



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

20 February 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

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Veness, G (Senior Property Officer)
Beharrell, M (Manager, Natural Environment & Education)
Jones, M (Chief Financial Officer)
Munn, L (Manager, Reserves, Recreation & Building Services)
Lawler, S (Principal Officer, Reserves & Recreation)
Pang, J (Manager, Catchment Management & Climate Change)
Edmonds, M (Principal Development Officer)
Williams, A (Principal Development Officer)
Cordoba, L (Principal Officer - Land Release)
Angles, G (Principal Officer, Administration)
Tasker, P (Administration Officer/ Minute Secretary)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 9.23pm, recommenced at 11.09pm and concluded at 11.11pm.
2. The Planning an Integrated Built Environment Meeting commenced at 9.24pm and concluded at 10.52pm.
3. The Governance Meeting commenced at 10.53pm and concluded at 11.08pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions

Question 1 - Mr Rod Bennett

When will Pittwater residents be permitted to use the new suburb names that were gazetted by the NSW Government on 20 January 2012.

Answer:

The General Manager advised that Council has not yet been formally notified by the Geographic Names Board. Following formal notification the new suburb names will be advertised and promoted for general use by Pittwater residents.

Question 2 - Mr Rod Bennett

I contacted Australia Post and was advised that Bilgola Plateau is not listed in the National Address File and that Council was the responsible authority to attend to suburb registration. Is Council aware of this procedure and will Council attend to registration of the new suburb names into the National Address File?

Answer:

The General Manager responded that on receipt of formal notification from the Geographic Names Board Council would follow up on all necessary processes to make the new suburb names operational. The General Manager requested that Mr Bennett provide a copy of his correspondence with Australia Post and any other documentation he might have available to ensure that all necessary steps were taken.

Question 3 - Mr Glen Ilic

What has Council done in regard to providing a bus service to the seniors living at the Wilga-Wilson area?

Answer:

The General Manager responded that Council has written to the STA in regard to this matter. Unfortunately, Council can only request bus services from the STA as this falls within their authority.

Question 4 - Nada Sekulich

On what technical basis was the draft Bushfire Prone Property Map 2012 prepared?

Answer:

The General Manager responded that the NSW Rural Fire Service sets out guidelines and mapping requirements. In preparing the maps, Council takes the RFS guidelines into account together with the strict guidelines relating to the various vegetation communities in each area.

Question 5 - Mr Phillip Blease

Why were the bus stops taken away from Wilga Street and further up along Powderworks Road when it is contrary to the approval for a senior living development? The nearest bus stop is now over 500 metres from that development which is contrary to Council requirements for Seniors Living developments.

Answer:

The General Manager advised that a development approval is given based on the circumstances in place at the time of approval. He reiterated that the STA has authority over the allocation of bus services and bus stops.

3.0	Apologies - Nil
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4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts
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1. Cr White declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition – and took no part in discussion and voting on this item. The reason provided by Cr White was:
“Home owner within bushfire zone.”
2. Cr Hegarty declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition – and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:
“I own my principal residence within land zoned as bushfire prone.”
3. Cr Townsend declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition – and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:
“Home owner within bushfire zone.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 6 February 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 Hegarty / Cr Giles)

6.0 Public Addresses

C9.1 - T09/11 - Tender for Construction of Commuter Wharf at Church Point - with the leave of the Council Ms Karen Lambert (West Pittwater Community Association) and Mr Stephen Wells (West Pittwater Community Association) addressed the meeting speaking against this item. Mr Bill Gye (Scotland Island Residents Association) and Mr Michael Wiener (West Pittwater Community Association) addressed the meeting speaking in support of this item.

C10.6 - Newport Bowling Club - Request for Rent Abatement - with the leave of the Council Mr Montague Smith (Newport Bowling Club) addressed the meeting speaking in support of this item.

C11.1 - N0482/10 - S82A Review of Determination - 223 Plateau Road Bilgola - 3 storey shop top housing development of 2 level basement parking - with the leave of the Council Ms Vonnie Roberts and Ms Julie Gillmeister addressed the meeting speaking against this item. Mr Greg Boston (Boston Blyth Fleming Town Planners) addressed the meeting speaking in support of this item.

