



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

16 September 2013

Commencing at 6.31pm

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Hunt, C (Director, Urban & Environmental Assets)
Godfrey, L (Acting Director, Environmental Planning & Community)
Lawrence, W (Manager, Administration & Governance)
Pigott, A (Acting Manager, Planning & Assessment)
Cordoba, L (Principal Officer, Land Release)
Wilkinson, K (Senior Strategic Planner)
Tite, M (Strategic Planner)
Olsen, A (Strategic Planner)
Platt, R (Assistant Planner – Land Release)
Williams, A (Principal Development Officer)
Ralph, A (Development Officer)
Reid, P (Manager, Corporate Strategy & Commercial)
Jones, M (Chief Financial Officer)
Shaw, M (Manager, Urban Infrastructure)
Bramich, R (Principal Officer, Environmental Health)
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 7.01pm, recommenced at 9.53pm and adjourned at 10.09pm, recommenced at 11.16pm and concluded at 11.18pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.02pm and concluded at 8.42pm.
3. The Governance Committee Meeting commenced at 8.43pm and concluded at 9.52pm.
4. The Committee of the Whole Meeting commenced in Closed Session at 10.10pm and concluded at 11.15pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 – Ms Marcia Rackham:

What Capital Sales are Council anticipating in 2014/2015? And if this involves the proposed sale of community land can Council specify which parcels of land this may be?

Answer:

The General Manager advised that he would take this question on notice.

Question 1 - Mr Ross Smith

How many trees were on the Beeby Reserve Carpark site prior to construction works commencing?

Answer:

The General Manager responded that he was unaware of how many trees were there prior to construction, however there were 55 trees removed from Beeby Reserve as part of the construction of the carpark, and there will be 70 trees planted to replace those trees.

Question 2 – Mr Ross Smith:

To Cr Ferguson re Beeby Park: In June 2013 you sent a number of form emails to residents stating “We have done studies on this park and it is not a wildlife corridor.” Specifically what studies were you referring to? Please answer with name, date and author of study.

Answer:

Cr Ferguson responded that the information was provided from a Council report and if Mr Smith required further information Cr Ferguson was happy to provide that information.

3.0	Apologies
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Nil.

4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts
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1. Cr Hegarty declared a significant non-pecuniary interest in Item C11.3 – Surf Club Subsidies 2013, and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

“My partner is the President of Newport Surf Club and the perception may be of some benefit to me.”

2. Cr Millar declared a significant non-pecuniary interest in Item C12.2 – DCP Amendment 10 – Warriewood Valley Strategic Review specific amendments, and took no part in discussion and voting on this item. The reason provided by Cr Millar was:

“As the amendments included specific landholdings identified as 901D and 901E, my interest is that those landowners are known to me and have supported me in my election campaign 2012. Otherwise I would have participated.”

5.0	Confirmation of Minutes
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COUNCIL DECISION

That the Minutes of the Council Meeting held on 2 September 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.

(Cr Millar / Cr White)

6.0 Public Addresses

C12.1 – N0092/13 – 1468-1470 Pittwater Road North Narrabeen – Demolition of existing dwellings and construction of a SEPP (Housing for Seniors and People with a Disability) development and strata subdivision – With the leave of the Council Mr Bill Jenner (Applicant) and Mr Luke Playoust (Architect) addressed the meeting speaking in support of the recommendation on this item.

C12.2 – DCP Amendment 10 – Warriewood Valley Strategic Review specific amendments – with the leave of the Council Mr Robert Hack and Ms Lynne Czinner addressed the meeting speaking against the recommendation on this item.

7.0 Councillor Questions on Notice

Nil.

8.0 Mayoral Minutes

See Committee of the Whole – Items C15.1 and C15.2.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.2, C11.6, C11.8 and C11.9 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

10.0 Council Meeting Business

C10.1 Election of Mayor - Mayoral Term 2013/2014

COUNCIL DECISION

1. That nominations be called for candidates for the Office of Mayor for the 2013/2014 Mayoral Term.
2. That in the event that two or more candidates accept nomination for the Office of Mayor, Council determine whether the election of Mayor for the 2013/2014 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.

