



Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

17 March 2014

Commencing at 6.31pm.

ATTENDANCE

Members

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

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)
Pang, J (Manager, Catchment Management & Climate Change)
Jones, M (Chief Financial Officer)
Farquhar, K (Internal Auditor)
Whiteman, L (Local Infrastructure Funding Coordinator / Corporate Planner)
Pigott, A (Manager, Planning and Assessment)
Newberry, A-M (Principal Officer, Strategic Planning)
Cordoba, L (Principal Officer, Land Release)
Stagni, T (Senior Strategic Officer, Land Release)
Angles, G (Principal Officer, Administration)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.31pm and adjourned at 7.11pm, recommenced at 8.00pm and concluded at 8.03pm.
2. The Sustainable Towns & Villages Committee Meeting commenced at 7.12pm and concluded at 7.55pm.
3. The Leading and Learning Committee meeting commenced at 7.56pm and concluded at 7.59pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 – Mr Kyle Hill (Newport Residents Association)

Is Council aware that the recently installed traffic barriers at Newport Beach carpark are trapping the Norfolk Island Pines foliage creating a trip hazard for pedestrians?

Answer:

The General Manager advised that Council was not aware of the problem and that this matter would be investigated.

Question 2 – Mr Kyle Hill (Newport Residents Association)

Can Council beach cleaning staff be requested to free the pedestrian flow by shifting the pathway sand and using a petrol blower on the Norfolk Island Pines foliage?

Answer:

The General Manager advised that Council will investigate and take action if necessary.

Question 1 – Mr Ross Smith

During Question Time on 17 February 2014 Cr Grace interjected with a Point of Order. Cr Grace, what was the reason for you raising a point of order?

Answer:

Cr Grace responded that it was his view that in the circumstances the question was inappropriate.

Question 2 – Mr Ross Smith

During Question Time on 19 August 2013 Cr Grace interjected with a Point of Order. Cr Grace, what was the reason for you raising a point of order?

Answer:

Cr Grace responded that it was his view that in the circumstances the question was inappropriate.

Question 1 – Mr Phil Gatenby

The Manly Daily reported that S94 Plan No. 10 – Material Public Benefits and Dedication of Land – is being repealed as *“the details are already embedded in the current Section 94 Plan No. 16 Warriewood Valley”*. That statement by Council is incorrect as Plan No. 10 covers **ALL** of Pittwater LGA and not just Warriewood Valley. Will Plan 10 be withdrawn from exhibition and a proper explanation with financial statements be put on public exhibition?

Answer:

The General Manager responded that Council believes the statement to be correct and that Plan No. 10 will not be withdrawn from exhibition. The General Manager also advised that he would be happy to arrange for Mr Gatenby to meet with technical staff for further explanation.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Young and a leave of absence be granted from the Council Meeting held on 17 March 2014.

(Cr Hegarty / Cr Ferguson)

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

1. Cr Townsend declared a significant non-pecuniary interest in Item C12.1 – Assessment of Planning Proposal PP0007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood – and took no part in the discussion and voting on this item. The reason provided by Cr Townsend was:

“As a delegate on the JRPP I have elected not to vote on this item.”

2. Cr Hegarty declared a significant non-pecuniary interest in Item C12.1 – Assessment of Planning Proposal PP0007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood – and took no part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

“I sit on the JRPP as Council’s delegate.”

3. Cr Hegarty declared a less than significant non-pecuniary interest in Item C8.2 – Newport Surf Life Saving Club State Champions. Cr Hegarty elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr Hegarty was:

“My Partner is the President of Newport Surf Club. No decision is proposed by the Mayor – just congratulations.”

4. Cr McTaggart declared a less than significant non-pecuniary interest in Item C12.1 – Assessment of Planning Proposal PP0007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood. Cr McTaggart elected to remain in the meeting and participate in discussion and voting on this item. The reason provided by Cr McTaggart was:

“Consultant for Centro (Federation Square) is my neighbour.”

5. Cr Millar declared a less than significant non-pecuniary interest in Item C12.1 – Assessment of Planning Proposal PP0007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood. Cr Millar 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 3 March 2014, 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 White)

6.0 Public Addresses

C12.1 – Assessment of Planning Proposal PP007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood – with the leave of the Council Mr Scott Barwick (on behalf of SJB Planning) addressed the meeting speaking against the recommendation on this item. Mr Chris Hornsby (on behalf of Warriewood Residents Association), Mr Andrew Cowan and Ms Amy Taylor (on behalf of Centro Warriewood) addressed the meeting speaking in support of the recommendation on this item.

