

# COUNCIL MEETING

# MINUTES

**7 March 2016**

Meeting commenced 6.30pm

M J Ferguson  
General Manager



# 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)  
Hewitt, M (DGM, Environmental Planning & Community)  
Taylor, B (DGM, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Godfrey, L (Manager, Community and Library Services)  
Sherry, A (Acting Manager, Environmental Compliance)  
Li, R (Waste Services Officer)  
Munn, L (Manager, Reserves, Recreation & Building Services)  
Davies, A (Manager, Urban Infrastructure)  
Tasker, P (Administration Officer/ Minute Secretary)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.30pm and adjourned at 8.13pm, recommenced at 10.02pm and concluded at 10.25pm.
2. The Connecting Communities Committee Meeting commenced at 8.14pm and concluded at 9.51pm.
3. The Natural Environment Committee Meeting commenced at 9.52pm and concluded at 10.01pm.

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## **Council Meeting**

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### **1.0 Apologies**

Nil.

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### **2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts**

1. Cr White declared a less than significant non pecuniary interest in Item C9.1 – T08/15 Church Point seawall, roadway and carpark – and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr White was:

*"I live offshore. I do not use the Church Point Car Park as I have boat and car parking in Bayview."*

2. Cr Millar declared a less than significant non pecuniary interest in Item C9.2 – T11/15 Macpherson Street/Garden Street Upgrade Warriewood – and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr Millar was:

*"I live near the proposed works however the works have long been scheduled and my participation in decision making does not influence the undertaking of the works."*

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### **3.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 15 February 2016, 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 Hegarty)

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#### **FURTHER COUNCIL DECISION**

That the Minutes of the Extraordinary Council Meeting held on 27 February 2016, 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 Ferguson)

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### **4.0 Public Addresses**

#### **Proceedings in Brief**

**C8.3 – Report from the General Manager – Council Merger Proposal – Pittwater Council, Warringah Council and Manly Council** - with the leave of the Council Mr Angus Gordon and Mr Gavin Butler addressed the meeting speaking in support of the recommendation on this item.

**C9.1 – Tender T08/15 – Design and construction of a seawall, roadway and car park, Church Point** – with the leave of the Council Ms Sharon Kinnison addressed the meeting speaking against the recommendation on this item. Mr Bill Gye and Mr Michael Wiener addressed the meeting speaking in support of the recommendation on this item.

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### **5.0 Councillor Questions with Notice**

#### **Question – Cr Sue Young:**

When will a bus shelter be provided for the community on the eastern side of Barrenjoey Road in the Newport commercial centre?

#### **Response:**

At this stage Council does not have a plan to provide a bus shelter in this location. It is understood that Transport NSW is considering the optimal locations for bus stops in Newport as part of its planning for the B-Line and the bus network across the region.

Council is awaiting the draft outcome of the Transport NSW study in order to incorporate local improvements. As such, your suggested location for a bus shelter shed will be noted and considered in the future at such a time as Council includes a funding allocation in a future Delivery Plan for the provision of bus shelter sheds.

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## **6.0 Mayoral Minutes**

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

That the following item be considered as a Matter of an Urgent Nature.

(Cr Townsend / Cr Ferguson)

#### **Note:**

The Chair determined that the following Motion was a Matter of an Urgent Nature

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## **C6.4 Matter of an Urgent Nature - Mayoral Minute - Public Enquiry Process Meetings**

### **COUNCIL DECISION**

1. That the Council Meeting scheduled for Monday 21 March 2016 be cancelled and an Ordinary Meeting be held on Saturday 19 March commencing 9.00am.
2. That the public be notified by way of advertisement in the local paper and via Council's website.

(Cr Townsend)

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## **C6.1 Mayoral Minute - Reducing Plastic Pollution in Pittwater**

### **COUNCIL DECISION**

1. That Council prepare a Policy and Guidelines to reduce plastic pollution across Pittwater.
2. That Council incorporate into the Policy guidelines covering events, education around their impact and restrictions associated with their release into the environment.
3. That a copy of this minute, attachments and resolution be forwarded to the Hon. Rob Stokes MP Member for Pittwater, the Hon. Bronwyn Bishop MP Member for Mackellar, the Senate Committee and that copies also to be sent to the Hon. Mark Speakman MP Minister for the Environment (NSW), the Hon. Greg Hunt MP Minister for the Environment (Federal) and the Sydney Coastal Councils Group.

