



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

16 November 2015

Commencing at 6.30pm.

ATTENDANCE

Members

Townsend, J (Mayor & Chairperson)
Ferguson, K (Deputy Mayor)
Grace, B
Griffith, S
Hegarty, J
Millar, K
White, I
Young, S

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hewitt, M (Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Godfrey, L (Manager, Community and Library Services)
Lofts, J (Manager, Environmental Compliance)
Munn, L (Manager, Reserves, Recreation & Building Services)
Pigott, A (Manager, Planning and Assessment)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Jones, M (Chief Financial Officer)
Beharrell, M (Manager, Natural Environment & Education)
Johnston, S (Action Manager, Commercial Property & Projects)
Gallery, S (Principal Officer, Governance)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 9.33pm, recommenced at 11.00pm and adjourned at 11.12pm, recommenced at 11.19pm and concluded at 11.20pm.
2. The Sustainable Towns and Villages Committee Meeting commenced at 9.34pm and concluded at 10.59pm.
3. The Leading and Learning Committee Meeting commenced at 11.13pm and concluded at 11.18pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 – Marcia Rackham

Can the General Manager give a progress report on the steps that Council has taken to date, to bring “Peter and the Bullock” into public ownership?

Response:

Council has written to the owners of “Peter and the Bullock” and sought their assistance on this matter and at this stage we are still working through the process. This item is only at a correspondence stage.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr McTaggart and leave of absence be granted from the Council Meeting held on 16 November 2015.

(Cr White / Cr Hegarty)

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

Cr Millar declared a less than significant non pecuniary interest in Item C12.2 – N0201/15 – 66 Shearwater Drive, Warriewood – Proposed home office addition above existing garage and replace existing pergola - and elected to remain in the meeting and to take part in the discussion and voting on this item. The reason provided by Cr Millar was:

“I live in Warriewood Valley, however, that should not exclude me from participating in debate and decision making.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 2 November 2015, 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 Ferguson / Cr Millar)

Procedural Motion (COUNCIL DECISION)

That the additional registered speakers be permitted to address Council on Item C10.1.

(Cr Ferguson / Cr Millar)

6.0 Public Addresses

C10.1 – Response to NSW Government on Pittwater Council’s Final Position on Local Government Reform – with the leave of the Council Mr Peter Middleton, Mr Anthony Tenney, Ms Lynne Czinner, Mr Simon Dunn, Mr Mike Hall and Mr Gavin Butler addressed the meeting speaking against the recommendation on this item. Mr Bill Gye, Mr David Owen, Mr Michael Wiener, Mr Dale Cohen and Mr Aaron Hendrikson addressed the meeting speaking in support of the recommendation on this item.

C10.2 – Notice of Motion – Exempt from any Boundary Change – with the leave of the Council Mr Peter Middleton, Ms Julia Guinan and Mr Simon Dunn addressed the meeting speaking in support of the recommendation on this item.

C12.2 – N0201/15 – 66 Shearwater Drive, Warriewood – Proposed home office addition above existing garage and replace existing pergola – with the leave of the Council Mr David Garth Moller and Ms Lynette Zdroykowski addressed the meeting speaking against the recommendation on this item.

7.0 Councillor Questions with Notice

Question 1 – Cr Millar

When will the pump at the Whale Beach pool be repaired?

Response:

Contractors are this week laying cables from the power box to the pump well. Installation of the pump and pole is programmed for 20 November 2015. The pump should be fully operational by the end of November.

Question 2 – Cr Millar

Can Council inspect the creekline corridor behind the complex on the eastern corner of Macpherson Street and Ponderosa Parade? Residents feel that there is a bushfire hazard as growth is reaching close to their fences.

Response:

Referred to RFS for assessment and if they recommend any vegetation trimming or removal, Council will implement immediately.

Question 3 – Cr Millar

Does Council have a schedule of works for maintaining the creekline corridors in Warriewood Valley? They are overgrown and possibly inhibiting flow.

Response:

Council has engaged contractors to treat the weeds within the creekline and trim back vegetation adjacent to the pathway.

Council's Manager of Catchment Management & Climate Change advised that the vegetation will flatten in periods of high velocity and believes the creekline would not be impeded.