(Cr Millar / Cr Ferguson)

Proceedings in Brief

1. Cr Townsend vacated the Chair at this juncture.
2. The Manager, Administration and Governance, was nominated as the Returning Officer by the General Manager.
3. The Returning Officer called for nominations for the Office of Mayor for the 2013/2014 Mayoral Term and the following nomination was received:

Councillor Jacqueline Townsend

4. There being no further nominations the Returning Officer declared Cr Townsend elected as Mayor for the 2013/2014 term unopposed.

C10.2 Election of Deputy Mayor - 2013/2014 Mayoral Term

COUNCIL DECISION

1. That nominations be called for candidates for the Office of Deputy Mayor for the 2013/2014 Mayoral Term.
2. That in the event of two or more candidates accepting nomination for the Office of Deputy Mayor, Council determine whether the election of Deputy Mayor for the 2013/2014 Mayoral Term is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. That an election be held in accordance with the provisions of the Local Government (General) Regulation 2005.
4. That the Deputy Mayor be elected for the full 2013/2014 Mayoral Term.

(Cr Millar / Cr Ferguson)

Proceedings in Brief

1. The Manager, Administration and Governance, was nominated as the Returning Officer by the General Manager.
2. The Returning Officer called for nominations for the Office of Deputy Mayor for the 2013/2014 Mayoral Term and the following nomination was received:

Councillor Kylie Ferguson

3. There being no further nominations the Returning Officer declared Cr Ferguson elected as Deputy Mayor for the 2013/2014 term unopposed.

Procedural Motion (COUNCIL DECISION)

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

(Cr Young / Cr Hegarty)

Notes:

1. The Council Meeting adjourned at 7.01pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.02pm.
2. Cr Griffith assumed the Chair.

Planning an Integrated Built Environment Committee

12.0 Planning an Integrated Built Environment Committee Business

C12.1	N0092/13 - 1468-1470 Pittwater Road North Narrabeen - Demolition of existing dwellings and construction of a SEPP (Housing for Seniors and People with a Disability) development and strata subdivision
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COMMITTEE RECOMMENDATION

That this matter be deferred to allow the applicant to provide the following:

1. A full heritage assessment of the Moreton Bay Fig Tree.
2. An arboreal investigation into further growth potential of the Moreton Bay Fig Tree and any associated and ongoing maintenance requirements into the future.
3. An opportunity to amend the design to provide for increased spatial separation of the built form from the heritage listed tree.
4. Amendments to the built form around the Moreton Bay Fig Tree to provide for an increased area of open space and recreation for the residents.
5. Reconsideration of the setbacks from the front, side and rear boundaries including decks.

(Cr White / Cr Ferguson)

Note:

A division was duly taken resulting in the following voting:

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

C12.2	DCP Amendment 10 - Warriewood Valley Strategic Review specific amendments
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COMMITTEE RECOMMENDATION

1. That the amendments to the Pittwater 21 Development Control Plan contained in **Attachment 2** be placed on public exhibition for 28 days and notified in accordance with Council's Community Engagement Policies inviting submissions from the public.

2. That landowners of Sector 901D and 901E be invited to meet with Council Officers to discuss the best means of achieving the yield nominated for these properties and at the same time affording protection for the sites' identified tree assets. This meeting is to be undertaken within four (4) weeks of this resolution, enabling any implications regarding the future zoning of the land to be incorporated into the Draft Pittwater Local Environmental Plan 2013 prior to its second exhibition.
3. That the outcomes of the public exhibition to the proposed amendments to Pittwater 21 Development Control Plan be reported back to Council for further consideration.

