



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

21 May 2012

Commencing at 6.31pm.

ATTENDANCE

Members

Rose, H (Mayor & Chairperson)
White, I (Deputy Mayor)
Dunbar, B
Giles, P
Grace, B
Hegarty, J
Hock, P
James, D
Townsend, J

Officers

Hunt, C (Acting General Manager)
Godfrey, L (Acting Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Beharrell, M (Manager, Natural Environment & Education)
Jones, M (Chief Financial Officer)
Reid, P (Manager, Corporate Strategy & Commercial)
Lofts, J (Manager, Environmental Compliance)
Bramich, R (Principal Environmental Health Officer)
Munn, L (Manager, Reserves, Recreation & Building Services)
Shaw, M (Manager, Urban Infrastructure)
Pigott, A (Principal Officer, Strategic Planning)
Cordoba, L (Principal Officer, Land Release)
Olsen, A (Strategic Planner)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Davies, P (Principal Engineer, Strategy, Investigation & Design)
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 7.30pm, recommenced at 9.51pm and concluded at 9.53pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.31pm and concluded at 9.03pm.
3. The Governance Committee Meeting commenced at 9.04pm, resolved into Closed Session at 9.35pm and back into Open Session at 9.49pm and concluded at 9.50pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 - Mr Bill Thomson

To redress the current tendency to overdevelop and pave over residential lots would you be prepared to support a 50% Actual Impervious Site Cover Control for residential land – No Variations – with a view to promoting the benefits of green landscaping and reducing the potential for the local flash flooding predicted by climate scientists, due to global warming?

Answer:

The Mayor advised that he would take this question on notice.

Question 2 – Mr Bill Thomson

Would you be prepared to take steps to ensure that new developments comply with conditions of consent regarding the planting and maintenance of canopy trees and enforce penalties for breaches of these?

Answer:

The Mayor advised that he would take this question on notice.

Question 3 - Mr Gavin Butler

We note from the Draft Pittwater Council Delivery Program & Budget 2012-2016 that Council had budgeted to receive in the year 2012/2013 \$4.5m from the sale of the Foamcrest Avenue Newport public land. Given that the sale price for this land was \$4.55m and that Council originally was going to purchase back an additional 85 car spaces at \$19,500 each to give net proceeds of just under \$2.9m, does the newly budgeted \$4.5m being only \$50,000 less than the contract mean that Council is going to purchase back only two car spaces instead of 85?

Answer:

The Acting 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 Hegarty declared a significant non-pecuniary interest in Item C10.7 – Kimbriki Advisory Committee – Community Representative and took no part in discussion or voting on this item. The reason provided by Cr Hegarty was:

“One of the applicants is well known to me.”

2. Cr Hegarty declared a less than significant non-pecuniary interest in Item C11.3 – Expression of Interest 06/2011 – Provision of Landscape Works for Warriewood Valley District Park Playground – Provision of Landscape Works for Warriewood Valley District Park Playground. Cr Hegarty remained in the meeting and did take part in discussion and voting on this item. The reason provided by Cr Hegarty was:

“That the decision of Council is only to ask contractors to submit an expression of interest for landscaping works – the playground is already a part of the valley’s planning.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 7 May 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 Hock)

6.0 Public Addresses

Proceedings in Brief

C9.1 – Notice of Motion – Safety and Security at Avalon Beach Reserve - with the leave of the Council Ms Christine Hopton, President of Avalon Surf Club, addressed the meeting speaking in support of this item.

C11.4 – Pittwater Walks & Rides Strategy Masterplan – 2012 Review – with the leave of the Council Ms Yvette Bauder and Mr Justine Wolfe addressed the meeting speaking in support of this item. Mr Storm Jacklin of the Palm Beach & Whale Beach Association and Ms Susan Young of the Newport Residents Association addressed the meeting speaking against this item.

C11.8 – Pittwater 21 Development Control Plan Red Tape Review – with the leave of the Council Mr Ross Smith addressed the meeting speaking against this item.

7.0 Mayoral Minutes

Nil.

8.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.2, C10.3, C11.1, C11.2, C11.3, C11.7 and C11.9 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

9.0 Council Meeting Business

C9.1 Notice of Motion - Safety & Security at Avalon Beach Reserve

COUNCIL DECISION

1. That as a matter of urgency a report is prepared for Council within six weeks of this motion examining and recommending ways to improve the safety and security of the Avalon Beach Reserve, from Avalon Skate Park to North Avalon Car Park.
2. That a public meeting be held to allow for community consultation.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Council Meeting adjourned at 7.30pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.31pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.4 Pittwater Walks & Rides Strategy Masterplan - 2012 Review

COMMITTEE RECOMMENDATION

1. That the Pittwater Walks & Rides Strategy Masterplan – 2012 Review, be adopted.
2. That the following actions (under the Traffic and Transport Strategy) be included in Council's Delivery Plan for a future year:
 - a) That a School Footpaths Program be developed that allows footpaths to be provided on public roads in priority order in the vicinity of school pedestrian access points that can be implemented using a portion of those funds allocated to the provision of footpaths in Council's Annual Delivery Plan.
 - b) That a Pedestrian Amenity Program be developed that allows works to be undertaken in priority order on public roads to address isolated areas where pedestrian are experiencing difficulties due to the standard of road construction, that can be implemented using a portion of those funds allocated to the provision of footpaths in Council's Annual Delivery Plan.

