



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

7 September 2015

Commencing at 6.32pm

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)
Godfrey, L (Manager, Community and Library Services)
Munn, L (Manager, Reserves, Recreation & Building Services)
Edmonds, M (Principal Development Officer)
Williams, A (Principal Development Officer)
Johnson, S (Acting Manager, Commercial Property & Projects)
Stagni, T (Local Infrastructure Coordinator)
Hansen, M (Acting Manager, Natural Environment & Education)
Hewitt, M (Manager, Place Management)
Gallery, S (Principal Officer, Governance)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

TABLE OF CONTENTS

Item No	Item	Page No
Council Meeting		
1.0	Apologies	5
2.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	5
3.0	Confirmation of Minutes	5
4.0	Public Addresses	6
5.0	Councillor Questions with Notice	6
6.0	Mayoral Minutes	6
C6.1	Mayoral Minute - Sydney Northern Beaches Surf Life Saving - AGM update 2014-2015 season	6
	Matter of an Urgent Nature - Mayor Amend Comments Recorded in the September Issue of Pittwater Life	7
7.0	Business by Exception	7
8.0	Council Meeting Business	7
Connecting Communities Committee		
9.0	Connecting Communities Committee Business	8
C9.1	N0229/15 - 162 Prince Alfred Parade, Newport - Alterations and additions to existing dwelling house	8
C9.2	BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant	8
C9.3	8 Orchard Street, Warriewood - Proposed Land Sale	9
C9.4	Minutes of the Audit & Risk Committee Meeting held on 18 August 2015	11

Item No	Item	Page No
C9.5	Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015	11
Natural Environment Committee		
10.0	Natural Environment Committee Business	12
C10.1	Review of the 10/50 Vegetation Clearing Entitlement Scheme	12
C10.2	Review of Section 94 Contribution Plans No 2 for Open Space, Bushland & Recreation; No 3 for Public Library Services; No 18 for Community Services and No 19 for Village Streetscapes	13
C10.3	Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group held on 13.08.15	13
C10.4	Minutes of the Natural Environment Reference Group Meeting held on 13 May 2015	13
Council Meeting		
11.0	Adoption of Connecting Communities Committee Recommendations	14
12.0	Adoption of Natural Environment Committee Recommendations	15

Notes:

1. The Council Meeting commenced at 6.32pm and adjourned at 8.01pm, recommenced at 10.08pm and concluded at 10.10pm.
2. The Connecting Communities Committee Meeting commenced at 8.02pm and concluded at 9.36pm.
2. The Natural Environment Committee Meeting commenced at 9.37pm and concluded at 10.07pm.

Council Meeting

1.0 Apologies

Nil.

2.0 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 C9.3 – 8 Orchard Street, Warriewood – Proposed Land Sale – remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Millar was:

“I live in Orchard Street, I have known the Applicant through Warriewood Residents Association. The sale of 8 Orchard Street will have no impact on my property and my association with the Applicant is not one of a personal nature”.

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 17 August 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 Millar / Cr Hegarty)

4.0 Public Addresses

Proceedings in Brief

C9.2 – BC0092/14 – 1186 Barrenjoey Road, Palm Beach NSW 2108 – Additions / alterations to existing restaurant – with the leave of the Council Mr Robert Player, Ms Felicity Rourke and Mr Stephen Jones addressed the meeting speaking against the recommendation on this item and Mr Vaughan Milligan and Ms Jennifer King addressed the meeting speaking in support of the recommendation on this item.

5.0 Councillor Questions with Notice

Nil.

6.0 Mayoral Minutes

C6.1 Mayoral Minute - Sydney Northern Beaches Surf Life Saving - AGM update 2014-2015 season

COUNCIL DECISION

1. That Council note and acknowledge the success of the 2014-2015 life saving season and the dedication and achievements of the surf lifesaving club's volunteer members.
2. That a letter be sent to the branch for being named the top branch and also to congratulate them on their overall achievements during 2014/2015 season.

Cr Townsend

Note:

The Mayor ruled that Cr Griffith's Matter of an Urgent Nature - Communications with Councillors ' was considered not to be a matter of urgency and can be brought to the next Council Meeting as a Notice of Motion.

Procedural Motion (COUNCIL DECISION)

That Cr Griffith's Motion - Mayor Amend Comments Recorded in the September Issue of Pittwater Life - be dealt with as a matter of urgent nature.

(Cr Hegarty / Cr Young)

C6.2 Matter of an Urgent Nature - Mayor Amend Comments Recorded in the September Issue of Pittwater Life

COUNCIL DECISION

That the Mayor includes in the next Manly Daily Mayoral Column a reinforcement of Council's position on Fit for the Future and that a request be made to Pittwater Life to reflect Council's position in its next issue.