(Cr Townsend / Cr White)

Notes:

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

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

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

1. *That the amendments to the Pittwater 21 Development Control Plan contained in Attachment 2 be placed on public exhibition for 28 days and notified in accordance with Council's Community Engagement Policies inviting submissions from the public.*
2. *That in addition to the exhibition a meeting be called with all land owners to discuss the future management of water and construction of roads in Section 901A-901G.*
3. *That the R3 zone be applied to Sectors 901D and 901E and that this be incorporated into the Draft Pittwater Local Environmental Plan 2013 prior to its second exhibition.*
4. *That the outcomes of the public exhibition to the proposed amendments to Pittwater 21 Development Control Plan be reported back to Council for further consideration.*

3. A division was duly taken and the amendment was declared lost on the casting vote of the Chair:

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

4. Cr Millar left the meeting at 7.47pm and returned at 8.18pm, having declared a significant non-pecuniary interest in Item C12.2. The reason provided by Cr Millar was:
"As the amendments included specific landholdings identified as 901D and 901E, my interest is that those landowners are known to me and have supported me in my election campaign 2012. Otherwise I would have participated."

C12.3 Pittwater 21 Development Control Plan Review

COMMITTEE RECOMMENDATION

1. That the information provided in the report be noted.
2. That the amendments to Pittwater 21 DCP in the accompanying Tabled Document be placed on public exhibition for 28 days with submissions invited from the public and notified in accordance with Council's Community Engagement Policies, with the following amendment:
 - a) Amend change No. 17 to insert "Land within the vicinity of the heritage item, heritage conservation area or archaeological site that is listed in Schedule 5 and shown on the Heritage Map in the Pittwater Local Environmental Plan 2013 – P21 DCP – BCMDCP077.
 - b) Amend change No. 18 to insert "Land on which there are no heritage items, heritage conservation areas or archaeological sites and is not within the vicinity of a heritage item, heritage conservation area or archaeological site - P21 DCP -BCMDCP078.
3. That the public notice (above) placed in a local newspaper also include a notification of Council's intention to repeal the Pittwater Development Control Plan No. 22 – Exempt and Complying Development, including reasons for doing so.
4. That following the period of public exhibition and consideration of any submissions received, the amendments to the Pittwater 21 DCP be reported back to Council for further consideration.
5. Upon publication of Pittwater LEP 2013, a public notice be placed in the Manly Daily notifying the public that the Pittwater Development Control Plan No. 22 – Exempt and Complying Development be repealed.

(Cr Grace / Cr Ferguson)

C12.4 Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 21 August 2013

COMMITTEE RECOMMENDATION

That the Minutes of the Sustainable Towns and Villages Reference Group meeting of 21 August 2013 be noted including the following Reference Points:-

- That this Committee expresses its concerns that the suite of documentation to rezone Ingleside is scheduled to be in place by November 2014, including infrastructure delivery strategy.
- That this Committee notes with regret that Council has lost its planning powers on 120-122 Mona Vale Road Mona Vale to the DoPI.
- That Council be advised of the concern of this Reference Group for the proposed Meriton development comprising densities of 98 dwelling per hectare in Warriewood.

(Cr Townsend / Cr Grace)

Procedural Motion (COUNCIL DECISION)

That the Planning an Integrated Built Environment Committee Meeting be concluded and the Governance Committee Meeting now commence.

(Cr White / Cr Grace)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.42pm and the Governance Committee Meeting commenced at 8.43pm.
2. Cr Hegarty assumed the Chair.

Governance Committee

11.0 Governance Committee Business

C11.1 Presentation of Financial Reports and Related Auditor's Report for the Year Ended 30 June 2013

COMMITTEE RECOMMENDATION

That the presentation of the 2012/13 Financial Reports and the Auditor's Report be noted.

(Cr Townsend / Cr Ferguson)

Note:

Mr Gary Mottau, a Partner at Hill Rogers Spencer Steer (Council Auditors) addressed the meeting on this item.

C11.4 T03/13 - Construction of a Multi Storey Carpark - Bungan Lane Mona Vale

COMMITTEE RECOMMENDATION

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, that the Tender received from Parkview Constructions Pty Limited in the amount of \$7,266,471.30 including GST for construction of a multi storey car park located at Bungan Lane, Mona Vale be accepted.

