

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

16 May 2011

Commencing at 6.31pm.



ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Hunt, C (Director, Urban & Environmental Assets)
Lofts, J (Acting Director, Environmental Planning & Community)
Godfrey, L (Manager, Community Services & Library)
Lawrence, W (Manager, Administration & Governance)
Lawler, S (Acting Manager, Reserves & Recreation)
Hansen, M (Acting Manager, Natural Environment & Education)
Elwood, S (Natural Resources Officer)
Ratnakumar, C (Acting Chief Financial Officer)
Wilde, R (Senior Project Accountant)
Whiteman, L (Internal Auditor)
Cronan, J (Landscape Architect)
Cordoba, L (Principal Officer, Land Release)
Robins, R (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 7.26pm, recommenced at 9.24pm and concluded at 9.25pm.
2. The Governance Committee Meeting commenced at 7.27pm and adjourned at 7.55pm, recommenced at 8.51pm and concluded at 9.23pm.
3. The Planning and Integrated Built Environment Committee Meeting commenced at 7.56pm and concluded at 8.50pm.
4. The Chairperson advised that Item C15.1 – Confidential Report – 23-27 Warriewood Road and 2 Macpherson Street Warriewood – was no longer confidential following the revocation of the Part 3A process by the State Government of NSW. As such, this item would now be dealt with in open session under Item C11.5 in the Planning and Integrated Built Environment Committee Meeting.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions - Nil

3.0 Apologies - Nil

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

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 2 May 2011 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 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.2, C10.3, C10.4, C10.5, C10.6, C10.7, C11.2 and C11.4 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

7.0 Public Addresses

C9.1 - NOTICE OF MOTION - Support for Controls on Selling Rabbits - Mr David Palmer with the leave of the Council addressed the meeting speaking in support of this item.

C10.9 - Cannes Reserve and Gunyah Place Reserve Draft Plan of Management - Ms Leanne Blunden and Ms Verity Davis-Raiss with the leave of the Council addressed the meeting speaking in support of this item.

C10.10 - Native Fauna Management Plan - Adoption - Mr David Palmer with the leave of the Council addressed the meeting speaking in support of this item.

C11.1 - Warriewood Valley Strategic Review - Mr Rob Hack and Ms Lynne Czinner with the leave of the Council addressed the meeting speaking against this item.

8.0 Mayoral Minutes - Nil

9.0 Council Meeting Business

C9.1 NOTICE OF MOTION - Support for Controls on Selling Rabbits - Motion submitted by Cr Townsend
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COUNCIL DECISION

1. That Council convene a working group of State Government representatives and relevant experts to examine legislative changes to address the feral rabbit problem including but not limited to the following:
 - Breeders of rabbits to be regulated and licensed to control the numbers of rabbits sold.
 - Breeders of rabbits to desex rabbits prior to sale to pet shops.
 - Animal farms that focus on baby animals be restricted from breeding rabbits and leaving them at schools at 2 days old with inexperienced teachers. These practices encourage impulse buying as the teachers and children are encouraged to take the surviving rabbits home.
 - Pet shops are not to sell intact rabbits.
 - Pet shops to be responsible for the distribution of educational material prior to sale, so that potential owners can make informed decisions about the most appropriate pet for their lifestyle.
 - Purchasers to demonstrate knowledge of responsible rabbit care prior to sale or buying a restricted pet.
 - Owners to desex rabbits prior to resale or presenting their unwanted rabbits to pet shops.
2. That Council submit this as a motion to the next NSW Local Government Association Conference for statewide support.
3. That Council seek support from the Urban Feral Animal Action Group and SHOROC and Catchment Management Authorities.

(Cr Rose / Cr Giles)

Note:

The following unsuccessful motion was moved by Cr Townsend and seconded by Cr Hegarty:

- “1. That Council write to the State Government to seek the following legislative changes:
- Breeders of rabbits to be regulated and licensed to control the numbers of rabbits sold.
 - Breeders of rabbits to desex rabbits prior to sale to pet shops.
 - Animal farms that focus on baby animals be restricted from breeding rabbits and leaving them at schools at 2 days old with inexperienced teachers. These practices encourage impulse buying as the teachers and children are encouraged to take the surviving rabbits home.
 - Pet shops are not to sell intact rabbits.
 - Pet shops to be responsible for the distribution of educational material prior to sale, so that potential owners can make informed decisions about the most appropriate pet for their lifestyle.
 - Purchasers to demonstrate knowledge of responsible rabbit care prior to sale or buying a restricted pet.
 - Owners to desex rabbits prior to resale or presenting their unwanted rabbits to pet shops.
2. That Council submit this as a motion to the next NSW Local Government Association Conference for statewide support.
3. That Council seek support from the Urban Feral Animal Action Group and SHOROC and Catchment Management Authorities.”

