



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

18 May 2015

Commencing at 6.30pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Jones, M (Chief Financial Officer)
Reid, P (Manager, Corporate Development & Commercial)
Lofts, J (Manager, Environmental Compliance)
Bramich, R (Principal Environmental Health Officer)
Munn, L (Manager, Reserves & Recreation)
Pigott, A (Manager, Planning & Assessment)
Newberry, A-M (Principal Officer, Strategic Planning)
Edmonds, M (Principal Development Officer)
Williams, A (Principal Development Officer)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 7.04pm, recommenced at 10.25pm and concluded at 10.26pm.
2. The Leading and Learning Committee Meeting commenced at 7.05pm and adjourned at 7.47pm, recommenced at 10.10pm and concluded at 10.24pm.
3. The Sustainable Towns and Villages Committee Meeting commenced at 7.48pm and concluded at 10.09pm.

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

1. Cr Ferguson declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Ferguson was:

“Less than significant non pecuniary interest as I own a wood fire heater.”

2. Cr Hegarty declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Hegarty was:

“I have two wood burning heaters.”

3. Cr White declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr White was:

“I use a solid fuel stove for heating at home.”

4. Cr Griffith declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Griffith was:

“I own an old wood burner.”

5. Cr McTaggart declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr McTaggart was:

“I have a fire place using wood smoke.”

6. Cr Young declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Young was:

“Old wood burning heater.”

7. Cr Young declared a significant non pecuniary interest in Item C12.6 Pittwater 21 Development Control Plan (DCP) Amendment 17 – 1200sqm Minimum Subdivision Lot Size Control and elected to not take part in discussion or voting on this item. The reason provided by Cr Young was:

“Resident with an affected property was in my group for the 2012 Council election.”

8. Cr Millar declared a less than significant non pecuniary interest in Item C12.4 Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Millar was:

“I live in Warriewood Valley.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 4 May 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 White / Cr Ferguson)

6.0 Public Addresses

C11.3 – Wood Smoke - NSW EPA Draft Legislation Submission: With the leave of the Council Mr Bill Thompson addressed the meeting speaking against the recommendation on this item.

C12.2 – N0278/14 – 980 Barrenjoey Road Palm Beach – Additions to the dwelling involving the addition of a third level: With the leave of the Council Mr Guy Walter addressed the meeting speaking against the recommendation on this item. Mr Anthony Bransgrove and Mr James Harrison addressed the meeting speaking in support of the recommendation on this item.

C12.3 – N0471/14 – 5B Karloo Parade Newport – Additions to the dwelling and bathroom to be added on the first floor of the dwelling: With the leave of the Council Ms Prue Watson and Mr Anthony Cummins addressed the meeting speaking against the recommendation on this item.

C12.4 – Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9): With the leave of the Council Ms Julia Guinan and Mr Chris Hornsby addressed the meeting speaking against the recommendation on this item.

7.0 Councillor Questions with Notice

Nil.

8.0 Mayoral Minutes

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.2, C12.1 and C12.6 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr White)

10.0 Council Meeting Business

Nil.

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr White)

Notes:

1. The Council Meeting adjourned at 7.04pm and the Leading and Learning Committee Meeting commenced at 7.05pm.
2. Cr Hegarty assumed the Chair.

Leading and Learning Committee

11.0 Leading and Learning Committee Business

C11.3 Wood Smoke - NSW EPA Draft Legislation Submission

COMMITTEE RECOMMENDATION

1. That Council notes the proposed amendments to the Protection of the Environment (Clean Air) Regulation 2010.
2. That Council respond to the NSW Environment Protection Authority Local Government Wood Smoke Survey as detailed within this report and advises as follows:
 - a. Council does not seek to ban the installation of new or replacement solid fuel wood heaters.
 - b. On 1 December 2014 a draft Wood Smoke Reduction Policy was introduced which incorporates a ban on the installation of new open fireplaces in dwellings.
 - c. That from 1 September 2016 new or replacement solid fuel wood heaters must have:
 - i. a minimum efficiency of 60% as tested in accordance with AS/NZS 4012:2014; and
 - ii. emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4013:2014.
3. That a complete review of the Pittwater Council draft Wood Smoke Reduction Policy be reported to a future meeting of Council following confirmation of the outcome of the NSW EPA submissions for the proposed amendment to the Protection of the Environment Operations (Clean Air) Regulation 2010.
4. That Council endorse the ongoing wood heater replacement cash incentive program as adopted at the Council meeting on 1 December 2014.
5. That should the State enact this legislation, Council to review its position on banning new or replacement solid fuel heaters and continue to lobby the Government on Wood Smoke Reform.