8.0 Mayoral Minutes

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.1, C11.3, C11.5, C11.6, C12.3 and C12.6 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

10.0 Council Meeting Business

C10.1 Response to NSW Government on Pittwater Council's Final Position on Local Government Reform

COUNCIL DECISION

1. That Pittwater Council reaffirms its opposition to forced amalgamation of Councils in New South Wales.
2. That Pittwater Council reaffirms its commitment to local government remaining local to ensure local democracy.
3. That whilst Pittwater Council's position is the status quo with an independent Pittwater Council providing local representation and delivery of local services to the people of Pittwater on its current boundaries, Council provide the following merger preferences if forced:
 - (a) Preference One - Pittwater Council
 - (b) Preference Two - Warringah Council
(Explanation: Redefining Pittwater Council and achieving two Councils on the Northern Beaches.)
 - (c) Preference Three - Warringah Council
(Explanation: Redefining Pittwater Council and achieving two Councils in the SHOROC region.)
 - (d) Complete the box for Comments on Preferences as follows:

Preference 1 Pittwater Council status quo.
Preference 2 - 3 Councils into 2, relocating Pittwater's boundary including: TerreyHills, Narrabeen, Collaroy, CollaroyPlateau, Cromer, OxfordFalls, FrenchsForest, DuffysForrest, Belrose, Davidson. Warringah's remaining suburbs merge with Manly.
Preference 3 on same basis as preference 2 merging 4 SHOROC Councils into 2 Councils by adding Mosman.
4. That Council provide the feedback as outlined in Attachment 1 in relation to IPART's assessment of Council's Fit for the Future submission.
5. That a copy of this resolution and report be sent to the following:
 - Premier of NSW, Hon Mike Baird
 - Local Member, Hon Rob Stokes MP
 - Minister for Local Government, Hon Paul Toole

(Cr White / Cr Ferguson)

Notes:

1. A division was duly taken on the amendment (which became the motion) resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Cr Hegarty
Cr Millar	Cr Griffith
Cr Townsend	Cr Grace
Cr White	Cr Young

The motion was carried on the casting vote of the Mayor.

2. The following unsuccessful motion was moved by Cr Young and seconded by Cr Griffith:

- "1. That Pittwater Council remains committed to a strong, independent Pittwater Council providing local representation and delivery of local services to the people of Pittwater on the existing boundaries*
- 2. That Pittwater Council not provide any preferences for amalgamation.*
- 3. That Pittwater Council provide the feedback as outlined in Attachment 1 in relation to IPART's assessment of Council's Fit for the Future submission.*
- 4. That a copy of this resolution be sent to the following:*
- o Premier of NSW, Hon Mike Baird*
 - o Local Member Hon. Rob Stokes*
 - o Minister for Local Government, Hon Paul Toole".*

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

Aye (For)	No (Against)
Cr Hegarty	Cr Ferguson
Cr Griffith	Cr Millar
Cr Grace	Cr Townsend
Cr Young	Cr White

The defeated motion was lost on the casting vote of the Mayor.

Procedural Motion (COUNCIL DECISION)

That Cr Young be granted an extension of (two) 2 minutes to enable her to finish her address to the meeting on this item.

(Cr Hegarty / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

That Cr White be granted an extension of (two) 2 minutes to enable him to finish his address to the meeting on this item.

(Cr Millar / Cr Young)

Procedural Motion (COUNCIL DECISION)

That Cr Grace be granted an extension of (two) 2 minutes to enable him to finish his address to the meeting on this item.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

That Cr Millar be granted an extension of (two) 2 minutes to enable her to finish her address to the meeting on this item.

(Cr Griffith / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That Cr Young be granted an extension of (two) 2 minutes to enable her to finish her address to the meeting on this item.

(Cr Griffith / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That Cr Townsend be granted an extension of (two) 2 minutes to enable her to finish her address to the meeting on this item.

(Cr Griffith / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That Cr Griffith be granted an extension of (two) 2 minutes to enable her to finish her address to the meeting on this item.

