



# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***4 July 2011***

Commencing at 6.30pm.

## ATTENDANCE

### Members

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

### Officers

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Williams, A (Principal Development Officer)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Hewitt, M (Social Community & Economic Development Coordinator)  
Lofts, J (Manager, Environmental Compliance)  
Pang, J (Manager, Catchment Management & Climate Change)  
Davies, P (Principal Engineer, Strategy Investigations & Design)  
Tasker, P (Administration Officer/ Minute Secretary)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.30pm and adjourned at 7.28pm, recommenced at 7.48pm and concluded at 7.49pm.
2. The Community, Recreation and Economic Development Committee Meeting commenced at 7.29pm and concluded at 7.39pm.
3. The Natural Environment Reference Group Meeting commenced at 7.40pm and concluded at 7.47pm.

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## **Council Meeting**

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### **1.0 Apologies**

#### **COUNCIL DECISION**

That apologies be received and accepted from Cr Townsend and Cr Hegarty, and that leave of absence be granted from the Council Meeting held on 4 July 2011.

(Cr White / Cr Giles)

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### **2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts - Nil**

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### **3.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 20 June 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 White / Cr Giles)

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## **4.0 Business by Exception (All items on the Agenda)**

### **COUNCIL DECISION**

That Item C7.2 be dealt with by exception and the recommendation contained in the report for this item be adopted.

(Cr Rose / Cr Giles)

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## **5.0 Public Addresses**

**C7.1 N0052/11 - 4 Boundary Street & 10 Jubilee Avenue, Warriewood - Construction of a new private road to access 120 Mona Vale Road** - with the leave of the Council Mr Roy Mustaca addressed the meeting speaking against the recommendation on this item.

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## **6.0 Mayoral Minutes - Nil**

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## **7.0 Council Meeting Business**

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**C7.1 N0052/11 - 4 Boundary Street & 10 Jubilee Avenue, Warriewood - Construction of a new private road to access 120 Mona Vale Road**

### **COUNCIL DECISION**

1. Council acknowledges that the applicant has proceeded to seek a resolution to access the site at 120 Mona Vale Road in accordance with Council resolutions of 18 April 2006 and 7 April 2008. Council acknowledges that the applicant has secured owners agreement to lodge an application for the development of the road.

Given that owners agreement to an access road has been secured, Council is in a position to consider an overall Masterplan / rezoning to develop 120 Mona Vale Road and the area proposed for the road over 4 Boundary Street and 10 Jubilee Avenue, subject to the submission of full detailed studies, reports and plans addressing environmental, infrastructure, hazard management, biodiversity and urban capability of the sites.

2. That consideration of the present application be deferred pending the outcome of the current Strategic Review of the Warriewood Valley and consideration of the Masterplan suggested above.

(Cr Giles / Cr Rose)

**Notes:**

1. **Division**

A division was duly taken resulting in the following voting:

**Aye (For)**

Cr Dunbar  
Cr Giles  
Cr Grace  
Cr Hock  
Cr Rose  
Cr White

**No (Against)**

Cr James

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

- "1. That the application be approved by way of a deferred consent to enable further consultation between Council and the applicant in order to achieve a satisfactory access road.*
- 2. That this item is to be reported back to Council within one month.*
- 3. That Council staff consult with the applicant's consultants as to the land capability and yield potential.*
- 4. That staff report back to Council no later than two months as to (3) above.*
- 5. Following (4) above, the applicant be invited to submit a Masterplan for 120 Mona Vale Road."*

**Division**

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

**Aye (For)**

Cr Grace

**No (Against)**

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

3. The following further amendment moved by Cr James lapsed for want of a seconder:

*"That the recommendation in the Development Officer's Report be endorsed and Application N0052/11 - 4 Boundary Street, Warriewood (Lot 2 DP816070), 10 Jubilee Avenue, Warriewood (Lot 10 DP5055) for the construction of a new private road to access 120 Mona Vale Road, Warriewood be refused subject to the reasons for refusal contained in the Draft Determination."*

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Rose / Cr Giles)

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<b>C7.2</b>	<b>Policy Review - Compliance Enforcement and Orders Policy</b>
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**COUNCIL DECISION (By Exception)**

1. That the information provided in the report be noted.
2. That the attached, updated Compliance Enforcement and Orders Policy be adopted.

(Cr Rose / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

That the Council Meeting be adjourned and the Community, Recreation & Economic Development Committee Meeting now commence.

(Cr Giles / Cr White)

**Notes:**

1. The Council Meeting adjourned at 7.28pm and the Community, Recreation & Economic Development Committee Meeting commenced at 7.29pm.
2. Cr Rose remained in the Chair.

