificate as to the flood related development controls that apply to the land
4. That the owners of properties identified on *Map No. MDCP089 — Land affected by Overland Flow Path – Major, and Map No. MDCP090 — Land affected by Overland Flow Path – Minor* be notified in writing advising them of the following information:
 - the overland flow flood study and mapping;
 - the draft amendments to the Pittwater 21 Development Control plan relating to properties identified as potentially affected by overland flooding (Category 3 Properties);
 - the inclusion of a notation on their Section 149 Planning Certificate advising that the land is subject to flood-related development controls.;
 - the inclusion a copy of the Information Flyer and links to the relevant pages on Council's website to provide additional information about the project;
 - the period of public exhibition and the invitation to provide written comments by the close of the exhibition period;
 - the details of the community information sessions to be held during the exhibition period.

(Cr Townsend / Cr Griffith)

C10.8	Minutes of SHOROC Board Meeting held on 2 November 2012
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COMMITTEE RECOMMENDATION

That the Minutes of the SHOROC Board Meetings held on 2 November 2012 be noted and those matters requiring further consideration by Pittwater Council be the subject of separate reports to Council as required.

(Cr McTaggart / Cr Townsend)

C10.2	Investment Balances as at 31 October 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the 2012/13 net investment return of \$622,491.

(Cr Hegarty / Cr White)

C10.7	Minutes of the SHOROC Annual General Meeting held on 2 November 2012
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COUNCIL DECISION (By Exception)

That the Minutes of the SHOROC Annual General Meeting held on 2 November 2012 be noted.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr White / Cr Millar)

Notes:

1. The Governance Committee Meeting concluded at 10.09 and the Council Meeting recommenced at 10.10pm.
2. Cr Townsend resumed the Chair.

Council Meeting

7.0 Mayoral Minutes

C7.1 General Manager Performance Management Framework

COUNCIL DECISION

1. That the actions set out in the DLG guidelines be noted.
2. That Council establish a Performance Review Panel for a two (2) year term comprising the following membership:
 - (a) Mayor
 - (b) Deputy Mayor
 - (c) A Councillor nominated by Council
 - (d) A Councillor nominated by the General Manager
3. That Council delegate to the Performance Review Panel pursuant to Section 377 of the *Local Government Act 1993* the following functions:
 - (a) the establishment of a framework for Performance Management of the General Manager, including discussions about performance, any actions that should be taken, consideration of the inclusion of an independent observer on the panel and the determination of a new performance agreement;
 - (b) the task of undertaking the performance review of the General Manager;
 - (c) that the review panel seek input from Councillors in relation to the performance review of the General Manager prior to the final report to Council;
 - (d) notification to Council of the relevant dates of the Performance Review cycle and the Panel's findings and recommendations;
 - (e) the reporting to Council in closed session on the findings and recommendations of the performance review as soon as practicable following any performance review of the General Manager.
4. That the General Manager arrange suitable training for panel members on the Performance Management of the General Manager.
5. That the term of the Performance Review Panel be two (2) years. (The next Performance Review Panel will be established at the end of October 2014.)

(Cr Townsend)

FURTHER COUNCIL DECISION

1. That the Council's representative be from Central Ward.
 2. That Cr Ferguson be nominated as Council's representative on the Review Panel for a 2 year term.
 3. That the General Manager nominate his representative Councillor within seven (7) days.
(Cr Townsend)
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9.0 Council Meeting Business

C9.1 IPART Review - Compliance and Enforcement - Submission

COUNCIL DECISION

That the Submission relating to the IPART's - Compliance and Enforcement - Issues Paper and Fact Sheet dated September 2012 be noted.

(Cr Townsend / Cr McTaggart)

12.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendations of the Governance Committee on Items C10.1, C10.4, C10.5 and C10.8 comprising all Council members be and are hereby adopted.

(Cr Townsend / Cr Hegarty)

FURTHER COUNCIL DECISION

That the recommendations of the Governance Committee on Items C10.3 and C10.6 comprising all Council members excepting for Cr Townsend and Cr Hegarty be and are hereby adopted.

(Cr Young / Cr White)

Notes:

1. Cr Townsend left the meeting at 10.28pm and returned at 10.29pm having declared a significant non-pecuniary interest in Item C10.3 – Legal Expenditure as at 31 October 2012 - and took no part in voting on this item. The reason provided by Cr Townsend was:-
"Former volunteer at EDO."

2. Cr Hegarty left the meeting at 10.28pm and returned at 10.29pm having declared a significant non-pecuniary interest in Item C10.6, Newport Surf Club – Liquor Licence Application and took no part in discussion or voting on this item. The reason provided by Cr Hegarty was:

“My partner is President of the Newport SLSC.”

3. In the absence of the Mayor, Cr Grace assumed the Chair at 10.28pm.
4. Cr Townsend resumed the Chair at 10.29pm.

13.0	Adoption of Planning an Integrated Built Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Planning an Integrated Built Environment Committee on Items C11.1 and C11.3 comprising all Council members excepting for Cr Ferguson and Cr Young be and are hereby adopted.

(Cr Townsend / Cr Grace)

Notes:

1. Cr Ferguson left the meeting at 10.30pm and returned at 10.31pm, having declared a significant non-pecuniary interest in Item C11.1 – N0383/10/S96/1 – 43 Bungan Head Road Newport – Modifications involving design changes, addition of a deck and relocation of secondary dwelling - and took no part in voting on this item. The reason provided by Cr Ferguson was:

“Section 96 Modification 43 Bungan Head Road, Newport. Relationship through Newport Residents Association. Have been to “Bloom” Residence.”

2. Cr Young left the meeting at 10.30pm and returned at 10.31pm, having declared a significant non-pecuniary interest in Item C11.1 – N0383/10/S96/1 – 43 Bungan Head Road Newport – Modifications involving design changes, addition of a deck and relocation of secondary dwelling - and took no part in voting on this item. The reason provided by Cr Young was:

“Wrote first submission for Newport Residents Association as former secretary.”

3. Cr Young left the meeting at 10.30pm and returned at 10.31pm, having declared a significant non-pecuniary interest in Item C11.3 – N0079/60/S96/1 – Section 96 Modification – 9a Darley Street Mona Vale – Modifications Include Changes to Operating Hours, External/Internal Changes and Signage – and took no part in voting on this item. The reason provided by Cr Young was:

“Daughter has worked in the café and may work again over the school holiday.”

FURTHER COUNCIL DECISION

That the recommendations of the Planning and Integrated Built Environment Committee on Items C11.2, C11.4, C11.5 and C11.6 comprising all Council members and are hereby adopted.

(Cr White / Cr Grace)

14.0	Councillor Questions on Notice
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Nil.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 10.32PM
ON MONDAY 19 NOVEMBER 2012**