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Governance Committee Meeting now commence.

(Cr Giles / Cr White)

Notes:

1. The Council Meeting adjourned at 7.26pm and the Governance Committee Meeting commenced at 7.27pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.9 Cannes Reserve and Gunyah Place Reserve Draft Plan of Management

COMMITTEE RECOMMENDATION

That the Cannes Reserve and Gunyah Place Reserve Draft Plan of Management, which includes the section 91 licence application for proposed works during May to July 2011 (as tabled at the meeting) be placed on public exhibition for four (4) weeks with a further (2) two weeks allowed for submissions to be received.

(Cr Hegarty / Cr White)

C10.10 Native Fauna Management Plan - Adoption

COMMITTEE RECOMMENDATION

1. That the public submissions on the Draft Native Fauna Management Plan be noted.
2. That the Native Fauna Management Plan, as tabled at the meeting, be adopted.

(Cr Townsend / Cr Grace)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Governance Committee Meeting adjourned at 7.55pm and the Planning and Integrated Built Environment Committee Meeting commenced at 7.56pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1 Warriewood Valley Strategic Review

COMMITTEE RECOMMENDATION

- 1 That Council confirms its participation with the Department of Planning and Infrastructure in the Strategic Review for all undeveloped sites in the Warriewood Valley Release Area and further that the Terms of Reference of the proposed Warriewood Valley Strategic Review be expanded to include the following:

Council's establishment by resolution dated 17 February 2011 of Narrabeen Creek Sea Level Rise Investigation Area (map attached) made in accordance with the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010) so as to inform Council's strategic land use planning to indicate land potentially at risk now or in the future as a consequence of sea level rise.
2. That Council adopt the approach detailed in Section 3 of this report, subject to 3.6(a) to read:

Identify any sector that as a result of existing environmental or developmental constraints is unable to develop beyond either:

 - *The pre-planned dwelling density (that is no increase in density and will retain the 15 dwellings per hectare) or*
 - *The existing land use.*
3. That Council write to those landowners whose property is currently undeveloped in the Warriewood Valley Release Area and relevant stakeholders advising of the commencement of the Strategic Review with the Department of Planning and Infrastructure.
4. That a future meeting be scheduled with landowners of the Southern Buffer, the Department and Council Officers to discuss the existing opportunities and constraints affecting the Southern Buffer Area.
5. That a progress report be brought back to Council following engagement of the consultancies or within the first quarter 2011/12, whichever occurs first.
6. That a report be brought back to Council on the outcomes of the Warriewood Valley Strategic Review.

(Cr Hegarty / Cr Grace)

Note:

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

- “1 That Council confirms its participation with the Department of Planning and Infrastructure in the Strategic Review for all undeveloped sites in the Warriewood Valley Release Area and further that the Terms of Reference of the proposed Warriewood Valley Strategic Review be expanded to include the following:
- Council's establishment by resolution dated 17 February 2011 of Narrabeen Creek Sea Level Rise Investigation Area (map attached) made in accordance with the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010 so as to inform Council's strategic land use planning to indicate land potentially at risk now or in the future as a consequence of sea level rise.*
- 2 That Council adopt the approach detailed in Section 3 of this report, subject to 3.6(a) to read:
- Identify any parcel of land and/or sector that as a result of existing environmental or developmental constraints, is unable to develop beyond either:*
- *The pre-planned dwelling density (that is no increase in density and will retain the 15 dwellings per hectare) or*
 - *The existing land use.*
- 3 That Council write to those landowners whose property is currently undeveloped in the Warriewood Valley Release Area and relevant stakeholders advising of the commencement of the Strategic Review with the Department of Planning and Infrastructure.
- 4 That a future meeting be scheduled with landowners of the Southern Buffer, the Department and Council Officers to discuss the existing opportunities and constraints affecting the Southern Buffer Area.
- 5 That a progress report be brought back to Council following engagement of the consultancies or within the first quarter 2011/12, whichever occurs first.
- 6 That a report be brought back to Council on the outcomes of the Warriewood Valley Strategic Review.”

