



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale on

18 February 2013

Commencing at 6.30pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Godfrey, L (Acting Director, Planning & Community)
Munn, L (Manager, Reserves, Recreation & Building Services)
Pigott, A (Principal Officer, Strategic Planning)
Cordoba, L (Principal Officer, Land Release)
Reid, P (Manager, Corporate Strategy & Commercial)
Mulroney, J (Principal Officer, Community Engagement)
Jones, M (Chief Financial Officer)
Beharrell, M (Manager, Natural Environment & Education)
Angles, G (Principal Officer, Administration)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 7.16pm, recommenced at 8.43pm and adjourned at 8.46pm, recommenced at 9.04pm and concluded at 9.06pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.17pm and concluded at 8.42pm.
3. The Governance Committee Meeting commenced at 8.47pm and concluded at 9.03pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 - Ms Marcia Rackham

Is it true that it is not Council Policy to erect signage identifying community public land? If so why won't Council identify Community / Public land?

Answer

The General Manager explained that the signage put on public reserves is to identify the reserve by name. There are many lots within the Pittwater area and it is not practical to place a sign on every allotment of community land.

Question 2 - Ms Marcia Rackham

Can the General Manager explain why Lot 3 of Kitchener Park is no longer suitable for open space in 2013?

Answer

The General Manager explained that the site is dislocated from the balance of the open space of Kitchener Park and Council is considering whether to sell to fund the upgrade of the balance of Kitchener Park infrastructure.

Question 3 - Mr Stewart Matthews

Will Councillors return the Queen's Portrait to Council Chambers?

Answer

The Mayor advised that there is no Policy enforcing that the Queen's Portrait must be hung in the Council Chambers.

Question 4 – Mr Philip Walker

Could the Mayor confirm if the Council resolution established in February 1994 regarding unlawfully cleared lands in Ingleside / Warriewood area applies to the current rezoning application for 120 Mona Vale Road?

Answer

The Mayor explained that this parcel of land is subject to a rezoning application and all relevant policy issues will be considered.

Question 5 – Mr Antony Bloom

Will the General Manager conduct a comprehensive audit on 43 Bungan Head Road, Newport and reply to the community with the results of that audit? This is the only way both the Development and Compliance can correct what appears to be errors that arose in the Development Consent and Construction Certificate.

Answer

An Inspection has been organised for 22 February 2013. A complete audit of the site will be undertaken and a response provided to yourself and your consultants.

3.0 Apologies**COUNCIL DECISION**

That apologies be received and accepted from Cr White and leave of absence be granted from the Council Meeting held on 18 February 2013.

(Cr Hegarty / Cr Millar)

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

Nil.

5.0 Confirmation of Minutes**COUNCIL DECISION**

That the Minutes of the Council Meeting held on 4 February 2013, 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, after noting that the speaker in item C9.2 is Dr Robert Reid not Mr Robert Reid.

(Cr Ferguson / Cr Millar)

6.0 Public Addresses

C12.1 – Update on Investigation of Ingleside Release Area – with the leave of the Council, Mr Conn Saloumidis, Mr David Palmer, Mr Glen Ilic and Mr Greg Jacobs addressed Council speaking in support of the recommendation.

C12.2 – Avalon Beach Draft Plan of Management – with the leave of the Council, Mr Peter Mayman (on behalf of Avalon Preservation Association), Mr Graeme Sheather and Ms Mandy Mullen addressed Council speaking against the recommendation. Mr Richard Cole and Ms Christine Hopton addressed Council speaking in support of the recommendation.

8.0 Councillor Questions taken on Notice

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Item C11.5 be dealt with by exception and the recommendation contained in the report for the item be adopted.

(Cr Hegarty / Cr Millar)

10.0 Council Meeting Business

Nil.

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Planning an Integrated Built Environment Committee Meeting now commence.

(Cr Hegarty / Cr Ferguson)

Notes:

1. The Council Meeting adjourned at 7.16pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.17pm.
2. Cr Griffith assumed the Chair.