2. That the General Manager be authorised to:
 - o execute contracts;
 - o consider alternative items, such as railing, balustrade and sealer systems, painting of the carpark ceilings; and
 - o authorise accounts and variations as they become due.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Townsend / Cr Griffith)

C11.5	T08/13 - Construction of Cabins at Sydney Lakeside Holiday Park
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COMMITTEE RECOMMENDATION

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, that the Tender received from Wendgold Pty Limited in the amount of \$1,481,040.00 including GST for the construction of 9 cabins at Sydney Lakeside Holiday Park be accepted.
2. That the General Manager be authorised to execute contracts and authorise accounts as they become due.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Griffith / Cr White)

C11.7	Proposed Waste Service Collection Contract Extension
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COMMITTEE RECOMMENDATION

1. That Council, pursuant to s55(3)(i) of the Local Government Act, extend the current waste service contract with United Resource Management to 31 January 2017. For the reasons set out in the report and below, a satisfactory result would not be achieved by inviting tenders.
 - a. The pending development of the Kimbriki Waste Treatment and Recycling facility to provide a long term alternative waste technology system for the SHOROC region.
 - b. Council's commitment to the SHOROC common waste collection system which is proposed to be awarded following competitive tender and to commence on 1 February 2017 in order to align with the commencement of the Kimbriki Alternative Waste Treatment facility.
 - c. The financial constraints on potential tenderers for a short term collection contract.
2. That the increase in the annual lump sum cost from \$3,653,570 to \$3,827,442 per annum, plus GST and CPI adjustments as specified in the current contract, be noted.

3. That the decision of Council be publicly notified through advertisements placed in generally circulated publications.
4. That a community engagement program be developed to provide advice and information to the community regarding the introduction of the waste service improvements.
5. That the General Manager be authorised to endorse the contract extension with the current waste service collection provider, United Resource Management, sign any necessary documentation and affix the seal of Council if required.

(Cr Townsend / Cr Young)

C11.10	Minutes of the Pittwater Overland Flow Risk Management Community Working group held on the 25 June 2013 and 6 August 2013
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COMMITTEE RECOMMENDATION

That the information provided in the report be noted.

(Cr Grace / Cr Townsend)

C11.11	Minutes of the Leading & Learning Reference Group Meeting held on 28 August 2013
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COMMITTEE RECOMMENDATION

1. That Council note the Minutes of the Leading & Learning Reference Group Meeting held on 28 August 2013 that relate to the discussion on:

LL4.1 Welcome to Council's Reference Groups

LL4.2 Priorities for Reference Group Discussion

LL4.3 Greenhouse Gas Emissions Reduction Strategy 2013-2017

LL4.4 Update on State Government Proposals

2. That the following Reference Points be noted:

- That this reference group continue its support of the EcoMarker trial.
- That the Eco-Marker trial be put on the Agenda at the Community GHG Workshop.
- That this group further consider strategies to communicate GHG / Climate Change issues as data becomes available

3. That it be noted that in Item LL4.3 – Greenhouse Gas Emissions Reduction Strategy 2013-2017, Council aims to generate up to 20% of its electricity needs from cost effective, renewable energy sources by **2025**, not 2015 as noted in the Minutes.

(Cr Young / Cr Townsend)

C11.2	Investment Balances as at 31 August 2013
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

C11.6	T09/13 - Construction of Concrete Slabs and Driveways at Sydney Lakeside Holiday Park
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COUNCIL DECISION (By Exception)

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005 the Tender received from Performance Civil Pty Limited in the amount of \$180,600.00 including GST for the construction of Concrete Slabs and Driveways at Sydney Lakeside Holiday Park be accepted.
2. That the General Manager be authorised to execute contracts and authorise accounts as they become due.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Hegarty / Cr Ferguson)

C11.8	Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
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COUNCIL DECISION (By Exception)

1. That the attached Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors be placed on public exhibition for a period of 28 days.
2. That at the completion of the Public Exhibition a further report be brought to Council with details of submissions received.

(Cr Hegarty / Cr Ferguson)

C11.9	Resident question taken on notice - 19 August 2013
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COUNCIL DECISION (By Exception)

That Council note the responses subsequently provided by the Manager, Administration and Governance, to the resident question taken on notice.

