



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

17 October 2011

Commencing at 6.33pm

ATTENDANCE

Members

Rose, H (Mayor & Chairperson)
White, I (Deputy Mayor)
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)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Pigott, A (Principal Officer, Strategic Planning)
Godfrey, L (Manager, Community, Library & Economic Development)
Hewitt, M (Social, Community & Economic Coordinator)
Jones, M (Chief Financial Officer)
Lofts, J (Manager, Environmental Compliance)
Bramich, R (Principal Officer, Environmental Health)
Shaw, M (Manager, Urban Infrastructure)
Reid, P (Manager, Corporate Strategy & Commercial)
Robins, R (Principal Officer, Administration)
Tasker, P (Administration Officer / Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.33pm and adjourned at 7.00pm, recommenced at 7.13pm and adjourned at 7.41pm, recommenced at 8.07pm and concluded at 8.08pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.01pm and concluded at 7.12pm.
3. The Governance Committee Meeting commenced at 7.42pm and concluded at 8.06pm.

Council Meeting

1.0 Public Forum - Nil

2.0 Resident Questions

Question 1 - Mr Ross Smith

I previously stated that the Shop Top Housing development on the old Red Rooster site in Mona Vale was approved with 5 units too many. Councillor James said my statement had no credibility. The General Manager advised that my conclusions were incorrect. The proposed shop top development includes 10 dwellings where the control only allows a maximum of 5 dwellings. For you to state I am incorrect then you must also be saying that the staff reports are incorrect. If not, why not?

Answer:

The Director, Environmental Planning & Community responded that in his opinion Mr Smith was incorrect. The original staff report indicated that there was an irregularity in the number of units, and the subsequent hearing of the Development Unit and subsequent report clarified that. There is no core area in Mona Vale that related to what Mr Smith was talking about in terms of density controls. The Director suggested that if Mr Smith wished to clarify matters further he contact him to arrange a meeting.

Question 2 - Mr Ross Smith

Continuing with my concern on the shortage of car parking in Mona Vale, I draw your attention to the Shop Top Housing development at 3-5 Bungan Street. The building owners have installed a roller shutter on the car park entrance which has effectively blocked customer parking in the basement. P21 DCP clause B6.6 clearly states: *For Retail and/or Commercial patron parking is not to be restricted or obstructed (for example behind roller doors)*. The approved plans do not show a roller shutter and the installation of one is therefore not permitted. I ask can this be investigated? If no approval was given Council should be issuing an order to have the roller shutter removed.

Answer:

The Director, Environmental Planning & Community, advised that Mr Smith was correct in that there was a roller shutter on these premises. He understood that this matter had been previously investigated and that at the time the building was approved there was no prohibition through the DCP or limitations on "shuttering". The Director did undertake to investigate the matter further but was fairly sure that the outcome would be the same, in that it was found that Council could do nothing with the old consent.

3.0 Apologies**COUNCIL DECISION**

That apologies be received and accepted from Cr Giles, Cr Grace and Cr Dunbar and leave of absence be granted from the Council Meeting held on 17 October 2011.

(Cr Hegarty / Cr James)

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 4 October 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 Hegarty)

6.0 Public Addresses**Proceedings in Brief**

C11.1 - Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling - Mr Ross Flemming with the leave of the Council addressed the meeting speaking in support of the recommendation on this item.

C11.2 - N0093/11 - 21 Bungan Street, Mona Vale - Affordable Housing Development - Mr Bede Seymour (President, Mona Vale Public School P&C Association) and Mr Greg Jones (Principal, Mona Vale Public School) with the leave of the Council addressed the meeting speaking in support of the recommendation on this item.

C11.3 - N0749/10 - 38-40 St Andrews Gate, Elanora Heights - Affordable Housing Development - Mr Gavin Hogan with the leave of the Council addressed the meeting speaking in support of the recommendation on this item.

C11.4 - Minutes of the Pittwater Traffic Committee Meeting held on 22 September 2011 - Item TC2.1 - Closure of Ocean Road and Ocean Place Palm Beach for SLSC Carnival - Saturday, 7 January, 2012 - Mr Gordon Lang with the leave of the Council addressed the meeting speaking in support of the recommendation on this item.

7.0 Mayoral Minutes – Nil

8.0 Business by Exception

COUNCIL DECISION

That Items C10.1, C10.2, C10.3, C10.4, C10.8, C10.9, C10.10, C10.11 and C11.5 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 Planning an Integrated Built Environment Committee Meeting now commence.

(Cr Hock / Cr James)

Notes:

1. The Council Meeting adjourned at 7.00pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.01pm.
 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	Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling
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COMMITTEE RECOMMENDATION

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Section 82A Reconsideration Application N0422/10 for alterations and additions to an existing dwelling at No.296 Whale Beach Road, Palm Beach, subject to conditions of consent in Attachment 1.