Planning an Integrated Built Environment Committee

12.0	Planning an Integrated Built Environment Committee Business
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C12.1	Update on Investigation of Ingleside Release Area
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COMMITTEE RECOMMENDATION

- 1 That Council agree to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area, noting that the State Government will fund the process and necessary studies. And provide a resource to Council for the duration of the Planning process.
- 2 That Council request the State Government to acknowledge and accept that the following issues are paramount in the progress of the land release in Ingleside:
 - the future protection and management of environmentally sensitive land, including environmental, biodiversity and creekline corridors.
 - a sustainable and ecologically sensitive development form based on the highest standards.
 - The sensitivity of downstream flooding from the upper catchment downstream to Warriewood valley.
 - the threat from bushfire and provision of emergency access/egress eg bushfire.
 - the economic viability of the land release particularly associated with the findings of the report to Council 19 October 2009.
 - the extent of capitalisation evident in private landholdings in Ingleside.
 - the need to upgrade Mona Vale Road and relevant intersections which would be exacerbated by any intensification of development in Ingleside.
 - provision of a comprehensive waste water management proposal.
 - comprehensive consideration of Powderworks Road and the amenity and safety of its users and adjoining residents.
 - delivery of infrastructure in a timely manner over the life of the development process.
 - financial risk to Council and the State Government if the development potential is not achieved or is delayed.
 - uncertainty with the developer funding mechanisms.
 - uncertainty with the implications of the programmed new Planning Act.
 - maintaining ridge lines as areas of well designed landscaped areas dominated by trees rather than buildings.
 - opportunities for provision of affordable housing.
 - Comprehensive Community engagement process including the establishment, from the outset, of a Community based committee that will be regularly updated on issues, studies and progress of the Precinct Planning process.
- 3 That a progress report be brought back to Council following completion of administrative matters regarding the delivery structure and governance. This future report is to include timing of future reports informing the progress of the project.
- 4 That Council write to those landowners whose property is in the Ingleside Release Area and relevant stakeholders advising of Council decision.

(Cr Townsend / Cr Hegarty)

C12.2 Avalon Beach Draft Plan of Management

COMMITTEE RECOMMENDATION

1. That the plan of management for Avalon Beach, as tabled at the meeting, be adopted and note that the following amendments have been made to the draft plan of management since being on exhibition:
 - preparation of a works program for the dune system and surrounds
 - solar panels and water tanks to be installed on the building during the construction stage
 - the installation of turf (not stone) on the top of the sandstone seating at south Avalon
 - installation of a timber viewing deck at north Avalon.
2. That a community working party be established to provide feedback to council staff and the surf club on the detailed design of the amenities relating to the restaurant prior to the DA being lodged for the proposed restaurant.
3. That Council note the resolution from its meeting on 3 December 2012 that “....Council authorise the expenditure of funds for the construction of this project, subject to the confirmation of the grant funding being confirmed.”

(Cr Townsend / Cr Griffith)

Dissent

Cr Young requested that her name be recorded as having voted against the motion which was carried.

Note:

The following unsuccessful amendment which was moved by Cr Young, lapsed for want of a seconder:

- “1. That the plan of management for Avalon Beach, as tabled at the meeting, be adopted and note that the following amendments have been made to the draft plan of management since being on exhibition:
 - preparation of a works program for the dune system and surrounds
 - solar panels and water tanks to be installed on the building during the construction stage
 - the installation of turf (not stone) on the top of the sandstone seating at south Avalon
 - installation of a timber viewing deck at north Avalon
 - remove the restaurant from the plan and allow the \$400,000 already approved loan so the development can proceed.*
- 2. That a community working party be established to provide feedback to council staff and the surf club on the detailed design of the amenities relating to the restaurant prior to the DA being lodged for the proposed restaurant.*
- 3. That Council note the resolution from its meeting on 3 December 2012 that “....Council authorise the expenditure of funds for the construction of this project, subject to the confirmation of the grant funding being confirmed”.*

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Grace)

Procedural Motion (COUNCIL DECISION)

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

(Cr Townsend / Cr Hegarty)

C12.3 Feral Rabbits in the Pittwater LGA**COMMITTEE RECOMMENDATION**

1. That the report on rabbits in the Pittwater LGA be noted.
2. That Council continue at a local level to undertake an integrated control program for rabbits.
3. That Council continue to develop and implement with the Urban Feral Animal Action Group member agencies a regional Rabbit Management Plan to provide effective control of rabbits.
4. That Council investigate the possibility of banning the sale of rabbits in Pittwater petshops and developing an educational program regarding control of pet rabbits.