(Cr White / Cr Giles)

Note:

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

- “1. That the Pittwater Walks & Rides Strategy Masterplan – 2012 Review, be adopted.*
- 2. That the following actions (under the Traffic and Transport Strategy) be included in Council’s Delivery Plan for a future year:*
 - a) That a School Footpaths Program be developed that allows footpaths to be provided on public roads in priority order in the vicinity of school pedestrian access points that can be implemented using a portion of those funds allocated to the provision of footpaths in Council’s Annual Delivery Plan.*
 - b) That a Pedestrian Amenity Program be developed that allows works to be undertaken in priority order on public roads to address isolated areas where pedestrian are experiencing difficulties due to the standard of road construction, that can be implemented using a portion of those funds allocated to the provision of footpaths in Council’s Annual Delivery Plan.*
- 3. That in order to enable the provision over time of a continuous constructed footpath on at least one side of the full length of Barrenjoey Road between Mona Vale and Palm Beach (Governor Phillip Park), the provision of a footpath in those sections of Barrenjoey Road not already included in the revised Walks and Rides Masterplan be included (on the Plan and Prioritised List of Works) as staged projects with appropriate priorities and cost estimates.”*

Procedural Motion (COUNCIL DECISION)

That Cr Townsend be granted an extension to enable her to complete her address to the meeting on this item.

(Cr Hegarty / Cr Rose)

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| C11.8 | Pittwater 21 Development Control Plan Red Tape Review |
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COMMITTEE RECOMMENDATION

1. That the amendments to Pittwater 21 Development Control Plan and maps be adopted by Council after excluding the change to building colours and materials and the removal of the first recommended amendment at B6.6 in Attachment 2.
2. That a public notice of the decision to approve the amendment to Pittwater 21 Development Control Plan be placed in the Manly Daily in accordance to the EP&A Regulation 2000.
3. That letters be forwarded to all persons who have made submissions and community groups advising of Council’s decision.

4. That a copy of Pittwater 21 Development Control Plan as amended be forwarded to the Director-General of the Department of Planning, pursuant to section 25AB of the EP&A Regulation 2000.
5. That the changes to Pittwater 21 Development Control Plan be notified on the Pittwater website.
6. Council note that the 'Preliminary Advice' section, which does not form a statutory part of Pittwater 21 DCP, will be automatically updated to ensure timely and consistent guidance for the preparation of development applications.

(Cr Giles / Cr Townsend)

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| C11.5 | 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.

(Cr Giles / Cr White)

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| C11.6 | Determination of Applications for Wilga-Wilson Area and Update on Investigation of the Ingleside Release Area |
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COMMITTEE RECOMMENDATION

1. That Council note the contents of this report.
2. That Council staff prepare a report for Council involving an update of the matters previously raised in the Report to the Planning and Environment Committee Meeting of 18 September 2000 (entitled Warriewood Escarpment and South Ingleside Land Management Strategy), with a particular reference to determination of a forward path for a Rural Residential development of the area known as Wilga-Wilson.
3. That the findings of the Urban Development Capacity Restraints Report on Powderworks Road be brought to Council upon completion.

(Cr James / Cr Rose)

Note:

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

- "1. That Council note the contents of this report.*
- 2. That the findings of the Urban Development Capacity Restraints Report on Powderworks Road be brought to Council upon completion."*

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| C11.1 | N0020/12 - 47 Robertson Road Scotland Island - Alterations and additions to the existing dwelling |
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officers Report be endorsed and application N0020/12 for alterations and additions to the existing dwelling at 47 Robertson Road, Scotland Island (Lot 126 DP 12749) be granted development consent subject to the conditions contained in the Draft Determination and the following additional condition B17:

- B17** The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jack Hodgson Consultants are to be incorporated into the construction plans.

(Cr Hegarty / Cr Giles)

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| C11.2 | N0436/11 - 10 Halesmith Road Mona Vale - Secondary Dwelling & Alterations and Additions to an Existing Dwelling |
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officers Report be endorsed and application N0436/11 for a secondary dwelling, alterations and additions to an existing dwelling at 10 Halesmith Road, Mona Vale (Lot 20 DP 9500) be granted development consent subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

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| C11.3 | EOI 06/2011 - Expression of Interest for Provision of Landscape Works for Warriewood Valley District Park Playground |
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COUNCIL DECISION (By Exception)

1. That as a result of the EOI assessment process, the following Contractors be invited to formally tender for the landscaping and playground contract works at Warriewood Valley District Park Playground construction:

Hargraves
Landscape Solutions
Glascott Group
The Gardenmakers
Furnass Landscaping

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

(Cr Hegarty / Cr Giles)

C11.7 Sydney over the next 20 years - A Discussion Paper**COUNCIL DECISION (By Exception)**

1. That the content in this report be noted.
2. That a submission be prepared for consideration by Council at the PIBE Committee meeting on 17 June 2012.