(Cr Hegarty / Cr Ferguson)

C11.3	Surf Club Subsidies 2013
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COMMITTEE RECOMMENDATION

1. That the subsidies offered to the surf clubs this financial year be increased by 2.5% on the 2012/2013 financial year.
2. That Council pay a total direct cash subsidy of \$79,846 being:
 - A payment of \$7,486 to each of the nine (9) Surf Clubs in the Pittwater area.
 - A payment of \$6,236 to Surf Life Saving Sydney Northern Beaches Inc. for management and administration costs and IRB operations.
 - A shared user charge of \$6,236 to Warringah Surf Rescue.
3. That a rates subsidy of \$36,362 to Palm Beach Surf Club, and \$10,271 to Whale Beach Surf Club for 2013/14, be approved.
4. That the total amount of funding expended on supporting surf lifesaving and lifeguard services and facilities on Pittwater beaches in 2012/13 be noted.
5. That Surf Life Saving Sydney Northern Beaches Inc. and the nine (9) Surf Clubs be invited to a cheque presentation at the Council meeting to be held on 21 October 2013 and their highly valued volunteer support to help keep our beaches safer be acknowledged.

(Cr White / Cr Grace)

Notes:

1. Cr Hegarty left the meeting at 9.51pm and returned at 9.52pm, having declared a significant non-pecuniary interest in Item C11.3. The reason provided by Cr Hegarty was:

"My partner is the President of Newport Surf Club and the perception may be of some benefit to me."

2. Cr Townsend resumed the Chair for this item.

Procedural Motion (COUNCIL DECISION)

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

(Cr Millar / Cr Grace)

Notes:

1. The Governance Committee Meeting concluded at 9.52pm and the Council Meeting recommenced at 9.53pm.
2. Cr Townsend remained in the Chair

Council Meeting

C10.3 Appointment of Principal Committees and Reference Groups

COUNCIL DECISION

1. That the following four (4) Principal Committees, comprising all Councillors, with a quorum of five members, be reappointed with the functions and meeting cycles as outlined in paragraph 1.9 of this report:
 - Connecting Communities Committee
 - Natural Environment Committee
 - Leading & Learning Committee
 - Sustainable Towns & Villages Committee
2. That the following four (4) Reference Groups, be reappointed in accordance with the Charters provided as Attachments 1 to 4:
 - Connecting Communities Reference Group
 - Natural Environment Reference Group
 - Leading & Learning Reference Group
 - Sustainable Towns & Villages Reference Group
3. That Council reappoint the existing Chairpersons to each Principal Committee for the period October 2013 to September 2014 as follows:-
 - Connecting Communities Committee: Cr Millar
 - Natural Environment Committee: Cr White
 - Leading & Learning Committee: Cr Hegarty
 - Sustainable Towns & Villages Committee: Cr Griffith
4. That Council reappoint the existing Chairpersons to each Reference Group for the period October 2013 to September 2014 as follows:-
 - Connecting Communities Reference Group: Cr Ferguson
 - Natural Environment Reference Group: Cr McTaggart
 - Leading & Learning Reference Group: Cr Young
 - Sustainable Towns & Villages Reference Group: Cr Grace

(Cr McTaggart / Cr Griffith)

C10.4	A R Bluett Memorial Award 2012/2013
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COUNCIL DECISION

1. That it be noted that Pittwater Council has been selected as a finalist for the prestigious A R Bluett Memorial Award which recognises the councils in NSW that were considered to have made the greatest relative progress during the previous year (in this case 2012/13).
2. That the A R Bluett Trustees be thanked for this great honour and for continuing the important legacy of Mr A R Bluett and the recognition of the importance of local government for local communities

(Cr Townsend / Cr Griffith)

13.0	Adoption of Governance Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Governance Committee on Items C11.1, C11.4, C11.5, C11.7, C11.10 and C11.11 comprising all Council members be and are hereby adopted.

(Cr Ferguson / Cr Young)

FURTHER COUNCIL DECISION

That the recommendation of the Governance Committee on Item C11.3, comprising all Council members excepting for Cr Hegarty, be and is hereby adopted.