C11.2	Outcomes of Exhibition of Draft Amendment to Warriewood Valley Section 94 Contributions Plan
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COUNCIL DECISION (By Exception)

- 1 That Council write to the Minister for Planning seeking a new Section 94E Direction that expressly states a residential contribution rate of \$62,100 per new residential lot/dwelling inclusive of land dedication for the multi-functional creekline corridor (subject to increases on a quarterly basis in accordance with the applicable Consumer Price Index, if not paid by the end of the quarter). This residential contribution rate would apply to land in the Warriewood Valley Release Area.

- 2 That until such time as the new Direction is issued (as it relates to 1 above), Council adopt a contribution rate \$62,100 per new residential lot/dwelling inclusive of land dedication for the multi-functional creekline corridor, applicable to residential development in the Warriewood Valley Release Area. If the total cash contribution rate (or part thereof) remains unpaid at the end of the quarter, the outstanding amount still to be paid to Council will be increased on a quarterly basis in accordance with the applicable Consumer Price Index.
- 3 That a further report be brought back to Council on the legislative changes to local development contributions when the information is released by the NSW State Government.

(Cr Hegarty / Cr Giles)

C11.3	Status of Ingleside Investigation Area
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COMMITTEE RECOMMENDATION

That the General Manager seek to have an urgent high level meeting with the Director General of the Department of Planning & Infrastructure and appropriate staff to urgently determine a forward path in developing a planning solution for South Ingleside, North Ingleside and Wirreanda Valley component of the original Ingleside-Warriewood land release.

(Cr James / Cr Rose)

C11.4	Pittwater Heritage Report, Heritage Strategy Annual Report & Heritage Advisor Funding
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COUNCIL DECISION (By Exception)

1. That the information provided in the report be noted.
2. That the attached "Pittwater Heritage Report" and "Annual Report" be adopted.
3. That Council resolve to forward the Pittwater Heritage Report and Annual Report to the NSW Heritage Branch.

(Cr Hegarty / Cr Giles)

C11.5	23-27 Warriewood Road and 2 Macpherson Street Warriewood
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COMMITTEE RECOMMENDATION

1. That the report be noted.
2. That Council write to the Minister for Planning and the Member for Pittwater thanking them for their support in revoking the classes of development that could be considered under the Part 3A process and in particular revoking the Declaration for 23-27 Warriewood Road and 2 Macpherson Street Warriewood.

(Cr Rose / Cr Giles)

Note:

This matter appeared as Item C15.1 as a confidential report in the Meeting Agenda but was considered in Committee with press and public present.

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 8.50pm and the Governance Committee Meeting recommenced at 8.51pm.
2. Cr Townsend resumed the Chair.

Governance Committee

C10.1	Financial Report for the Period Ending 31 March 2011 of the 2010/2011 Financial Year
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COMMITTEE RECOMMENDATION

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

(Cr Rose / Cr White)

C10.2	Investment Balances for the Month of April 2011
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the year to date (April) net investment return of \$ 1,282,878.

(Cr Hegarty / Cr Giles)

C10.3	Legal Expenditure as at 30 April 2011
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.4	Monthly Contractors and Staff Report - March 2011
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COUNCIL DECISION (By Exception)

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

(Cr Hegarty / Cr Giles)

C10.5	March 2011 Quarterly Management Report
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COUNCIL DECISION (By Exception)

That the Quarterly Management report for the period ending 31 March 2011 (Quarter 3) be noted.

(Cr Hegarty / Cr Giles)

C10.6	Audit Services Tender
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COUNCIL DECISION (By Exception)

1. That the tender of Hills Rogers Spencer Steer Chartered Accountants be accepted.
2. That the General Manager or Delegated Officer be authorised to approve all contract payments associated with this contract and affix the Seal of Council to any relevant documents if required.
3. That the unsuccessful Tenderers be thanked for their submissions.

(Cr Hegarty / Cr Giles)

C10.7	Road Closure and Sale - 28 Carefree Rd North Narrabeen
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COUNCIL DECISION (By Exception)

1. That Council authorise the lodgement of Applications for Road Closure with the relevant State Government Authority for portions of road reserve adjoining the property located at 28 Carefree Road, North Narrabeen.
2. That if the application for road closure is successful the land be sold to the applicant for the sum of \$20,000.00 and the General Manager be authorised to execute all relevant legal documentation.
3. That the sale of road reserve be subject to Building Certificate approval within twelve (12) months of Exchange of Contracts.