(Cr Hegarty / Cr Giles)

C11.9 Minutes of the Pittwater Traffic Committee Meeting held on 10 April 2012**COUNCIL DECISION (By Exception)**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 10 April 2012 be adopted.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr White)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 9.03pm and the Governance Committee Meeting commenced at 9.04pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

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| C10.1 | Quarterly Budget Review Statement for the Quarter Ending 31 March 2012 |
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COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 31 March 2012 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.
3. That the following amendments to the financial results be noted:

Page 27 – ***Loan position*** should read ***opening balance***.

Page 28 – The figure at the top should read ***\$5.531 million***.

(Cr Townsend / Cr Giles)

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| C10.4 | Monthly Contractors & Staff Report - March 2012 |
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COMMITTEE RECOMMENDATION

1. That the information provided on the engagement of new contracts for the month of March 2012 as provided by the Business Unit Managers be noted.
2. That the terminations and appointments of staff during March 2012 be noted.
3. That in light of the economic crisis easing over the last two years, Council's continuation of a stable financial position and that historically this Report is adopted without comment, in order to minimise staff costs and time that this Report no longer be reported to Council.

(Cr James / Cr Giles)

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| C10.5 | Quarterly Management Report - Quarter 3 2011/2012 |
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COMMITTEE RECOMMENDATION

That the Quarterly Management report for the period ending 31 March 2013 (Quarter 3) be noted.

(Cr Townsend / Cr White)

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| C10.6 | Update Regarding Progress Towards One Association and Nomination of Delegates for Ballot on One Association |
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COMMITTEE RECOMMENDATION

1. That the letter and report from the Local Government Association of NSW be noted.
 2. That Council nominate the following four (4) delegates to the Local Government Association of NSW to enable Council to take part in the forthcoming secret postal ballot to deal with the matter of One Association:
 - Cr Giles
 - Cr Hegarty
 - Cr White
 - Cr Rose
 3. That Council provide the name and private mailing details of the four (4) nominated delegates to the LGA by 31 May 2012.
- (Cr Rose / Cr Giles)

Procedural Motion (COUNCIL DECISION)

That the Committee resolve into Closed Session and that in the public interest and in accordance with Section 10A(2)(a) of the Local government Act, 1993, the public and press be excluded from the meeting to consider Item C10.7 – Kimbriki Advisory Committee – Community Representative. Section 10A(2)(a) permits the Committee to close the meeting to consider:

(a) personnel matters concerning particular individuals

(Cr Rose / Cr James)

Notes:

1. Cr Hegarty left the meeting at 9.35pm and returned at 9.52pm, having declared a significant non-pecuniary interest on Item C10.7 – Kimbriki Advisory Committee – Community Representative. The reason provided by Cr Hegarty was:

“One of the applicants is well known to me.

2. The meeting moved into Closed Session at 9.37pm with the public and press excluded.

Procedural Motion (COUNCIL DECISION)

That the Governance Committee resume in Open Session.

(Cr Rose / Cr James)

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| C10.7 | Kimbriki Advisory Committee - Community Representative |
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COMMITTEE RECOMMENDATION

1. That the resignation by Janet Biggs from the Kimbriki Advisory Committee be noted and that she be thanked for her participation and valued contribution.
2. That Council nominate Ms Cathy Milliken as community representative to the Kimbriki Environmental Enterprises Advisory Committee.

(Cr Grace / Cr Townsend)

Note:

The following unsuccessful amendment was moved by Cr James and seconded by Cr Giles:

- "1. That the resignation by Janet Biggs from the Kimbriki Advisory Committee be noted and that she be thanked for her participation and valued contribution.*
- 2. That Council nominate Mr Peter McVean as community representative to the Kimbriki Environmental Enterprises Advisory Committee."*

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| C10.2 | Investment Balances for the Month of April 2012 |
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 1,452,591.

(Cr Hegarty / Cr Giles)

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| C10.3 | Legal Expenditure as at 30 April 2012 |
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr James / Cr Giles)

Notes:

1. The Governance Committee Meeting concluded at 9.50pm and the Council Meeting recommenced at 9.51pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendation on Item C10.7 of the Governance Committee comprising all Council members excepting for Cr Hegarty be, and is hereby, adopted.

(Cr James / Cr Townsend)

Note:

Cr Hegarty left the meeting at 9.34pm and returned at 9.52pm, having declared a significant non-pecuniary interest on Item C10.7 – Kimbriki Advisory Committee – Community Representative and thus took no part in discussion or voting on this item. The reason provided by Cr Hegarty was:

“One of the applicants is well known to me.”

FURTHER COUNCIL DECISION

That the recommendations on Items C10.1, C10.4, C10.5 and C10.6 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr White)

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

That the recommendations on Items C11.4, C11.5, C11.6 and C11.8 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hock)

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| 14.0 | Councillor Questions |
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Nil.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.53PM ON
MONDAY 21 MAY 2012**