C11.2 - N0045/11 - 160 Whale Beach Road Whale Beach - Alterations and additions to the existing dwelling including a swimming pool and inclinor - with the leave of the Council Ms Catherine Purcell and Ms Hallie Purcell addressed the meeting speaking against this item. Ms Susan Rothwell (Consultant Architect) addressed the meeting speaking in support of this item.

C11.3 - Applications in regard to the Wilga-Wilson area, Ingleside - with the leave of the Council Mr Philip Grouse (Wilson-Wilga Residents Association) and Ms Claire Brown (Wilson-Wilga Residents Association) addressed the meeting speaking against this item. Mr Stephen Choularton (Bayview & Ingleside Residents Association) addressed the meeting speaking in support of this item.

7.0 Mayoral Minutes - Nil

8.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.1, C10.2, C10.3 and C10.4 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Townsend)

FURTHER COUNCIL DECISION

That Item C11.5 be dealt with by exception and the recommendation contained in the report for this item be adopted.

(Cr Grace / Cr Rose)

Notes:

1. Cr White left the meeting at 8.11pm and returned at 8.13pm, having declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition. The reason provided by Cr White was:

“Home owner within bushfire zone.”

2. Cr Hegarty left the meeting at 8.11pm and returned at 8.13pm, having declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition. The reason provided by Cr Hegarty was:

“I own my principal residence within land zoned as bushfire prone.”

3. Cr Townsend left the meeting at 8.11pm and returned at 8.13pm, having declared a Less than Significant Non-Pecuniary Interest in Item C11.5 – Draft Bushfire Prone Land Map – Public Exhibition. The reason provided by Cr Townsend was:

“Home owner within bushfire zone.”

Procedural Motion (COUNCIL DECISION)

That Council first deal with Item C9.1, then proceed to the Planning an Integrated Built Environment Committee Meeting in order to discuss Items C11.1, C11.2, C11.3 and C11.4. That Council then proceed to the Governance Committee Meeting to discuss Items C10.6, C10.7 and C10.5.

(Cr Rose / Cr Hegarty)

9.0 Council Meeting Business

C9.1	T09/11 - Tender for Construction of Commuter Wharf at Church Point
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COUNCIL DECISION

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the Tender from Sydney Marina Contracting in the lump sum amount of \$507,353 for the construction of the Church Point Commuter Wharf Option 1.
2. That any necessary documents be executed under the Common Seal of Council.

(Cr White / Cr James)

Note:

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

- "1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the Tender from Sydney Marina Contracting for the construction of the Church Point Commuter Wharf Option 3.*
- 2. That any necessary documents be executed under the Common Seal of Council."*

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Grace)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr James / Cr Grace)

Notes:

1. The Council Meeting adjourned at 9.23pm and the Planning an Integrated Built Environment Committee Meeting commenced at 9.24pm.
 2. Cr Hegarty assumed the Chair.
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Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1 N0482/10 - S82A Review of Determination - 223 Plateau Road Bilgola - 3 storey shop top housing development over 2 level basement parking

COMMITTEE RECOMMENDATION

1. That Council does not approve the Section 82A application N0482/10 and defends the Appeal on the basis of excessive bulk and scale, tree loss and being contrary to the public interest in its current form.
2. That Council grants delegated authority to the General Manager to settle the proceedings if appropriate amendments can be negotiated which would reduce the proposed development's bulk and scale and/or the extent of tree loss in particular.

(Cr Rose / Cr Hock)

Notes:

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

Aye (For)

Cr Rose
Cr Grace
Cr Dunbar
Cr Hegarty
Cr Hock
Cr Townsend

No (Against)

Cr Giles
Cr James
Cr White

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

"That the recommendation in the Development Officer's Report be endorsed and Application N0482/10 - S82A Review of Determination - 223 Plateau Road, Bilgola Plateau (Lot 336 DP16327) for a 3 storey shop top housing development over 2 level basement parking be granted Development consent subject to the conditions contained in the Draft Determination and the following amendments and additional condition of consent:

Amendment to Draft Determination

3 Storey shop top housing development over 2 level basement parking and Strata Subdivision.

Amended Condition of Consent D25

*Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property **and Council at least** seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.*

Additional Condition of Consent F4

The Strata Subdivision of individual car parking spaces for the non residential component is not permitted by this consent.