Cr Rose / Cr Townsend)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr Hegarty
Cr Hock
Cr James
Cr Townsend
Cr White

No (Against)

Nil

C11.2	N0093/11 - 21 Bungan Street, Mona Vale - Affordable Housing Development
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and Development Application N0093/11 - 21 Bungan Street, Mona Vale (Lot 2 DP 517430) Construction of a 2 storey infill affordable housing development containing ten (10) units over basement parking for nine (9) vehicles and the strata subdivision of the resultant development be refused subject to the Reasons for Refusal contained in the Draft Determination.

(Cr Rose / Cr Townsend)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)

Cr Rose
Cr Hegarty
Cr Hock
Cr James
Cr Townsend
Cr White

No (Against)

Nil

C11.3	N0749/10 - 38-40 St Andrews Gate, Elanora Heights - Affordable Housing Development
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COMMITTEE RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0749/10 - 38 St Andrews Gate, Elanora Heights (Lot 175 DP22670), 40 St Andrews Gate, Elanora Heights (Lot 176 DP22670) Demolition of all existing structures and construction of a 2 storey building over basement parking as an Infill Affordable Housing development incorporating 24 apartments and the strata subdivision of the resultant development be refused subject to the Reasons for Refusal contained in the Draft Determination and the following amended Reason for Refusal:

Amended Reason for Refusal 13

The development does not satisfy the provisions of Clause 54A(3) of the AH SEPP as the development is not compatible with the character of the local area due to unacceptable physical impacts that erode the level of residential amenity that is characteristic in this local area.

(Cr Townsend / Cr Rose)

Note:

Division

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Rose	Nil
Cr Hegarty	
Cr Hock	
Cr James	
Cr Townsend	
Cr White	

C11.4	Minutes of the Pittwater Traffic Committee Meeting held on 22 September 2011
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COMMITTEE RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 22 September 2011 be adopted.

(Cr White / Cr Rose)

C11.5 Pittwater Standard Instrument Local Environmental Plan

COUNCIL DECISION (By Exception)

1. That the report be noted and the preparation of the draft Pittwater Standard Instrument Local Environmental Plan continue to progress.
2. That Council not process future individual Planning Proposals other than through the Pittwater Standard Instrument LEP process unless in exceptional circumstances, being demonstrated public benefit, demonstrated hardship, environmental preservation or as contained with the Warriewood Valley Strategic Review area.
3. That all individual Planning Proposals submitted during the period of preparation of the Pittwater Standard Instrument LEP be initially reported to Council for notation in relation to (2) above, noting that it will remain open to Council to lift the moratorium in exceptional circumstances being demonstrated public benefit, demonstrated hardship or environmental preservation.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr James / Cr White)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 7.12pm and the Council Meeting recommenced at 7.13pm.
2. Cr Rose resumed the Chair.

Council Meeting

9.0 Council Meeting Business

C9.1	SHOROC Common Waste Service Collection System
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COUNCIL DECISION

That Council:

- A. Agree to implement a common collection system with the other SHOROC Councils, contingent on the commencement of operations at Kimbriki, comprising collection of food waste with garden vegetation and fully commingled recycling collection, designed such that:
- For single dwellings, **food and garden organics** are collected weekly in 80, 120/140 or 240 Litre Mobile Garbage Bins (MGBs);
 - Kitchen bench top tidy bins and cornstarch liner bags be supplied and delivered to all households via the Waste Collection Services Contract;
 - For single dwellings, **recyclables** are collected fortnightly in 120/140, 240 or 360 Litre co-mingled MGBs;
 - For single dwellings, **residual waste** is collected fortnightly from existing 80, 120 or 140 Litre general waste MGBs with provision made to conduct further investigation into options for the handling of nappies (infant and aged/infirm) potentially through a weekly assessed needs basis;
 - For multi-unit dwellings, **food and garden organics, recyclables and residual waste** is collected weekly in 80, 120/140, 240, 360, 660 and 1100 Litre MGBs with suitable provision made for additional bi-weekly services as currently provided where required;
 - An equitable collection system be investigated that allows for a range of food and garden organic, co-mingled recycling and residual waste bins to be collected at appropriate locations in offshore communities of Pittwater;
 - Prices are sought through the tender for a common waste collection system for both the existing two scheduled **bulky waste** clean-up kerbside services per annum and two on-call bulky waste clean-up kerbside collections per year (with an additional 1-2 separate kerbside collections of e-waste per year) for cost comparison and determination.
- B. Agree that tender specifications are developed and Council enter into a combined Regional Waste Collection Services Contract with a **term of seven years**.
- C. Agree to investigate the value of appropriate **business models** that could be established for the efficient and cost effective delivery of quality waste services, including a centralised waste management unit, to co-ordinate and manage each or all (not limited to) of the following: contract management; customer service/call centre; administration; contamination management; education; marketing.

