

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale on

***20 September 2010***

Commencing at 6.33pm



## **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)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Williams, A (Principal Development Officer)  
Jones, M (Chief Financial Officer)  
Lofts, J (Manager, Environmental Compliance)  
Munn, L (Manager, Reserves, Recreation & Building Services)  
Reid, P (Team Leader, Corporate Development & Commercial)  
Mulroney, J (Community Engagement Officer)  
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, adjourned at 7.38pm, recommenced at 9.24pm and concluded at 9.27pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.39pm and concluded at 8.45pm.
2. The Governance Committee Meeting commenced at 8.46pm and concluded at 9.23pm.

## **Council Meeting**

<b>1.0 Public Forum</b>
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<b>2.0 Resident Questions</b>
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**Question 1 - Mr Frank Makin:**

Would Council please advise how many Church Point Parking Permits have been issued to date under Council's new parking permits scheme that came into effect on 1 September 2010?

**Answer:**

The General Manager advised that he would take the question on notice.

**Question 2 - Mr Frank Makin:**

Would Council please advise, in relation to the introduction of the designated times for consumption of alcohol at Thomas Stephens Reserve next to the Public Wharf at Church Point, the response by Police in terms of proposed frequency and timing of visits to the Reserve to monitor compliance, referred to in Council's letter to Bayview-Church Point Residents Association dated 7 September 2010?

**Answer:**

The General Manager advised that he would take the question on notice.

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<b>3.0 Apologies - Nil</b>
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<b>4.0</b>	<b>Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts</b>
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Cr White declared a less than significant non-pecuniary interest in Item C8.1 Mayoral Minute - Meriton 3A Proposal Preferred Project Report, and elected to remain in the chamber during consideration of this item. The reason provided by Cr White was:

*"Parents live in same street as proposed development however the matter does not involve a development application."*

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<b>5.0</b>	<b>Confirmation of Minutes</b>
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**COUNCIL DECISION**

That the Minutes of the Council Meeting held on 6 September 2010, 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 Hock / Cr Hegarty)

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<b>6.0</b>	<b>Business by Exception (All items on the Agenda)</b>
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**COUNCIL DECISION**

That Items C9.5, C10.2, C10.4, C10.5, C10.7, C10.8, C10.10 and C11.4 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

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<b>7.0</b>	<b>Public Addresses</b>
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**Proceedings in Brief**

**C11.1 Section 96(1A) Modification of Consent N0306/09 - 45 Waratah Street, Mona Vale - Demolition of the existing dwelling and ancillary structures and the construction of a new two storey dwelling with attached double garage** - Mrs Ann Smith, Mr Ross Smith, Mr Paul Smit and Mr Lance Doyle with the leave of the Council addressed the meeting on this item.

**C11.2 N0223/10 - 26 Kananook Avenue Bayview - alterations and additions to the existing dwelling house, including the erection of a new swimming pool** - Mr Sean Gartner with the leave of the Council addressed the meeting on this item.

<b>8.0</b>	<b>Mayoral Minutes</b>
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<b>C8.1</b>	<b>Mayoral Minute - Meriton 3A Proposal Preferred Project Report</b>
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**COUNCIL DECISION**

1. That the Minister for Planning be requested to formally advise all parties of an opportunity for them to make further submissions in relation to the amended proposal being the "Preferred Project Application", prior to the Department of Planning completing its report to the PAC.
2. That notwithstanding point (1) above, Council place an advertisement in the Manly Daily and also advise nearby residents by mail of the amended proposal being the "Preferred Project Application" by Meriton.
3. That the Minister for Planning be requested to ensure that the delegations to the Planning Assessment Commission in relation to the Meriton 3A proposal be sufficient to allow the Commission to determine the application and, in considering that application, conduct an open hearing at which submissions can be made by Council and other parties.
4. That Council staff report its submission on the "Preferred Project Application" (to be submitted to the Department by end of September 2010) to Council in October 2010 and the General Manager be delegated responsibility to provide the appropriate level of submission to the Commission's hearing dependent on confirmation of the Commissions procedures.