(Cr Ferguson / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

That the Planning an Integrated Built Environment Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Hegarty / Cr Townsend)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.42pm and the Council Meeting recommenced at 8.43pm.
2. Cr Townsend assumed the Chair.

Council Meeting

7.0 Mayoral Minutes

C7.1 Pittwater Overland Flow Risk Management Community Working Group

COUNCIL DECISION

1. That Council endorse the establishment of the Pittwater Overland Flow Risk Management Community Working Group.
2. That Cr Grace (Chair) and Cr McTaggart (Alternative Delegate) be nominated for membership on the Pittwater Overland Flow Risk Management Community Working Group.

(Cr Townsend)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Governance Committee Meeting now commence.

(Cr Hegarty / Cr Griffith)

Notes:

1. The Council Meeting adjourned at 8.47pm and the Governance Committee Meeting commenced at 8.48pm.
2. Cr Hegarty assumed the Chair.

Governance Committee

11.0 Governance Committee Business

C11.1 Quarterly Budget Review Statement for the Quarter Ending 31 December 2012

COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 31 December 2012 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Young / Cr Millar)

C11.2 Investment Balances as at 31 January 2013**COMMITTEE RECOMMENDATION**

That the information provided in the report be noted.

(Cr Young / Cr Ferguson)

C11.3 Loan Borrowings - February 2013**COMMITTEE RECOMMENDATION**

1. That in accordance with Council's 2012/13 December Revised Budget, Council authorises borrowings totalling \$6,500,000 in order to fund the following:

a. Capital Works Program	\$1,000,000
b. Sydney Lakeside Holiday Park Capital Program	\$1,500,000
c. Bungan Lane Car Park at Mona Vale	\$4,000,000
2. That the General Manager be authorised to finalise quotes and accept the most financially advantageous loan/s from the lending market.
3. That the seal of Council be affixed to all relevant documentation, if necessary.

(Cr McTaggart / Cr Griffith)

C11.4 Council Report - Review of Community Engagement Policy**COMMITTEE RECOMMENDATION**

1. That Council note the findings from the Community Engagement Policy Review Committee.
2. That the draft Community Engagement Policy (2013) be adopted and placed on public exhibition for a period of 28 days.
3. That a final Community Engagement Policy be presented back to Council after comments raised during the public exhibition have been considered.

(Cr Townsend / Cr Griffith)

C11.5 New Model Code of Conduct Framework

COUNCIL DECISION (By Exception)

1. That the Model Code of Conduct dated March 2013 and the Procedures for the Administration of the Model Code, as appended at **Attachments 1 and 2** of the report, be adopted.
2. That the Manager of Administration and Governance be appointed as the Complaints Coordinator and the Internal Auditor appointed as the alternative Complaint Coordinator for any complaints made under this Code.
3. That the process for appointment of a Conduct Review Panel be noted and a further report be brought to Council for appointment of a panel after the interview process has been completed.

(Cr Hegarty / Cr Millar)

Procedural Motion (COUNCIL DECISION)

That the Governance Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Townsend / Cr Young)

Notes:

1. The Governance Committee Meeting concluded at 9.04pm and the Council Meeting recommenced at 9.05pm.
2. Cr Townsend resumed the Chair.

Council Meeting

13.0 Adoption of Governance Committee Recommendations

COUNCIL DECISION

That the recommendations on Items C11.1, C11.2, C11.3 and C11.4 of the Governance Committee Meeting comprising all Council members be, and are hereby, adopted.

(Cr Griffith / Cr Grace)

14.0	Adoption of Planning an Integrated Built Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations on Items C12.1, C12.2 and C12.3 of the Planning an Integrated Built Environment Committee Meeting comprising all Council members be and are hereby adopted.

(Cr Millar / Cr Griffith)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.06PM ON
MONDAY 18 FEBRUARY 2013**