(Cr Townsend / Cr Hock)

C9.2	Bayview Tennis Club - Renovation of Existing Deck and Stairs
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COUNCIL DECISION

1. That the quotation from Oak Home Improvements for the renovation works to the steps and deck at Bayview Tennis Courts for a price of \$20,361 (including GST) be accepted.
2. That funds of \$20,361 (including GST) be allocated from Council's Tennis Liaison Reserve account to finance the renovation works on the Bayview Tennis Club deck.

(Cr Hegarty / Cr James)

Procedural Motion (COUNCIL DECISION)

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

(Cr James / Cr Hock)

Notes:

1. The Council Meeting adjourned at 7.41pm and the Governance Committee Meeting commenced at 7.42pm.
2. Cr Townsend assumed the Chair.

Governance Committee

10.0	Governance Committee Business
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C10.1	Investment Balances for the Month of September 2011
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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 \$ 260,896.

(Cr Hegarty / Cr White)

C10.2	Legal Expenditure as at 30 September 2011
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr White)

C10.3	Monthly Contractors & Staff Report - August 2011
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COUNCIL DECISION (By Exception)

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

(Cr Hegarty / Cr White)

C10.4	Woolworths Avalon, Licences for Trolley Bays and Loading Dock
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COUNCIL DECISION (By Exception)

1. That Council approve the subject licences to Woolworths.
2. That the General Manager be authorised to execute all relevant legal documentation under power of attorney.

(Cr Hegarty / Cr White)

C10.5	Deed of Release in Baillie - Public Liability Claim
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COMMITTEE RECOMMENDATION

That Council note the settlement details as set out in the attached confidential information and endorse the General Manager's execution of the necessary Deeds of Release.

(Cr Hegarty / Cr White)

C10.6 Police and Community Youth Club (PCYC)

COMMITTEE RECOMMENDATION

1. That Council, having considered the information and evidence contained in this report and the attached Preliminary Business Case, continue to support the project to develop a Police and Community Youth Club (PCYC) at North Narrabeen Reserve.
2. That, consistent with the Capital Expenditure Guidelines issued by the Division of Local Government, Council commence preparing a Capital Expenditure Review for the PCYC project.
3. That Council place on Public Exhibition the Concept Plans as detailed in the attached Preliminary Business Case between November 2011 and March 2012 and that a report be brought back to Council at the conclusion of the exhibition period.
4. That Council support the lodgement of a submission to the Expression of Interest from PCYC NSW for funding of a PCYC at North Narrabeen Reserve based on the attached Preliminary Business Case.
5. That Council commits to expediting the implementation of the proposed PCYC should it be successful in securing a grant of \$2,500,000 from the State Government. Any future implementation of the project will be consistent with the timetable outlined in this report and the attached Preliminary Business Case.

(Cr Rose / Cr Hegarty)

C10.7 Adoption of Draft Pittwater Procurement Policy

COMMITTEE RECOMMENDATION

1. That the Pittwater Procurement Policy as shown in Attachment 1 be adopted.
2. That the following policies be revoked:

Policy No	Policy Name
9	Disposal of Council Owned Plant and Equipment
171	Pittwater Sustainable Purchasing

(Cr White / Cr Townsend)

C10.8 Policy Review**COUNCIL DECISION (By Exception)**

That the attached Policies be adopted.

(Cr Hegarty / Cr White)

C10.9 Tabling of Pecuniary Interest Returns**COUNCIL DECISION (By Exception)**

1. That it be noted that all Councillors and all employees nominated as “designated persons” by Council resolution of 18 October 2010, have lodged pecuniary interest returns in accordance with the requirements of the Local Government Act, 1993.
2. That the pecuniary interest returns for the twelve (12) month period ending 30 June 2011 be tabled at the Meeting.

(Cr Hegarty / Cr White)

C10.10 Nomination of "Designated Persons" - Disclosures of Pecuniary Interest**COUNCIL DECISION (By Exception)**

That all employees of Pittwater Council holding the positions listed in Attachment 2 to this report, be nominated as ‘Designated Persons’ in accordance with section 441 of the Local Government Act, 1993.

(Cr Hegarty / Cr White)

C10.11 Innovation in Urban Water Management and Treatment Conference 22 - 23 November 2011**COUNCIL DECISION (By Exception)**

That Council approve Cr Townsend’s interstate travel for attendance of the Urban Water Management and Treatment Conference to be held in Melbourne from 22-23 November 2011.

(Cr Hegarty / Cr White)

C10.12 2012 Local Government Elections

COMMITTEE RECOMMENDATION

That the General Manager be authorised to enter into an agreement with the NSW Electoral Commission for the conduct of the 2012 Local Government Elections.

(Cr Rose / Cr White)

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 8.06pm and the Council Meeting recommenced at 8.07pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0 Adoption of the Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C10.5, C10.6, C10.7 and C10.12 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Hegarty / Cr White)

13.0 Adoption of the Planning an Integrated Built Environment Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.1, C11.2, C11.3 and C11.4 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Hock / Cr White)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.08PM
ON MONDAY 17 OCTOBER 2011**