7.0 Councillor Questions with Notice

Nil.

8.0 Mayoral Minutes

C8.1 Mayoral Minute - Pittwater Woman of the Year 2014 - Christine Hopton

COUNCIL DECISION

That Council acknowledges and congratulates Christine Hopton as the recipient of the Pittwater 2014 Woman of the Year Award.

(Cr Townsend / Cr Ferguson)

C8.2 Mayoral Minute - Newport Surf Life Saving Club State Champions

COUNCIL DECISION

That Pittwater Council acknowledges and notes the successful season of the Newport SLSC and congratulate them on making State Champions 2013/14.

(Cr Townsend)

9.0 Business by Exception

COUNCIL DECISION

That Items C11.1, C11.2, C11.3, C11.5, C11.6, C11.7 and C11.8 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 Sustainable Towns and Villages Committee Meeting now commence.

(Cr Hegarty / Cr Millar)

Notes:

1. The Council Meeting adjourned at 7.11pm and the Sustainable Towns and Villages Committee Meeting commenced at 7.12pm.
2. Cr Griffith assumed the Chair.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1 Assessment of Planning Proposal PP0007/13 - 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood

COMMITTEE RECOMMENDATION

1. That Council note the contents of Don Fox Planning's Assessment of Planning Proposal PP0007/13 for 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood.
2. That the Planning Proposal PP0007/13 not be supported for referral to NSW Planning & Infrastructure for Gateway determination based on the reasons provided by Don Fox Planning as outlined below:
 - a. It does not meet the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report through the expansion of Warriewood Square shopping centre to provide a new town centre;
 - b. It will result in unacceptable adverse outcomes for public open space and recreation areas within the Southern Buffer;
 - c. It is inconsistent with Section 117 Direction 4.3 Flood Prone Land;
 - d. The approach to managing flooding constraints to justify an urban zone on flood prone land is not supported;
 - e. It fails to retain and protect high value biodiversity land (including EECs) and provides insufficient justification for their removal or consideration of ecological recommendations;
 - f. It is unable to achieve connectivity between the Site and adjoining commercial areas (including relocated Boondah Road and Vuko Place connection) on the basis of unacceptable ecological and traffic impacts;
 - g. It does not address potential negative economic impacts upon surrounding retail centres, or address the potential oversupply of commercial floor space;
 - h. The urban design outcomes of the Masterplan are not supported; and
 - i. It does not adequately represent the interests of all affected land owners.
3. That any future Planning Proposal for land within the Southern Buffer should incorporate all of the land within the Southern Buffer and also incorporate the Warriewood Square shopping centre site.

4. That, based on the outcomes of the assessment of this Planning Proposal, the recommendations of Don Fox Planning be considered in the future update to the Pittwater Local Planning Strategy and the future review of the Warriewood Valley Planning Framework 2010.

(Cr White / Cr Millar)

Notes:

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

Aye (For)	No (Against)
Cr Ferguson	Nil.
Cr Griffith	
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr White	

2. Cr Townsend left the meeting at 7.12pm and returned at 7.41pm, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Townsend was:
"As a delegate on the JRPP I have elected not to vote on this item."
3. Cr Hegarty left the meeting at 7.12pm and returned at 7.41pm, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Hegarty was:
"I sit on the JRPP as Council's delegate."
4. Cr McTaggart declared a less than significant non-pecuniary interest in this item, elected to remain in the meeting and to participate in discussion and voting. The reason provided by Cr McTaggart was:
"Consultant for Centro (Federation Square) is my neighbour."
5. Cr Millar declared a less than significant non-pecuniary interest in this item, elected to remain in the meeting and to participate in discussion and voting. The reason provided by Cr Millar was:
"I live in Warriewood Valley."

C12.2	Proposed Reforms to the Aboriginal Cultural Heritage System in NSW
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COMMITTEE RECOMMENDATION

1. That Council notes the proposed reforms and model for the management of Aboriginal Cultural Heritage (ACH) in NSW, for information purposes.
2. That Council endorses the submission and forwards the response to the NSW Office of Environment and Heritage by 28 March 2014.

(Cr Hegarty / Cr Millar)

C12.3	Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 19 February 2014
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COMMITTEE RECOMMENDATION

That the Minutes of the Sustainable Towns and Villages Reference Group meeting of 19 February 2014 be noted.

(Cr Griffith / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Ferguson)

Notes:

1. The Sustainable Towns and Villages Committee Meeting concluded at 7.55pm and the Leading and Learning Committee Meeting commenced at 7.56pm.
2. Cr Griffith remained in the Chair.