(Cr Townsend)

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<b>C6.2</b>	<b>Mayoral Minute - Palliative Care Inpatient Facility at Mona Vale Hospital</b>
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**COUNCIL DECISION**

1. That Council acknowledge the announcement of there being a Palliative Care Inpatient Facility at Mona Vale Hospital.
2. That Council write to the Mona Vale Palliative Care Inpatient Facility Working Group to congratulate and thank them for their work in this achievement.
3. That Council write to the Minister for Health, Jillian Skinner to acknowledge and thank NSW Health for recognising the need for this facility at Mona Vale Hospital to service our wider community.
4. That Council write to the local member, the Hon Rob Stokes, to thank him for his support of the Mona Vale Palliative Care Inpatient Facility Working Group.

(Cr Townsend)

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<b>C6.3</b>	<b>Mayoral Minute - Freedom of Entry to Pittwater - Australian Air League</b>
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**COUNCIL DECISION**

That the Mayor on behalf of Pittwater Council grants The Australian Air League the right of Freedom of Entry to the Pittwater Local Government Area.

(Cr Townsend)

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<b>7.0</b>	<b>Business by Exception</b>
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**COUNCIL DECISION**

That Item C10.1 be dealt with by exception and the recommendation contained in the report for this item be adopted.

(Cr Hegarty / Cr Grace)

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<b>8.0</b>	<b>Council Meeting Business</b>
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<b>C8.3</b>	<b>Report from the General Manager - Council Merger Proposal - Pittwater Council, Warringah Council and Manly Council</b>
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**COUNCIL DECISION**

1. That Council note Warringah Council's alternate merger proposal to amalgamate Pittwater Council, Manly Council and Warringah Council to form one council.
2. That it be noted that the formal merger proposal period has commenced and that Mr Richard Pearson has been delegated responsibility for examining and reporting on the proposal and that submissions close at 5pm on Friday 8 April 2016.
3. That Council note the Departmental Guidelines for decision making during the merger proposal period are in effect.
4. That upon receipt of the formal proposal it will be circulated.
5. That a budget allocation of \$100,000 be provided for a community engagement program.

(Cr Millar / Cr White)

**Note:**

The following unsuccessful motion was moved by Cr Young and lapsed for want of a seconder:

1. *That Council note Warringah Council's alternate merger proposal to amalgamate Pittwater Council, Manly Council and Warringah Council to form one council.*
2. *That it be noted that the formal merger proposal period has commenced and that Mr Richard Pearson has been delegated responsibility for examining and reporting on the proposal and that submissions close at 5pm on Friday 8 April 2016.*
3. *That Council note the Departmental Guidelines for decision making during the merger proposal period are in effect.*
4. *That upon receipt of the formal proposal it will be circulated.*
5. *That a budget allocation of \$50,000 be provided for a community engagement program.*
6. *That Council writes to the Minister for Local Government, The Hon Paul Toole, requesting an extension to the community consultation process in relation to the One Council option.*

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Hegarty / Cr Ferguson)

**Notes:**

1. The Council Meeting adjourned at 8.13pm and the Connecting Communities Committee Meeting commenced at 8.14pm.
2. Cr Millar assumed the Chair.

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## **Connecting Communities Committee**

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### **9.0 Connecting Communities Committee Business**

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#### **C9.1 Tender T08/15 - Design and construction of a seawall, roadway and car park, Church Point**

##### **COMMITTEE RECOMMENDATION**

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, that the tender from Ward Civil and Environmental Engineering in the amount of \$9,191,021 excluding GST (\$10,110,123.10 including GST) be accepted.
2. That the General Manager and Mayor be authorised to enter into a contract with the recommended tenderer.
3. That the General Manager be authorised to approve progress payments as and when they arise.
4. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.
5. That the request for additional funding for contingency, if required, be approved in the amount of \$324,185, taking the total project budget from \$9,755,000 to \$10,079,185 excluding GST be approved.
6. That Council invite representation from key stakeholders on the final aesthetics of the project such as landscape treatments, walkways, lighting and facades.