(Cr Millar / Cr Grace)

C10.2 Notice of Motion - Exemption from any Boundary Change - (Motion submitted by Cr Grace)

COUNCIL DECISION

1. That Pittwater Council be granted a special exception from any forced amalgamation or boundary change and supports the submission of Pittwater Forever and on the following basis:
 - a) The recent secession from Warringah only 23 years ago
 - b) The specialist role the Council plays in managing the unique and important nature of Pittwater
 - c) The exceptional strength of the local Pittwater Community of interest.
2. That this resolution and the submission from Pittwater Forever be sent to the Premier, the Member for Pittwater, the Cabinet and the State Government seeking their support.

(Cr Grace / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That Cr Grace be granted an extension of (two) 2 minutes to enable him to finish his address to the meeting on this item.

(Cr Millar / Cr Hegarty)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Sustainable Towns and Villages Committee Meeting now commence.

(Cr Townsend / Cr Griffith)

Notes:

1. The Council Meeting adjourned at 9.33pm and the Sustainable Towns and Villages Committee Meeting commenced at 9.34pm.
2. Cr Griffith assumed the Chair.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

Procedural Motion (COUNCIL DECISION)

That the President of the Shearwater Estate Committee, Mr David Robson be permitted to address the Committee on Item C12.2.

(Cr Millar / Cr Ferguson)

C12.2 N0201/15 - 66 Shearwater Drive Warriewood - Proposed home office addition above existing garage and replace existing pergola

COMMITTEE RECOMMENDATION

That the recommendation of the Development Officer not be approved and Development Application N0201/15 - 66 Shearwater Drive, Warriewood NSW 2102 for the proposed home office addition above existing garage and replace existing pergola be refused for the following reasons:

1. The proposal is considered to be inconsistent with the existing character of Warriewood Valley and the desired future character of the Warriewood Valley locality and will have an impact upon the character of Shearwater Drive and the amenity of adjoining and adjacent residential properties.

2. Section 79C of the Environmental Planning and Assessment Act, in particular the Public Interest.

(Cr Millar / Cr Young)

Notes:

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

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Griffith	
Cr Grace	
Cr Hegarty	
Cr Millar	
Cr Townsend	
Cr White	
Cr Young	

2. 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:

Council were of the view that the development was not consistent with the character of the Shearwater Estate would be unacceptable impact on the amenity of the adjoining owners.

3. The following unsuccessful amendment was moved by Cr Ferguson and seconded by Cr White:

"That the recommendation of the Development Officer be endorsed and Development Application N0201/15 - 66 Shearwater Drive, Warriewood NSW 2102 - Proposed home office addition above existing garage and replace existing pergola be granted development consent subject to the draft conditions of consent attached and the following additional conditions of consent:

- *Any external lighting associated with the office use of the premises shall be located and designed to ensure there is no light spill that would interfere with the amenity of adjoining properties.*
- *Any business identification sign shall have a maximum dimension of 300mm and shall not be illuminated after 10pm and before 7am.*
- *The existing pergola be maintained as is with no increase in pitch".*

C12.1 Greater Sydney Commission

COMMITTEE RECOMMENDATION

1. That the Report be noted.
2. That Council write to the Department of Planning and Environment and to our Local Member of Parliament confirming Council's general support for the principal objectives of the Commission, whilst raising uncertainty and concerns associated with the following:
 - Section 20 provision of council staff and facilities as required
 - Power to direct Councils to prepare LEPs to give effect to District Plans only works if Councils are in agreement with the content of a District Plan
 - Reduction in Councils autonomy in relation to independent local strategic planning.

(Cr Millar / Cr Ferguson)

C12.3 39 Robertson Rd Scotland Island - Drainage Easement**COUNCIL DECISION (By Exception)**

1. That Council consents to acquire a drainage easement over 39 Robertson Road, Scotland Island in favour of Council.
2. That Council authorise the General Manager to execute and to attach the Common Seal of Council to any documentation required to finalise the easement.

(Cr Hegarty / Cr Ferguson)

C12.4 316 Hudson Parade, Clareville - Renewal of expired lease**COMMITTEE RECOMMENDATION**

1. That the access way and part of the boatshed associated with 316 Hudson Parade, Clareville (Lot 2, DP 8227733 - within Refuge Cove Reserve) be categorised as General Community Use.
2. That the General Manager be authorised to:
 - (a) negotiate the new terms and conditions of the proposed new lease
 - (b) issue the proposed lease subject to the requirements of Section 46 of the Local Government Act 1993
 - (c) execute all relevant documentation and attach the Common Seal of Council to any lease documentation required to finalise the lease.