Additional Condition of Consent

That the carparking in the road reserve not be signed for parking relating to the proposed development and to be used for general public purposes.

Additional Condition of Consent

That the tree planting within the road reserve be of a species suitable and endemic to the local area to the satisfaction of Council's Landscape Architect."

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

Aye (For)

Cr Giles
Cr James
Cr White

No (Against)

Cr Rose
Cr Grace
Cr Dunbar
Cr Hegarty
Cr Hock
Cr Townsend

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Rose)

C11.2	N0045/11 - 160 Whale Beach Road, Whale Beach - Alterations and additions to the existing dwelling including a swimming pool and inclinor
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0045/11 – 160 Whale Beach Road, Whale Beach (Lot 2 DP558808) for alterations and additions to the existing dwelling including a swimming pool and inclinor be granted development consent subject to the conditions contained in the Draft Determination and the following amended and additional conditions of consent:

Amended Condition:

- B3** At least three (3) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website:
http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree

Additional Condition:

- B29** That the chimney protruding above the roof line be reduced in height to accord with the manufacturer's minimum specifications.

(Cr Giles / Cr James)

Notes:

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

Aye (For)	No (Against)
Cr Rose	Cr Grace
Cr White	Cr Townsend
Cr Dunbar	
Cr Giles	
Cr Hegarty	
Cr Hock	
Cr James	

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

"A. That the application be refused due to inappropriate impact on neighbour's views associated with Council's DCP in relation to the principle of view sharing, and the application being non-compliant with the DCP in relation to site cover.

B. That in accordance with Clause 16 of the Council's adopted Code of Meeting Practice the reasons for the deviation from the staff recommendation in relation to this application are as follows:-

Inappropriate impact on neighbour's views and amenities."

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

Aye (For)

Cr Townsend

No (Against)

Cr Rose
Cr White
Cr Dunbar
Cr Giles
Cr Grace
Cr Hegarty
Cr Hock
Cr James

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

"That the matter be deferred as the loss of the iconic views is significant and to investigate further chances of negotiation."

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

Aye (For)

Cr Townsend
Cr Grace

No (Against)

Cr Rose
Cr White
Cr Dunbar
Cr Giles
Cr Hegarty
Cr Hock
Cr James

C11.3 Applications in regard to the Wilga-Wilson area, Ingleside

COMMITTEE RECOMMENDATION

- 1 That the information provided in the report be noted.
- 2 That a report be provided to Council on the Director General's determination of the applications relating to the 'Wilga-Wilson' area.
- 3 That a further report be brought back to Council informing on the planning approach and the outcomes of discussions between Council and NSW Government in regard to the Ingleside Land Release Investigation Area by June 2012.

(Cr White / Cr Rose)

C11.4 Community Based Heritage Study Review

COMMITTEE RECOMMENDATION

1. That the information provided in the report be noted.
2. That Council engage a suitably qualified consultant to undertake the Community Based Heritage Study review.

3. That a 'Heritage Study Working Group' be established through a process of expressions of interest, with a selection panel to determine the composition of the Group.
4. That Cr White be nominated to be a member of the 'Heritage Study Working Group' and this Councillor participate in the selection of community participants in the Group.
5. That the community be invited to nominate items of heritage significance for consideration by the heritage consultant and the 'Heritage Study Working Group' during the review process.
6. That the draft heritage study and progress reports be submitted to the NSW Heritage Branch as required by the conditions of the funding grant (by 15 May 2012 and 15 May 2013).
7. That the draft heritage study prepared during the review process be reported back to Council prior to public exhibition.