(Cr Townsend / Cr Griffith)

**Notes:**

1. 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

**No (Against)**

Cr Young

2. Cr White declared a less than significant non pecuniary interest in this item and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr White was:

*"I live offshore. I do not use the Church Point Car Park as I have boat and car parking in Bayview."*

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<b>C9.2</b>	<b>Tender T11/15 - MacPherson Street/Garden Street Upgrade Warriewood</b>
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**COMMITTEE RECOMMENDATION**

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, that the tender received from North Shore Paving Co. Pty Ltd for the MacPherson Street and Garden Street Upgrade - Warriewood, for an amount of \$1,281,881.63 including GST be accepted, and that this company be awarded a contract period of five (5) months.
2. That the General Manger and Mayor be authorised to execute contracts.
3. That upon receipt of Council resolution the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Millar / Cr Townsend)

**Note:**

Cr Millar declared a less than significant non pecuniary interest in Item C9.2 and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr Millar was:

*"I live near the proposed works however the works have long been scheduled and my participation in decision making does not influence the undertaking of the works."*

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<b>C9.3</b>	<b>Submission of Preferred Option on NSW Container Deposit Scheme Discussion Paper</b>
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**COMMITTEE RECOMMENDATION**

1. That Council offers in principle support to Option 1 Refund CDS, based on the information given in the NSW Container Deposit Scheme: Discussion Paper.
2. That Council endorses the SHOROC submission on NSW Container Deposit Scheme Discussion Paper.

(Cr Hegarty / Cr Griffith)

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<b>C9.4</b>	<b>Submission to the OLG - Proposed Phase 1 Amendments to the Local Government Act</b>
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**COMMITTEE RECOMMENDATION**

That the draft submission on Phase 1 of the Proposed Amendments to the Local Government Act be noted and amended as follows prior to submitting it to the Office of Local Government for consideration by 15 March 2016:

*"That the response on Item 3.2 of the submission be NO and the comment removed."*

(Cr Young / Cr Griffith)

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<b>C9.5</b>	<b>Submission to IPART Draft Report for the Review of Reporting and Compliance Burdens on Local Government</b>
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**COMMITTEE RECOMMENDATION**

1. That Council notes with disappointment the timing for consideration of a lodgement of submissions to the IPART Review of Reporting and Compliance Burdens on Local Government Draft Report.
2. That Council notes the submission as attached and previously lodged.

(Cr Hegarty / Cr Griffith)

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<b>C9.6</b>	<b>Minutes of the Pittwater Traffic Committee Meeting held on 9 February 2016</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting held on 9 February 2016 be adopted.

(Cr Young / Cr Ferguson)

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<b>C9.7</b>	<b>Minutes of the Connecting Communities Reference Group Meeting held on 3 February 2016</b>
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**COMMITTEE RECOMMENDATION**

1. That Council note the Minutes of the Connecting Communities Reference Group Meeting held on 3 February 2016 that relate to the discussion on:
  - CC4.1 - Local Government Reform Update
  - CC4.2 - Youth and Families Progress Report
  - CC4.3 - Disability Inclusion Planning in Pittwater
2. That Council note the following reference points from that meeting:

**Local Government Reform Update**

The Community Reference Group members note the presentation.

**Youth and Families Progress Report**

That the discussion on programming for young people and their families in Pittwater be noted and the Youth and Families team be thanked for their presentation.

**Disability Inclusion Planning in Pittwater**

That the presentation on Disability Action Plan and the group exercise on the context in Pittwater be noted.

(Cr Ferguson / Cr Townsend)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Ferguson / Cr White)

**Notes:**

1. The Connecting Communities Committee Meeting concluded at 9.51pm and the Natural Environment Committee Meeting commenced at 9.52pm.
2. Cr Millar remained in the Chair.