(Cr Rose / Cr Giles)

**Note:**

Cr White declared a less than significant non-pecuniary interest in Item C8.1 Mayoral Minute - Meriton 3A Proposal Preferred Project Report, and elected to remain in the chamber during consideration of this item. The reason provided by Cr White was:

*"Parents live in same street as proposed development however the matter does not involve a development application."*

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<b>9.0</b>	<b>Council Meeting Business</b>
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<b>C9.1</b>	<b>Election of Mayor - 2010/2011 Mayoral Term</b>
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**COUNCIL DECISION**

1. That nominations be called for candidates for the Office of Mayor for the 2010/2011 Mayoral Term.
2. That in the event that two or more candidates accept nomination for the Office of Mayor, Council determine whether the election of Mayor for the 2010/2011 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.



3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.

(Cr Rose / Cr Giles)

### **Proceedings in Brief**

1. The Manager, Administration and Governance, was nominated as the Returning Officer by the General Manager.
2. The Returning Officer called for nominations for the Office of Mayor for the 2010/2011 Mayoral Term and the following nomination was received:

#### **Councillor Harvey Rose**

3. There being no further nominations the Returning Officer declared Cr Rose elected as Mayor for the 2010/2011 term, unopposed.

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## **C9.2 Election of Deputy Mayor - 2010/2011 Mayoral Term**

### **COUNCIL DECISION**

1. That nominations be called for candidates for the Office of Deputy Mayor for the 2010/2011 Mayoral Term.
2. That in the event that two or more candidates accept nomination for the Office of Deputy Mayor, Council determine whether the election of Deputy Mayor for the 2010/2011 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.
4. That the Deputy Mayor be elected for the full 2010/2011 Mayoral Term.

(Cr Rose / Cr Giles)

### **Proceedings in Brief**

1. The Manager, Administration and Governance, was nominated as the Returning Officer by the General Manager.
2. The Returning Officer called for nominations for the Office of Deputy Mayor for the 2010/2011 Mayoral Term and the following nomination was received:

#### **Councillor Jacqueline Townsend**

3. There being no further nominations the Returning Officer declared Cr Townsend elected as Deputy Mayor for the 2010/2011 term, unopposed.

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<b>C9.3</b>	<b>Appointment of Principal Committees and Reference Groups</b>
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**COUNCIL DECISION**

1. That the following four (4) Principal Committees, comprising all Councillors, with a quorum of five members, be reappointed with the functions and meeting cycles as outlined in paragraphs 1.5 and 1.6 of this report:
  - Community, Recreation and Economic Development Committee
  - Natural Environment Committee
  - Governance Committee
  - Planning an Integrated Built Environment Committee
2. That the following four (4) Reference Groups, be reappointed in accordance with the Charters provided as attachments to this report and numbered 1 to 4:
  - Community, Recreation and Economic Development Reference Group
  - Natural Environment Reference Group
  - Governance Reference Group
  - Planning an Integrated Built Environment Reference Group
3. That the Chairperson elected to each Principal Committee and each Reference Group for the period October 2009 to September 2010 be reappointed for the October 2010 to September 2011 period.

(Cr Giles / Cr White)

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<b>C9.4</b>	<b>Appointment of Councillor Delegates to Special, Joint and External Committees and Boards</b>
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**COUNCIL DECISION**

1. That the previously elected delegates to each special, Joint and External Committee and Board be reappointed for the period October 2010 to September 2011 except for the following Committees:
  - a) Sydney Coastal Council Committee (delegate Cr James, alternative delegate Cr Grace)
  - b) Joint Regional Planning Panel (delegates Cr Townsend, Cr Hegarty, alternative delegate Cr Rose).
2. That the Warringah Pittwater Joint RFS Contract Liaison Committee be formally disbanded.
3. That it be noted the Narrabeen Lagoon Restoration Project Advisory Board has been disbanded by Warringah Council.

(Cr Giles / Cr White)

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<b>C9.5</b>	<b>Tender for Parking Machine Cash Collection Services</b>
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**COUNCIL DECISION (By Exception)**

1. That the tender from TDN Group for the provision of cash collection services for reserves parking machines be accepted.
2. That the General Manager be authorised to approve all contract payments associated with this contract and to endorse and affix the seal of Council if required to any relevant documents associated with this agreement.