(Cr McTaggart / Cr Townsend)

Notes:

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

Aye (For)

Cr Ferguson
Cr Grace
Cr Hegarty
Cr McTaggart
Cr Millar
Cr Townsend
Cr White

No (Against)

Cr Young
Cr Griffith

2. The following unsuccessful motion was moved by Cr Young and seconded by Cr Griffith:
 - "1. That Council notes the proposed amendments to the Protection of the Environment (Clean Air) Regulation 2010.*
 - 2. That Council respond to the NSW Environment Protection Authority Local Government Wood Smoke Survey and advises as follows:*
 - a. Council requests the inclusion of the whole of the LGA, except Scotland Island and the Western Foreshore, in Part 1 of the new Schedule - No new wood heaters*
 - b. Council requests the inclusion of Scotland Island and the Western Foreshore in Part 2 of the new Schedule. That from 1 September 2016 new or replacement solid fuel wood heaters must have:*
 - i. a minimum efficiency of 60% as tested in accordance with AS/NZS4012:2014; and*
 - ii. emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4013:2014.*
 - c. Council requests the inclusion of the whole of the LGA in Part 3 of the new Schedule – No new open fire places. On 1 December 2014 a draft Wood Smoke Reduction Policy was introduced which incorporates a ban on the installation of new open fireplaces in dwellings.*
 - 3. That a complete review of the Pittwater Council draft Wood Smoke Reduction policy be reported to a future meeting of Council following confirmation of the outcome of the NSW EPA submissions for the proposed amendment to the Protection of the Environment Operations (Clean Air) Regulation 2010.*
 - 4. That the review of the draft Wood Smoke Reduction Policy include the banning of the installation of new wood heaters.*
 - 5. That Council review the ongoing wood heater replacement cash incentive program adopted at the Council meeting on 1 December 2014 to remove replacement with new wood heaters."*
3. Cr Ferguson declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Ferguson was:

"Less than significant non pecuniary interest as I own a wood fire heater."
4. Cr Hegarty declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Hegarty was:

"I have two wood burning heaters."

5. Cr White declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr White was:

“I use a solid fuel stove for heating at home.”

6. Cr Griffith declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Griffith was:

“I own an old wood burner.”

7. Cr McTaggart declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr McTaggart was:

“I have a fire place using wood smoke.”

8. Cr Young declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Young was:

“Old wood burning heater.”

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr White)

Notes:

1. The Leading and Learning Committee Meeting adjourned at 7.47pm and the Sustainable Towns and Villages Committee Meeting commenced at 7.48pm.
2. Cr Griffith assumed the Chair.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1 N0031/15 - 23 Plateau Road Avalon Beach - Alterations and additions to the existing residence

COUNCIL DECISION (By Exception)

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0031/15 for alterations and additions to the existing residence at 23 Plateau Road Avalon Beach NSW 2107 subject to the draft conditions of consent attached.

(Cr Hegarty / Cr White)

C12.2 N0278/14 - 980 Barrenjoey Road Palm Beach - Additions to the dwelling involving the addition of a third level

COMMITTEE RECOMMENDATION

That the Development Officer's recommendation be endorsed and Development Application N0278/14 – 980 Barrenjoey Road Palm Beach NSW 2108 - additions to the dwelling involving the addition of a third level, be granted development consent subject to the draft conditions of consent.

(Cr White / Cr Ferguson)

Notes:

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

Aye (For)

Cr White
Cr Ferguson
Cr Hegarty
Cr Millar
Cr McTaggart
Cr Townsend
Cr Griffith

No (Against)

Cr Young
Cr Grace

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

“That this matter be deferred to enable further discussion and inspection by Councillors.”

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

Aye (For)

Cr Young
Cr Grace

No (Against)

Cr White
Cr Ferguson
Cr Hegarty
Cr Millar
Cr McTaggart
Cr Townsend
Cr Griffith

C12.3	N0471/14 - 5B Karloo Parade Newport - Additions to the dwelling and bathroom to be added on the first floor of the dwelling
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COMMITTEE RECOMMENDATION

That the Development Officer's recommendation be endorsed and Development Application N0471/14 - 5B Karloo Parade, Newport NSW 2106 for additions to the dwelling and bathroom to be added on the first floor of the dwelling be granted development consent subject to the draft conditions of consent.

(Cr Ferguson / Cr Millar)

Note:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Ferguson
Cr Griffith
Cr Grace
Cr Hegarty
Cr McTaggart
Cr Millar
Cr Townsend
Cr White
Cr Young

No (Against)

Nil

C12.4	Warriewood Valley Open Space- Southern Component of Central Local Park (Sector 9)
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COMMITTEE RECOMMENDATION

1. That the Concept Layout Plan for the Central Local Park, in particular the southern half located within Sector 9 be endorsed as an indicative plan only and the General Manager be authorised to enter into negotiations with Australand, the owner of the adjoining lands to progress this outcome.