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<b>Natural Environment Committee</b>
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<b>10.0</b>	<b>Natural Environment Committee Business</b>
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<b>C10.1</b>	<b>316 Hudson Parade Clareville - Renewal of Expired Lease</b>
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**COUNCIL DECISION (By Exception)**

1. That the report by the Independent Chairperson regarding the re-categorisation of Lot 2, DP827733 be noted.
2. That the land, Lot 2, DP927733 in Refuge Cove be re-categorised from Natural Area to General Community Use.
3. That the General Manager be delegated to negotiate the terms and conditions of a new lease based on the expired lease following the re-categorisation of the land.

(Cr Hegarty / Cr Grace)

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<b>C10.2</b>	<b>Minutes of the Natural Environment Reference Group Meeting held on 10 February 2016</b>
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**COMMITTEE RECOMMENDATION**

1. That Council note the Minutes of the Natural Environment Reference Group Meeting held on 10 February 2016 that relate to the discussion on:
  - NE4.1 - Local Government Reform Update
  - NE4.2 - Upcoming Public Exhibition of Flood Study and Floodplain Risk Management Studies and Plans
  - NE4.3 - Coastal Management Reforms – Our Future on the Coast
2. That Council note the further issues addressed under Emerging Business:
  - NE5.1 - Feral Cat Measures
  - NE5.2 - Rabbit Controls
  - NE5.3 - Fox Controls
  - NE5.4 - Flying Fox Camps

(Cr Griffith / Cr Hegarty)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Grace / Cr Ferguson)

**Notes:**

1. The Natural Environment Committee Meeting concluded at 10.01pm and the Council Meeting recommenced at 10.02pm.
2. Cr Townsend resumed the Chair.

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## Council Meeting

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### 11.0 Adoption of Connecting Communities Committee Recommendations

#### COUNCIL DECISION

That the recommendations of the Connecting Communities Committee on Items C9.1, C9.2, C9.3, C9.4, C9.5, C9.6, C9.7 comprising all Council members be and are hereby adopted.

(Cr Ferguson / Cr Townsend)

#### Notes:

1. Cr White declared a less than significant non pecuniary interest in Item C9.1 and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr White was:

*"I live offshore. I do not use the Church Point Car Park as I have boat and car parking in Bayview."*

2. Cr Millar declared a less than significant non pecuniary interest in Item C9.2 and elected to remain in the meeting and to participate in discussion and voting on this item. The reason given by Cr Millar was:

*"I live near the proposed works however the works have long been scheduled and my participation in decision making does not influence the undertaking of the works."*

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### 12.0 Adoption of Natural Environment Committee Recommendation

#### COUNCIL DECISION

That the recommendation of the Natural Environment Committee on Item C10.2 comprising all Council members be and is hereby adopted.

(Cr White / Cr Ferguson)

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<b>C8.1</b>	<b>Notice of Motion - Pittwater Citizenship Garden - (Motion submitted by Cr Hegarty)</b>
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**COUNCIL DECISION**

1. That Council staff identify a number of parks or reserves which may be used as Citizenship Gardens.
2. That participants of Pittwater Council's citizenship ceremonies who are provided with a tree or shrub be given the option to have this planted in one of these Citizenship Gardens.
3. That to ensure the success of these plants and gardens, Council staff plant and maintain these gardens.
4. That the new citizen be provided with a letter detailing the planting date, location and species of their shrub or tree.
5. That a plaque be erected at each garden identifying it as a citizenship garden.
6. That appropriate details of this option to be provided to potential citizenship applicants.

(Cr Hegarty / Cr Ferguson)

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<b>C8.2</b>	<b>Notice of Motion - Merger Proposal Communications - (Motion submitted by Cr Grace)</b>
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**COUNCIL DECISION**

There was no Council Decision on this item.

**Note:**

The following unsuccessful motion was moved by Cr Grace and seconded by Cr Griffith:

*That all future merger proposal communications or distribution of material to residents (excluding social media) be first authorised by Councillors.*

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 10.25PM  
ON MONDAY 7 MARCH 2016**