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<b>Community, Recreation and Economic Development Committee</b>
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<b>8.0</b>	<b>Community, Recreation and Economic Development Committee Business</b>
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## **C8.1 Review Council's Social Plan**

### **COMMITTEE RECOMMENDATION**

- 1 That Council note the development of a new Social Plan 2012-2016.
- 2 That Council support the framework and process outlined within this report.
- 3 That Council note the review of the previous Social Plan 2005-2009.

(Cr Rose / Cr Giles)

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## **C8.2 Minutes of the Community, Recreation & Economic Development Reference Group Meeting held on 4 May 2011**

### **COMMITTEE RECOMMENDATION**

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 4 May 2011 be noted.

(Cr White / Cr Giles)

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### **Procedural Motion (COUNCIL DECISION)**

That the Community, Recreation & Economic Development Committee Meeting be concluded and the Natural Environment Committee Meeting now commence.

(Cr Grace / Cr Giles)

### **Notes:**

1. The Community, Recreation & Economic Development Committee Meeting concluded at 7.39pm and the Natural Environment Committee Meeting commenced at 7.40pm.
2. Cr Rose remained in the Chair.

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## **Natural Environment Committee**

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## **9.0 Natural Environment Committee Business**

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<b>C9.1</b>	<b>Update on Implementation of NSW Coastal Planning Reforms</b>
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**COMMITTEE RECOMMENDATION**

1. That the implementation of legislative and policy changes by the NSW Government relating to coastal planning matters be noted.
2. That the program of planning and management works that Pittwater Council is obliged to undertake as a result of the coastal planning reforms be funded in accordance with the timeframes stipulated in the relevant legislation and by the ministerial directions through the Pittwater Council Delivery Program and Budget 2011-2015.
3. That staff seek, whenever possible, financial assistance through applicable grants from both the state and federal governments to help offset the costs of these works.
4. That Pittwater Council not consider delegating an authorised officer until emergency action plans and coastal zone management plans have been completed for the two (2) authorised locations and the implications of emergency management actions are better understood.
5. That in the interim, should the services of an authorised officer be required in Pittwater, that Council request the services of a state government agency nominated authorised officer.
6. That Pittwater Council not consider levying a coastal protection service charge for the maintenance and management of landowner funded permanent seawalls until coastal zone management plans have been completed for all Pittwater ocean beaches and the likely costs to Council of administering such a charge are better understood.
7. That in the interim, development applications that include coastal protection works on private property be conditioned so as to make the landowner responsible for all costs associated with the maintenance of the seawall and the management of off-site erosion impacts for the life of the proposed development in accordance with the provisions of the *Coastal Protection Act 1979*.
8. That further updates on the coastal planning reforms and the implications for Council and the Pittwater community be reported to Council as the required actions are implemented in the Pittwater local government area.
9. That Council write to the NSW Premier and Government, relevant Ministers and Mr Rob Stokes, Member for Pittwater, in the following terms:

"Having considered the recently amended legislation on Coastal Planning Reform, it is the view of Pittwater Council that although the legislation represents an important and useful first step, the Act nevertheless fails to fully achieve its primary aim for a sufficiently robust, clear and prescriptive framework.

In order to provide better assistance to Local Government in its administration of the Coastal Zone, Pittwater Council requests that Government conduct an early reconsideration of perceived shortcomings in, and further necessary improvements to, the *Coastal Protection and Other Legislation Act 2010*".

(Cr James / Cr Giles)

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<b>C9.2</b>	<b>Minutes of the Natural Environment Reference Group Meeting held on 11 May 2011</b>
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**COMMITTEE RECOMMENDATION**

1. That the Minutes of the Natural Environment Reference Group Meeting held on 11 May 2011 that relate, in part, to a Discussion Paper on:

***“Towards a Carbon Neutral Community”***

and the Actions and Progress to date, along with further initiatives and reference points to strengthen these initiatives be noted and this information be taken into consideration as part of Council's Strategic Plan and Management Plan processes.

2. That the proposed community education and awareness campaign to improve the water quality of Careel Creek be noted.

(Cr Hock / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

That the Natural Environment Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Hock / Cr Grace)

**Notes:**

1. The Natural Environment Committee Meeting concluded at 7.47pm and the Council Meeting recommenced at 7.48pm.
2. Cr Rose remained in the Chair.

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<b>Council Meeting</b>
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<b>10.0</b>	<b>Adoption of the Community, Recreation &amp; Economic Development Committee Recommendations</b>
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**COUNCIL DECISION**

That the recommendations on Items C8.1 and C8.2 of the Community, Recreation & Economic Development Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr White)

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<b>11.0</b>	<b>Adoption of the Natural Environment Committee Recommendations</b>
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**COUNCIL DECISION**

That the recommendations on Items C9.1 and C9.2 of the Natural Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Hock / Cr Giles)

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<b>12.0</b>	<b>Councillor Questions - Nil</b>
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**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 7.49PM  
ON MONDAY 4 JULY 2011**