(Cr Giles / Cr Rose)

C11.5 Draft Bushfire Prone Land Map - Public Exhibition

COUNCIL DECISION (By Exception)

1. That the Pittwater Bush Fire Prone Lands Map 2012 and Pittwater Bush Fire Prone Property Map 2012, as tabled at the meeting, be placed on public exhibition for a period of 28 days with submissions received until the end of the exhibition period.
2. That submissions be compiled by Council and assessed with assistance from the Warringah Pittwater District RFS and if required the draft map will be modified.
3. That during the public exhibition newly affected properties owners will be notified. The draft Map will be advertised and two community information sessions held.
4. That following the public exhibition period, a further report for adoption of the Pittwater Bush Fire Prone Lands Map, including submissions received, be presented to Council.
5. That following adoption of the Pittwater Bush Fire Prone Lands Map, the map be forwarded to the NSW RFS Commissioner for certification.
6. Following certification section 149 Certificates issued under the *Environmental Planning and Assessment Act 1979* be modified consistent with certified Bush Fire Prone Land/Property Maps, and relevant Development Controls be amended.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 10.52pm and the Governance Committee Meeting commenced at 10.53pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.6 Newport Bowling Club - Request for Rent Abatement

COMMITTEE RECOMMENDATION

1. That Council agree to grant the Newport Bowling Club a 50% reduction in rental for a period of five years commencing from the 2009/2010 financial year
2. That the money saved by the club as a result of the rent reduction be earmarked for future capital works as agreed by Council.
3. That the General Manager be authorised to execute any associated legal documentation under power of attorney.

(Cr Giles / Cr James)

C10.7 Endorsement of Coastal Erosion Emergency Action Subplan for Bilgola Beach and Mona Vale Basin Beach

COMMITTEE RECOMMENDATION

1. That the Draft Coastal Erosion Emergency Action Subplan for Bilgola Beach and Mona Vale Basin Beach (as tabled at this meeting) be endorsed by Council.
2. That the Draft EAS together with all submissions received during the community consultation process be referred to the Office of Environment and Heritage with a request that the Draft EAS be reviewed and if appropriate referred to the Minister for the Environment for certification.

(Cr Giles / Cr James)

C10.5	Pittwater's 20th Birthday Celebrations
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COMMITTEE RECOMMENDATION

That Council endorse the following events to recognise Council's 20th year Anniversary:

- Co-joined event – Food and Wine Fair / Sustainability and 20th Birthday celebrations
- Volunteer Awards including 20 years service awards recognition
- Civic reception including past councillors, senior staff and significant members of the Pittwater community
- Before and after photo display at Mona Vale Library
- A photo / video / writing competition
- A virtual memory wall
- A ceremonial tree planting by current Councillors at Winnererremy Bay and local schools
- Advertising & Promotion
- 20th Birthday editions in the Manly Daily's 'My Pittwater' and Pittwater Life (May issue)

(Cr Rose / Cr Giles)

C10.1	Quarterly Budget Review Statement for the Period Ending 31 December 2011
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COUNCIL DECISION (By Exception)

1. That the financial results for the period ending 31 December 2011 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Hegarty / Cr Townsend)

C10.2	Investment Balances for the Months of December 2011 and January 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 \$ 771,080.

(Cr Hegarty / Cr Townsend)

C10.3 Legal Expenditure as at 31 January 2012

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Townsend)

C10.4 Monthly Contractors & Staff Report - November and December 2011

COUNCIL DECISION (By Exception)

1. That the information provided on the engagement of new contracts for the month of November and December 2011 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during November and December 2011 be noted.

(Cr Hegarty / Cr Townsend)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Grace)

Notes:

1. The Governance Committee Meeting concluded at 11.08pm and the Council Meeting recommenced at 11.09pm.
 2. Cr Rose resumed the Chair.
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Council Meeting

12.0	Adoption of Governance Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Governance Committee on Items C10.5, C10.6 and C10.7 comprising all Council members be and are hereby adopted.

(Cr Giles / Cr Hegarty)

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, C11.2, C11.3 and C11.4 comprising all Council members be and are hereby adopted.

(Cr Giles / Cr Grace)

14.0	Councillor Questions - Nil
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**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 11.11PM ON
MONDAY 20 FEBRUARY 2012**