(Cr Griffith / Cr Young)

Note:

The following Motion moved by Cr Griffith and seconded by Cr Young was withdrawn:

"That the Mayor publicly retract her comments as printed in the editorial section of September 2015 Issue of Pittwater Life Magazine as they contradict the resolution of Council and could be misinterpreted as revised Council policy".

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Hegarty)

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 McTaggart)

7.0 Business by Exception

COUNCIL DECISION

That Items C9.1, C9.4 and C10.3 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

8.0 Council Meeting Business

Nil.

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Connecting Communities Committee Meeting now commence.

(Cr Ferguson / Cr Hegarty)

Notes:

1. The Council Meeting adjourned at 8.01pm and the Connecting Communities Committee Meeting commenced at 8.02pm.
 2. Cr Millar assumed the Chair.
-

Connecting Communities Committee

9.0 Connecting Communities Committee Business

C9.1 N0229/15 - 162 Prince Alfred Parade, Newport - Alterations and additions to existing dwelling house

COUNCIL DECISION (By Exception)

That the recommendation of the Development Officer be endorsed and Development Application N0229/15 for alterations and additions to the existing dwelling house at 162 Prince Alfred Parade, Newport be granted development approval subject to the conditions contained in the draft conditions of consent.

(Cr Hegarty / Cr Ferguson)

C9.2 BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant

COMMITTEE RECOMMENDATION

That the Development Unit's recommendation be endorsed and that Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 will issue Building Certificate BC0092/14 for additions/alterations to existing restaurant at 1186 Barrenjoey Road, Palm Beach NSW 2108 subject to completion of the following:

- All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate
- Certification provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards
- Certification provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards

- Completion of all works referred to in the BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014), and
- The upgrade of the eastern external wall of the building, to achieve a 60/60/60 Fire Resistance Level of construction.

(Cr White / Cr Ferguson)

Notes:

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

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

2. The following amendment moved by Cr Young lapsed for want of a seconder:

"1. That the Development Unit's recommendation not be endorsed and the application be deferred until the applicant has upgraded the eastern external wall of the building, to achieve a 60/60/60 Fire Resistance Level of construction.

2. *That the following certifications be provided to Council prior to the Building Certificate being reconsidered:*

- *All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate*
- *Certification provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards*
- *Certification provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards, and*
- *Completion of all works referred to in the BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014)".*

3. Cr Grace left the Council meeting at 8.40pm and did not return.

C9.3 8 Orchard Street, Warriewood - Proposed Land Sale

COMMITTEE RECOMMENDATION

1. That the Council owned land at 8 Orchard Street Warriewood, be sold to the adjoining land owner for the sale price listed below:
 - Sale of 8 Orchard Street for the sum of \$200,000
2. That the General Manager be authorised to sign all associated legal documentation under power of attorney.

3. That the income derived from the sale be allocated to the provision of pathways in the South Ward from the list on the prioritised Works Program of the Road Reserve Walking Sub Plan Stage 1 and Stage 2 in the Pittwater Public Roads Active Transport Strategy.

(Cr Young / Cr Griffith)

Notes:

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

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

2. The following unsuccessful amendment was moved by Cr White and seconded by Cr Townsend:

"1. That the recommendation contained in the Confidential Section of this Report be adopted.

2. That the General Manager be authorised to sign all associated legal documentation under power of attorney.

3. The income derived from the sale be allocated to the following two projects: shared path on Barrenjoey Rd, between Newport & Avalon and the single path construction on southern side of Garden Street, between The Crescent and Natuna Street North Narrabeen".

3. Cr Millar declared a less than significant non pecuniary interest in this item and elected to remain in the meeting and take part in the discussion and voting. The reason provided by Cr Millar was:

"I live in Orchard Street, I have known the Applicant through Warriewood Residents Association. The sale of 8 Orchard Street will have no impact on my property and my association with the Applicant is not one of a personal nature".

Procedural Motion (COUNCIL DECISION)

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

(Cr Millar / Cr Ferguson)

C9.4 Minutes of the Audit & Risk Committee Meeting held on 18 August 2015

COUNCIL DECISION (By Exception)

That the Minutes of the Audit and Risk Committee Meeting held on 18 August 2015 be noted.

(Cr Hegarty / Cr Ferguson)

C9.5 Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015

COMMITTEE RECOMMENDATION

1. That Council note the Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015 that relate to the discussion on:
 - Northern Beaches Bus Rapid Transport
 - Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area
 - Bike Plan Workshop
 - Priorities Workshop
2. That Council Note the following reference points from that meeting:

Northern Beaches Bus Rapid Transport

1. That the Reference Group notes the presentation by Transport for NSW on the Rapid Bus Transit service proposed for the Northern Beaches.
2. That the group thanked Mr John Larcombe, Transport NSW, for providing the presentation items.
3. That this be a future Agenda item for the Connection Communities Reference Group Meeting in regards to:
 - late night buses and safety
 - congestion in the CBD
 - The interchange options; and
 - Update on the Mona Vale Placement Management plan in regards to parking.

Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area

The Reference Group thanked Steve McCormack, NSW Police Service for his presentation and time.

Bike Plan Workshop

That the verbal update by Ms Michelle Carter, Road Safety Officer on the bike plan and the discussions recorded during the workshop be noted.

Priorities Workshop

Mr David Bremner, Community Engagement Officer advised that an email including a survey link will be distributed to members listing the possible topics for the Connecting Communities Reference Group and that members respond with the items they would like included on the Agenda during this term. The results of this survey will be an item on the Connecting Communities Reference Group agenda in November.

(Cr Ferguson / Cr Millar)

Procedural Motion (COUNCIL DECISION)

That the Connecting Communities Committee Meeting be closed and the Natural Environment Committee Meeting now commence.

(Cr Hegarty / Cr Ferguson)

Notes:

1. The Connecting Communities Committee Meeting concluded at 9.36pm and the Natural Environment Committee Meeting commenced at 9.37pm.
2. Cr White assumed the Chair.

Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1 Review of the 10/50 Vegetation Clearing Entitlement Scheme

COMMITTEE RECOMMENDATION

1. That Pittwater Council continue to lobby the Commissioner of the NSW Rural Fire Service and Minister for Emergency Services to ensure that the 10/50 Vegetation Clearing Entitlement Scheme minimise impacts on Pittwater's urban forest, threatened species and endangered ecological communities.
2. That Pittwater Council seek to have Coastal Littoral Rainforest excluded due to its restricted nature, small extent and lower fire risk.
3. That Pittwater Council seek to have smaller reserves reclassified to remove them from the Bushfire Prone Lands mapping subject to the Commissioners approval.
4. That Pittwater Council undertakes an extensive community education campaign on the 10/50 Vegetation Clearing Entitlement Scheme post the reclassification of the smaller reserves.

(Cr Townsend / Cr White)

C10.2 Review of Section 94 Contribution Plans No 2 for Open Space, Bushland & Recreation; No 3 for Public Library Services; No 18 for Community Services and No 19 for Village Streetscapes**COMMITTEE RECOMMENDATION**

1. That Council endorse the public exhibition of the Draft Pittwater Section 94 Contributions Plan for Residential Development for a period of 28 days.
2. That the outcomes of the public exhibition of the Draft Pittwater Section 94 Contributions Plan for Residential Development be reported to Council following the conclusion of the exhibition period.

(Cr Griffith / Cr Hegarty)

C10.3 Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group held on 13.08.15**COUNCIL DECISION (By Exception)**

That the information provided in the report on the draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group meeting held 13 August 2015 be noted.

(Cr Hegarty / Cr Ferguson)

C10.4 Minutes of the Natural Environment Reference Group Meeting held on 13 May 2015**COMMITTEE RECOMMENDATION**

1. That Council note the Minutes of the Natural Environment Reference Group Meeting held on 12 August 2015 that relate to the discussion on:
 - Pittwater Waterways Review
 - Phone Application – Walking Pittwater
 - Sydney Water Presentation
 - Dunes Damage Survey Update
 - Delivery Program & Budget 2015-2019
 - Community Strategic Plan Focus
 - Update of Woolcott Reserve Community Garden

2. That Council Note the following reference points from that meeting:

Pittwater Waterways Review:

Investigate the impact of changes to Crown Lands Act.

Investigate the impact of Aboriginal Lands Rights Claim on Crown Lands.

(Cr McTaggart / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Millar / Cr Ferguson)

Notes:

1. The Natural Environment Committee Meeting concluded at 10.07pm and the Council Meeting recommenced at 10.08pm.
2. Cr Townsend assumed the Chair.

Council Meeting

11.0 Adoption of Connecting Communities Committee Recommendations

COUNCIL DECISION

That the recommendations of the Connecting Communities Committee on Items C9.2, C9.3 and C9.5 comprising all Council members except Cr Grace be, are hereby, adopted.

(Cr White / Cr Ferguson)

Note:

Cr Millar declared a less than significant non pecuniary interest in item C9.3 – 8 Orchard Street, Warriewood – Proposed Land Sale – remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Millar was:

“I live in Orchard Street, I have known the Applicant through Warriewood Residents Association. The sale of 8 Orchard Street will have no impact on my property and my association with the Applicant is not one of a personal nature”.

12.0 Adoption of Natural Environment Committee Recommendations

COUNCIL DECISION

That the recommendations of the Natural Environment Committee on Items C10.1, C10.2 and C10.4 comprising all Council members except Cr Grace be, and are hereby, adopted.

(Cr Millar / Cr Young)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 10.10PM ON MONDAY
7 SEPTEMBER 2015**