(Cr Hegarty / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr James/ Cr Giles)

**Notes:**

1. The Council Meeting adjourned at 7.38pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.39pm.
  2. Cr Hegarty assumed the Chair.
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## **Planning an Integrated Built Environment Committee**

<b>11.0</b>	<b>Planning an Integrated Built Environment Committee Business</b>
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<b>C11.1</b>	<b>Section 96(1A) Modification of Consent N0306/09 - 45 Waratah Street, Mona Vale - Demolition of the existing dwelling and ancillary structures and the construction of a new two storey dwelling with attached double garage</b>
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**COMMITTEE RECOMMENDATION**

1. That the recommendation in the Development Officer's report be endorsed and the Development Application Section 96(1A) modification of consent N0306/09 - 45 Waratah Street, Mona Vale (Lot 2 DP 103730) Demolition of the existing dwelling and ancillary structures and the construction of a new two storey dwelling with attached double garage be granted development consent subject to the conditions contained in the Draft Determination and the following additional and amended conditions of consent:

1. Additional Condition B46 as follows:

The window to bedroom 4 on the south eastern elevation shall be a highlight window with a minimum sill height of 1.7 metres from finished floor level.

2. Additional Condition B47 as follows:

The sliding hallway window ASW1216 to have the opening component on the north eastern end.

3. Amendment to Condition B4 as follows:

Vehicles are to enter and leave the site in a forward direction whenever possible.

4. Amendment to Condition B32 as follows:

Syzygium Cascade (Lilly Pillys) which gain maturity heights of 2m-3m are to be planted at 1.5m centres along the entire length of the north western and south eastern boundaries except where the driveway is located, and between the dwelling and the south eastern boundary where there is insufficient space. Between the dwelling and Sawmill Lane boundary the Lilly Pillys are to be planted 1m from the south eastern boundary.

5. Additional Condition B32(a) as follows:

In addition to the above requirement (Condition B32) two Cascade Lilly Pillys are to be provided adjacent to the neighbour's (No. 43 Waratah Street Mona Vale) dining/meals window on the ground floor.

6. Additional Condition B46 as follows:

The fence to Sawmill Lane to be constructed as part of this Consent as depicted in Plans 23442 Sheet Numbers 3, 4, 5, 6, 7, 8 and 15, Revision H, dated 9 December 2009 and prepared by Huxley Homes Pty Ltd.

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

To improve the amenity of the Sawmill Lane area and to enhance the neighbour's amenity.

(Cr Giles / Cr Rose)

**Procedural Motion (COUNCIL DECISION)**

That the Planning and Integrated Built Environment Committee Meeting adjourn at 8.10pm for two minutes for staff to assist Councillors to formulate the appropriate Motion.

(Cr Giles / Cr Rose)

**Note:**

**Division**

A division was duly taken resulting in the following voting:

**Aye (For)**

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

**No (Against)**

Cr Townsend  
Cr Hock

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<b>C11.2</b>	<b>N0223/10 - 26 Kananook Avenue Bayview - Alterations and additions to the existing dwelling house, including the erection of a new swimming pool</b>
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**COMMITTEE RECOMMENDATION**

That the recommendation in the Development Officer's report be endorsed and the Development Application N0223/10 for alterations and additions to the existing dwelling house and construction of a new swimming pool be granted development consent subject to the conditions contained in the Draft Determination and the following additional conditions of consent:

1. Additional Condition B26

The internal driveway finish is:

- a. to be a stable surface for all weather conditions
- b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.

2. Additional Condition C9

Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.

- a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
- b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
- c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
- d. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.

3. Additional Condition D17

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.

4. Additional Condition D18

No works are to be carried out in Council's Road Reserve without the written approval of the Council.

5. Additional Condition D19

All construction in the public road reserve must be undertaken by a Council authorised contractor.

6. Additional Condition E8

A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.