(Cr Townsend / Cr Ferguson)

C12.5 Mona Vale Golf Course Lease Renewal**COMMITTEE RECOMMENDATION**

1. That the two proposed leases of Mona Vale Golf Course comprising of four lots (Lot 7092 DP 1051073, Lots 2 and 4 in DP 251053 and Lot 1 DP 1033971) be placed on public notice for 28 days.
2. That a further report be brought back to Council with the outcomes of the public notice period and necessary Ministerial Consent.

(Cr Millar / Cr White)

C12.6	Tender T04/15SHOROC - Provision of Road Construction Services and Materials
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COUNCIL DECISION (By Exception)

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, that the tenderers listed below be accepted and placed on a panel to provide road construction services and materials as per the tendered schedule of rates shown at Attachment 2 for a two (2) year period with three (3) optional extensions of one (1) year each available upon successful performance.
 1. Downer EDI Works Pty Ltd
 2. Ozpave Australia
 3. SRF Road Services
 4. Stabilised Pavements of Australia
 5. Stateline Asphalt
2. That SHOROC be authorized to enter into contracts on Council's behalf.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

That the Sustainable Towns & Villages Committee Meeting be closed and the Council Meeting now recommence.

(Cr White / Cr Ferguson)

Notes:

1. The Sustainable Towns and Villages Committee Meeting concluded at 10.59pm and the Council Meeting commenced at 11.00pm.
2. Cr Townsend assumed the Chair.

Council Meeting

10.0 Council Meeting Business

C10.3 Annual Report 2014-2015

COUNCIL DECISION

That Pittwater Council's 2014-2015 Annual Report be noted.

(Cr Townsend / Cr Millar)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Leading and Learning Committee Meeting now commence.

(Cr Ferguson / Cr White)

Notes:

1. The Council Meeting adjourned at 11.12pm and the Leading and Learning Committee Meeting commenced at 11.13pm.
2. Cr Hegarty assumed the Chair.

Leading and Learning Committee

11.0 Leading and Learning Committee Business

C11.1 Investment Balances as at 31 October 2015

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

C11.2 Quarterly Budget Review Statement for the Quarter Ending 30 September 2015

COUNCIL DECISION

1. That the financial results for the period ending 30 June 2016 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Millar / Cr White)

C11.3	Councillor Expenses Policy No. 145
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COUNCIL DECISION (By Exception)

That the Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors (Policy No. 145) at Attachment 1 be adopted.

(Cr Hegarty / Cr Ferguson)

C11.4	Outcomes of Exhibition of Draft Property Management Policy
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COMMITTEE RECOMMENDATION

1. That the Property Management Policy be adopted.
2. That all submitters be notified in writing of Council's decision on this matter.
3. That Policy 195 Leases over Council owned or Controlled Land be revoked.

(Cr Millar / Cr Griffith)

C11.5	Minutes of the Dog Control Policy No 30 Review Working Group - 29 September
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COUNCIL DECISION (By Exception)

That the Minutes of the Dog Control Policy Review Working Group meeting from 29 September 2015 be noted.

(Cr Hegarty / Cr Ferguson)

C11.6	Report on Conference Attendance - LG NSW 2015, Cr Julie Hegarty
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

That the Leading and Learning Committee Meeting be closed and the Council Meeting now recommence.

(Cr White / Cr Ferguson)

Notes:

1. The Leading and Learning Committee Meeting concluded at 11.18pm and the Council Meeting recommenced at 11.19pm.
 2. Cr Townsend assumed the Chair.
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Council Meeting

13.0 Adoption of Leading and Learning Committee Recommendations

COUNCIL DECISION

That the recommendations of the Leading and Learning Committee on Items C11.2 and C11.4 comprising all Council members be, and are hereby, adopted.

(Cr Ferguson / Cr Millar)

14.0 Adoption of Sustainable Towns and Villages Committee Recommendations

COUNCIL DECISION

That the recommendations of the Sustainable Towns and Villages Committee on Items C12.1, C12.2, C12.4 and C12.5 comprising all Council members be, and are hereby, adopted.

(Cr Ferguson / Cr Millar)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 11.20PM ON MONDAY
16 NOVEMBER 2015**