(Cr Hegarty / Cr Giles)

C10.8	Policy Review - Environmental Planning & Community Division
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COMMITTEE RECOMMENDATION

1. That Council adopt the following as Draft Policies for the purpose of Public Exhibition (as shown in **Attachments 1, 2 and 3**):

Policies to be retained with only minor changes and format modification

Policy No.	Strategy	Policy Name
No. 2	Building Communities	Recognition of Community Service - Awards
No. 22	Land Use & Development	Nuclear
No. 28	Land Use & Development	Horses on Private Property
No. 29	Community Engagement, Education & Awareness	Food Premises
No. 31	Community Engagement, Education & Awareness	Dog Population
No. 44	Land Use & Development	Naming of Streets & Pathways
No. 45	Building Communities	Direct Financial Assistance - Community Services Organisations
No. 46	Building Communities	Community Centres
No. 48	Community Learning	Freedom of Collection and Access for Local Government Libraries
No. 49	Land Use & Development	Development Applications – Previously Approved by Elected Council – Amendment of
No. 83	Waste Management & Pollution Control	Kimbriki Resource Recovery Centre – Free Access
No. 103	Town & Village	Car Parking Areas - Free
No. 133	Town & Village	Brothels in Pittwater
No. 156	Community Engagement, Education & Awareness	Greywater Reuse in sewerred and unsewerred domestic premises
No. 158	Community Engagement, Education & Awareness	Issuing of Infringement Notices
No. 167	Building Communities	Youth
No. 168	Building Communities	Children's Services
No. 172	Community Engagement, Education & Awareness	Street Parking
No. 175	Building Communities	Liquor Licensing Applications
No. 180	Town & Village	Closed Circuit Television (CCTV)

Policies to be retained with substantial modification as well as format modification

Policy No.	Strategy	Policy Name
No. 21	Economic Development	Tourism in Pittwater
No. 154	Building Communities	Smoke Free Zones Around Pittwater
No. 162	Economic Development	Home Based Business Policy

New Policies

Policy No.	Strategy	Policy Name
New	Building Communities	Direct Financial Assistance – Mayoral Donation Program
New	Building Communities	Graffiti and Vandalism

2. That Council revoke the following Policies (as shown in **Attachment 4**):

Policy No.	Policy Name
No. 32	Cargo Wharf at Church Point – Operation Regulations
No. 33	Arrest of Person – Powers of Council Officers
No. 34	Builders Licensing Board Agency
No. 35	Adequacy of Structural Design
No. 36	Noise Nuisance from Building Operations
No. 38	Development Applications – Policies at Date of Determination
No. 39	Development Applications – Application Checklist
No. 40	Site Inspections with Council's Staff – Development Application Matters
No. 41	Development Applications – Determination
No. 71	Inter-allotment Drainage Policy – Subdivisions
No. 72	Numbering of Properties
No. 107	Graffiti - SHOROC
No. 116	Development Applications – SEPP 5 Development
No. 117	Aerosol Art Sites in Pittwater Area
No. 125	Building Height Controls in Flood Prone Areas
No. 127	Non Compliance Development Applications
No. 128	Multiple Occupancy Breaches
No. 131	In-Sink Food Waste Disposers – Ban on Installations
No. 135	Mobile Phone Tower Locational
No. 139	Economic Policy 2001
No. 140	Development Application – Youth Space
No. 141	Development Application Process
No. 160	S96 Modification Applications – Consideration Thereof
No. 161	Development Control Plans – Landscaping and Streetscape

- That the Draft Policies as shown in Attachments 1, 2 and 3, together with those Draft Policies to be identified in separate reports to Council during May, June and July 2011, be placed on public exhibition for a period of 28 days following the final Policy Report to Council.
- At the completion of the Public Exhibition, a further report facilitating adoption of the finalised Policies be made to Council.
- That the Compliance Enforcement & Orders Policy be retained and be the subject of a separate review and Report to Council.

(Cr Hegarty / Cr Dunbar)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Hegarty)

Notes:

1. The Governance Committee Meeting concluded at 9.23pm and the Council Meeting recommenced at 9.24pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C10.1 C10.8, C10.9 and C10.10 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Hegarty / Cr Hock)

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.1, C11.3 and C11.5 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Hegarty / Cr Hock)

14.0	Councillor Questions - Nil
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**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT
9.25PM ON MONDAY 16 MAY 2011**