Leading and Learning Committee

11.0	Leading and Learning Committee Business
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C11.4	Local Government Managers Australia (NSW) Summit for Executive Women in Local Government November 2013
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COMMITTEE RECOMMENDATION

That the attached report be noted.

(Cr Millar / Cr Townsend)

C11.1 Management Report - 2013/2014**COUNCIL DECISION (By Exception)**

That the 6 Month Management report for the period ending 31 December 2013 (6 months) as tabled be noted.

(Cr Hegarty / Cr White)

C11.2 Investment Balances as at 28 February 2014**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr White)

C11.3 Outcomes of the E04/13 Expression of Interest for Avalon to Palm Beach Floodplain Risk Management Study & Plan**COUNCIL DECISION (By Exception)**

That the expressions of interest from the following four (4) Companies for the provision of Avalon to Palm Beach Floodplain Risk Management Study and Plan be accepted and these companies be invited to submit detailed tenders through a subsequent select tender process.

- NSW Public Works (MHL)
- WMA Water
- Cardno
- Molino Stewart

(Cr Hegarty / Cr White)

C11.5 Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 3 December 2013**COUNCIL DECISION (By Exception)**

That the Minutes of the Warringah Pittwater Bush Fire Management Committee Meeting held on 3 December 2013 be noted.

(Cr Hegarty / Cr White)

C11.6	Minutes of the Audit & Risk Committee Meeting held on 25 February 2014
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COUNCIL DECISION (By Exception)

That the Minutes of the Audit and Risk Committee Meeting held on 25 February 2014 be noted.

(Cr Hegarty / Cr White)

C11.7	Minutes of the Special Rate Variation Advisory Committee Meeting held 4 March 2014
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COUNCIL DECISION (By Exception)

That the Minutes of the Special Rate Variation Advisory Committee Meeting held on 4 March 2014 be noted.

(Cr Hegarty / Cr White)

C11.8	Minutes of the Leading & Learning Reference Group Meeting held on 26 February 2014
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COUNCIL DECISION (By Exception)

That the Minutes of the Leading & Learning Reference Group Meeting held on 26 February 2014 that relate to the discussion on:

- *Council Policy on Sustainability*
- *Update on the NSW Independent Local Government Review Panel*
- *Greenhouse Gas Emissions Working Group*
- *EcoMarker Trial*
- *Update on NSW Planning Bill*
-

And that the following Reference Points:

- *Sustainability Pittwater to research what data is available from other agencies and liaise with staff on Greenhouse Gas Emissions.*
- *Sustainability Pittwater and the Community Groups to suggest Council sites to expand to 100 eco-Markers.*

be noted.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Ferguson)

Notes:

1. The Leading and Learning Committee Meeting concluded at 7.59pm and the Council Meeting recommenced at 8.00pm.
2. Cr Griffith remained in the Chair for adoption of the recommendation on Item C12.1 - Assessment of Planning Proposal PP0007/13 – 6 Jacksons Road & 3, 6, 8, 10 & 12 Boondah Road Warriewood.

Council Meeting

14.0 Adoption of Sustainable Towns and Villages Committee Recommendation

COUNCIL DECISION

That the recommendation of the Sustainable Towns and Villages Committee on Item C12.1 comprising all Council members with the exception of Cr Townsend and Cr Hegarty be and is hereby adopted.

(Cr White / Cr Ferguson)

Notes:

1. Cr Townsend left the meeting at 8.00pm and returned at 8.01pm, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Townsend was:
“As a delegate on the JRPP I have elected not to vote on this item.”
2. Cr Hegarty left the meeting at 8.00pm and returned at 8.01pm, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Hegarty was:
“I sit on the JRPP as Council’s delegate.”
3. Cr McTaggart declared a less than significant non-pecuniary interest in this item, elected to remain in the meeting and to participate in discussion and voting. The reason provided by Cr McTaggart was:
“Consultant for Centro (Federation Square) is my neighbour.”

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

"I live in Warriewood Valley."

5. On her return Cr Townsend resumed the Chair for the remainder of the meeting.

13.0	Adoption of Leading and Learning Committee Recommendation
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COUNCIL DECISION

That the recommendation of the Leading and Learning Committee on Item C11.4 comprising all Council members be and is hereby adopted.

(Cr Hegarty / Cr Griffith)

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 and C12.3 comprising all Council members be and are hereby adopted.

(Cr White / Cr Millar)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.03PM ON
MONDAY 17 MARCH 2014**