7. Additional Condition E9

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

(Cr Giles / Cr White)

**Note:**

***Division***

A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Rose	Nil
Cr Townsend	
Cr Dunbar	
Cr Giles	
Cr Grace	
Cr Hegarty	
Cr Hock	
Cr James	
Cr White	

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<b>C11.3</b>	<b>Lake Park Oval Reserve Draft Plan of Management</b>
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**COMMITTEE RECOMMENDATION**

1. That the Lake Park Oval Reserve Draft Plan of Management, as tabled at the meeting, be placed on public exhibition for a period of 28 days with submissions received up to a further 14 days.
2. That following the public exhibition period a further report be presented to Council.

(Cr Townsend / Cr James)

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<b>C11.4</b>	<b>Deep Creek (Wakehurst Parkway) - Shared Pedestrian/Cyclist Bridge</b>
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**COUNCIL DECISION (By Exception)**

1. That the construction of a Shared Pedestrian/Cyclist Bridge over Deep Creek be included in Council's 2010/11 Delivery Plan with funding provided as follows:

RTA Grant	\$400,000
Warringah Council	\$200,000
Pittwater Council	<u>\$200,000</u>
Total Project Cost	<b>\$800,000</b>

2. That the RTA be advised that their grant offer of \$400,000 towards the project is accepted.
3. That Warringah Council be advised of the acceptance of the RTA grant offer and their re-affirmation of their \$200,000 funding commitment to the project be sought.
4. That the September review of the Capital Works component of the Delivery Plan incorporate the Deep Creek project

(Cr Hegarty / Cr Giles)

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<b>C11.5</b>	<b>Minutes of the Pittwater Traffic Committee Meeting held on 17 August 2010</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 17 August 2010 be adopted.

(Cr Townsend / Cr Giles)

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

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

(Cr Giles / Cr James)

#### **Notes:**

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.45pm and the Governance Committee Meeting commenced at 8.46pm.
  2. Cr Townsend assumed the Chair.
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## **Governance Committee**

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<b>10.0</b>	<b>Governance Committee Business</b>
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<b>C10.1</b>	<b>Presentation of Financial Reports and Related Auditor's Report for the Year Ended 30 June 2010</b>
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### **COMMITTEE RECOMMENDATION**

1. That the presentation of the 2009/10 Financial Reports and the Auditor's Report be noted.
2. That Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

(Cr Giles / Cr Hock)

#### **Note:**

Mr Gary Mottau, Partner, Hill Rogers Spencer Steer was present during consideration of this matter in order to respond to questions from the Council.

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<b>C10.2</b>	<b>Financial Report for the Period Ending 31 August 2010 of the 2010/2011 Financial Year</b>
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### **COUNCIL DECISION (By Exception)**

1. That the year to date financial results for the period ending 31 August 2010 be noted, including:
  - Consolidated financial result being an increase on Council funds of \$13,000.
  - Operating result before capital being a deficit of \$500,000.
  - Major Projects Program expenditure stands as \$366,000.
  - Cash and investment position stands at \$25.24 million.



2. That the amendments between the June 2009/10 Financial Report submitted to Council on 16 August 2010 and Council's final Audited Financial Accounts as indicated in Item 2.8 of this Report be noted.

(Cr Hegarty / Cr Giles)

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<b>C10.3</b>	<b>Investment Balances for the month of August 2010</b>
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**COMMITTEE RECOMMENDATION**

That the information provided in the report be noted, including the year to date (August) net investment return of \$232,644.

(Cr Giles / Cr Hock)

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<b>C10.4</b>	<b>Legal Expenditure for the Month of August 2010</b>
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**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

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<b>C10.5</b>	<b>Monthly Contractors and Staff Report - July 2010</b>
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**COUNCIL DECISION (By Exception)**

1. That the information provided on the engagement of new contracts for the month of July 2010 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during July 2010 be noted.

(Cr Hegarty / Cr Giles)

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<b>C10.6</b>	<b>Community Survey Results</b>
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**COMMITTEE RECOMMENDATION**

1. That the information provided in the report as tabled be noted.
2. That the key findings in this report be taken into consideration when determining the allocation of resources in the Delivery Program and Budget for 2011-2015.
3. That the results of the community survey be used as a basis for further research undertaken with the community in relation to a Special Rate Variation application.