2. That the transaction be captured by a Memorandum of Understanding between the parties and be based on the following:
 - The creekline corridor acquisition is completed as a separate financial transaction as per the S94 Plan prior to the landswap to establish net areas of land involved.
 - An area for area swap of land so that the net open space compared to the current rectangle is not reduced.
 - The valuation of the lands to be swapped being based on highest and best use.
 - A financial adjustment to be made noting the difference in land valuations.
 - The undergrounding of the overhead power where practical as per Ausgrid requirements.
 - That undergrounded stormwater management along the drainage easement be included.
 - The direct provision of full width road infrastructure (excluding parking bays on the reserve side) by Australand.
 - The land being swapped to be rezoned to be consistent with the intended future land use. In this regard:
 - I. the part of the land owned by Council currently zoned residential with no dwelling yield would be rezoned to residential with a potential yield of 32 dwellings per developable hectare;
 - II. the part of the land owned by Australand currently zoned for residential would be rezoned to recreational and the adjoining land not being swapped provided a pro-rata development potential where this is already a lower fixed yield.
 - That the landswap area be calculated from the edge of the riparian zone (at 25m).
3. That an updated valuation be obtained from an independent Valuer to ascertain the likely land values of the various parcels involved in the overall transaction.
4. That a probity advisor be appointed to oversee and report on this transaction.
5. That a report be brought back to Council detailing the negotiation, the Memorandum of Understanding and the financial aspects of the transaction.

(Cr Millar / Cr Ferguson)

Notes:

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

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

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

"That this item be deferred until the concept layout plan for the Central Local Park is reviewed and further consultation has been undertaken with the community."

3. Cr Millar declared a less than significant non pecuniary interest in Item C12.4 Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Millar was:

"I live in Warriewood Valley."

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Millar)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Grace)

C12.5	Amendment to the Pittwater Local Environmental Plan (LEP) 2014 (Planning Proposal)
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COMMITTEE RECOMMENDATION

1. That Council endorse the Planning Proposal at Attachment 1 for forwarding to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition to amend the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse making a request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

(Cr Grace / Cr White)

C12.6	Pittwater 21 Development Control Plan (DCP) Amendment 17 - 1200sqm Minimum Subdivision Lot Size Control
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COUNCIL DECISION (By Exception)

1. That the proposed amendments to the Pittwater 21 Development Control Plan (Pittwater 21 DCP) (refer Attachment 1) be adopted by Council.
2. That a public notice be placed in the Manly Daily within 28 days of Council adopting the amendments, specifying when the amendments to the Pittwater 21 DCP will come into effect.
3. That a copy of the Pittwater 21 DCP, as amended, is forwarded to the Secretary of the Department of Planning and Environment, once the plan comes into effect.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

That the Sustainable Towns & Villages Committee Meeting be concluded and the Leading & Learning Committee Meeting recommence.

(Cr Ferguson / Cr Grace)

Notes:

1. The Sustainable Towns & Villages Committee Meeting concluded at 10.09pm, and the Leading & Learning Committee Meeting recommenced at 10.10pm.
2. Cr Hegarty resumed the Chair.

11.0	Leading and Learning Committee Business
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C11.1	Quarterly Budget Review Statement for the Period ending 31 March 2015
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COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 31 March 2015 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Grace / Cr Griffith)

C11.2	Investment Balances as at 30 April 2015
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr White)

C11.4	Minutes of the Inaugural Dog Control Policy No 30 Review Working Group Meeting of 15 April 2015
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COMMITTEE RECOMMENDATION

That the Minutes of the Inaugural Dog Control Policy Review Working Group first meeting from 15 April 2015 be noted.

(Cr White / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Ferguson)

Notes:

1. The Sustainable Towns and Villages Committee Meeting concluded at 10.24pm and the Council Meeting commenced at 10.25pm.
2. Cr Townsend resumed the Chair.

Council Meeting

13.0	Adoption of Leading and Learning Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Leading and Learning Committee on Items C11.1, C11.3 and C11.4 comprising all Council members be and are hereby adopted.

(Cr Ferguson / Cr Millar)

Notes:

1. Cr Ferguson declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Ferguson was:

“Less than significant non pecuniary interest as I own a wood fire heater.”

2. Cr Hegarty declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Hegarty was:

“I have two wood burning heaters.”

3. Cr White declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr White was:

“I use a solid fuel stove for heating at home.”

4. Cr Griffith declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr Griffith was:

“I own an old wood burner.”

5. Cr McTaggart declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this issue. The reason provided by Cr McTaggart was:

“I have a fire place using wood smoke.”

6. Cr Young declared a less than significant non pecuniary interest in Item C11.3 Wood Smoke – NSW EPA Draft Legislation Submission, and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Young was:

“Old wood burning heater.”

14.0	Adoption of Sustainable Towns and Villages Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Sustainable Towns and Villages Committee on Items C12.2, C12.3, C12.4 and C12.5 comprising all Council members be and are hereby adopted.

(Cr Ferguson / Cr White)

Note:

Cr Millar declared a less than significant non pecuniary interest in Item C12.4 Warriewood Valley Open Space – Southern Component of Central Local Park (Sector 9) and elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Millar was:

"I live in Warriewood Valley."

**There being no further business
the Meeting concluded at 10.26pm
on Monday 18 May 2015**