(Cr Rose / Cr Hegarty)

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<b>C10.7</b>	<b>Mobil Oil Australia - Variation to Lease</b>
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**COUNCIL DECISION (By Exception)**

1. That Council agree to the assignment of the current lease to 7-Eleven Stores Pty Ltd.
  2. That Council agree to the variation in the term of the current lease in return for an increase in rental of 30%.
  3. That the General Manager be authorised to execute all relevant legal documentation under delegated power of attorney as required.
- (Cr Hegarty / Cr Giles)

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<b>C10.8</b>	<b>Rescheduling of October Council meeting due to a public holiday</b>
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**COUNCIL DECISION (By Exception)**

That Council endorse the rescheduling of the first Council meeting in October from Monday 4 October 2010 to Tuesday 5 October 2010 and that the rescheduled meeting be suitably advertised.

(Cr Hegarty / Cr Giles)

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<b>C10.9</b>	<b>Minutes of the Natural Environment Reference Group Meeting held on 11 August 2010</b>
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**COMMITTEE RECOMMENDATION**

1. That the Minutes of the Natural Environment Reference Group Meeting held 11 August 2010 that specifically addressed the Strategic Plan Goal of:

***“To enhance clean ocean and estuary beaches”***

and the Actions and Progress to date, along with further initiatives and ways to strengthen future beach and estuary management be noted and this information be taken into consideration as part of Council's Strategic Plan and Management Plan processes.

2. That a report be brought back to Council on the Stormwater Quality Improvement Devices (SQID) and its applicability to the Pittwater LGA.

(Cr Rose / Cr Giles)

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<b>C10.10</b>	<b>Minutes of SHOROC Board Meeting held on 18 August 2010</b>
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**COUNCIL DECISION (By Exception)**

That the Minutes of the SHOROC Board Meeting held on 18 August 2010 be noted and those matters requiring further consideration by Pittwater Council be subject of separate reports to Council as required.

(Cr Hegarty / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

That the Governance Committee Meeting conclude and the Council Meeting now recommence.

(Cr Giles / Cr James)

**Notes:**

1. The Governance Committee Meeting concluded at 8.45pm and the Council Meeting recommenced at 8.46pm.
2. Cr Rose resumed the Chair.

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## **Council Meeting**

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

That the recommendations on Items C10.1, C10.3, C10.6 and C10.9 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hegarty)

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<b>13.0</b>	<b>Adoption of the Planning an Integrated Built Environment Committee Recommendations</b>
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**COUNCIL DECISION**

That the recommendations on Items C11.1, C11.2, 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 Giles)

## **14.0 Councillor Questions**

### **Question - Cr Dunbar**

How would a resident owner get permission to do work on Council property between the resident's front boundary and the street kerb?

### **Answer:**

The Director, Urban & Environmental Assets, responded that general maintenance of the nature strip such as grass mowing or minor vegetation management by the adjoining property owner is encouraged.

Where the proposal is for structures to be built or more substantial landscape works on the nature strip, then the resident should in the first instance discuss their proposal with Council's Urban Infrastructure Business Unit to ascertain whether it is acceptable and what application, supporting information, fees and approvals may be required.

Works on the nature strip may also be associated with development proposals e.g. driveway construction, as well as proposals to purchase parts of the nature strip to accommodate car stands/garages.

There are also requirements including permits and associated fees to place skip bins, hoardings and fencing associated with development construction activities.

Council is currently compiling an updated roads technical manual to further assist with such enquiries. The bottom line is that the Council needs to protect the general public interest, in particular pedestrian amenity and safety and streetscape attributes, whilst affording suitable amenity to the adjoining resident.

Anyone intending to do work on the nature strip should discuss and seek approval first before they build. If done the other way around it could lead to orders to have the unauthorised works removed and the area reinstated, which could be a costly exercise.

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 9.27PM  
ON MONDAY 20 SEPTEMBER 2010**