(Cr Ferguson / Cr Young)

Note:

Cr Hegarty left the meeting at 10.06pm and returned at 10.07pm, having declared a significant non-pecuniary interest in Item C11.3 – Surf Club Subsidies 2013. The reason provided by Cr Hegarty was:

"My partner is the President of Newport Surf Club and the perception may be of some benefit to me."

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

That the recommendations of the Planning an Integrated Built Environment Committee on Items C12.1 and C12.3 and C12.4 comprising all Council members be and are hereby adopted.

(Cr Millar / Cr Griffith)

FURTHER COUNCIL DECISION

That the recommendation of the Planning an Integrated Built Environment Committee on Item C12.2, comprising all Council members excepting for Cr Millar, be and is hereby adopted.

(Cr Ferguson / Cr Young)

Note:

Cr Millar left the meeting at 10.08pm and returned at 10.09pm, having declared a significant non-pecuniary interest in Item C12.2 – DCP Amendment 10 – Warriewood Valley Strategic Review specific amendments. The reason provided by Cr Millar was:

“As the amendments included specific landholdings identified as 901D and 901E, my interest is that those landowners are known to me and have supported me in my election campaign 2012. Otherwise I would have participated.”

Procedural Motion (Council Decision)

That Council resolve into the Committee of the Whole and that in the public interest and in accordance with Section 10A(2) (a) and (c) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Items C15.1 and C15.2. Section 10A(2) (a) and (c) permits the Committee to close the meeting to consider:

- (a) *personnel matters concerning particular individuals; and*
- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.*

(Cr Ferguson / Cr White)

Notes:

1. The General Manager advised the meeting that he had received no written submissions from the public seeking to address the Committee on whether the meeting should be closed to consider Item C15.1 and C15.2.
2. The Chairperson invited those in attendance to make verbal representations to the committee on whether the meeting should be closed to consider Items C15.1 and C15.2. There were no requests to make a verbal representation.
3. The Open Session of Council adjourned at 10.09pm and the Committee of the Whole Meeting commenced at 10.10pm with the press and public excluded.
4. Cr Townsend remained in the Chair.

Committee of the Whole

Report of Closed Session – 16 September 2013

At 10.10pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on items C15.1 and C15.2. Upon resumption into Open Council the Mayor reported that the following recommendations had been formulated by the Committee of the Whole in Closed Session.

15.0 Confidential Items

C15.2 Confidential - Mayoral Minute - Legal Support for Avalon Surf Club

COMMITTEE RECOMMENDATION

1. That Council agrees to meet reasonable legal costs of the Avalon Surf Lifesaving Club associated with the defence of the appeal in the Land & Environment Court proceedings (Case Nos. 40349 and 40373 of 2013 by the applicant Mr John McNeill) in respect of the Avalon Beach Surf Club building which is a Pittwater Council community asset.
2. That the General Manager provide regular updates to Councillors in relation to this matter.

(Cr Townsend)

Note:

All staff left the meeting at 10.35pm during consideration of Item C15.1, returning at 11.16pm.

C15.1	Confidential - Mayoral Minute - General Manager's Performance Review 2013
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COMMITTEE RECOMMENDATION

1. That the report of the Review Committee on the performance of Mr Mark Ferguson, General Manager, over the 12 month period 20 September 2012 to 19 September 2013 be adopted.
2. That the Mayor formally notify the General Manager the outcome of his Performance Review.

(Cr Townsend)

Procedural Motion (COUNCIL DECISION)

That the Committee of the Whole Meeting be concluded and the Open Session of Council now recommence.

(Cr Townsend / Cr Ferguson)

Notes:

1. The Committee of the Whole Meeting concluded at 11.15pm and the Council Meeting resumed in Open Session at 11.16pm.
2. Cr Townsend remained in the Chair.

Council Meeting

17.0	Adoption of the Committee of the Whole Recommendation
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COUNCIL DECISION

That the recommendations on Items C15.1 and C15.2 of the Committee of the Whole comprising all Council members be and are hereby adopted.

(Cr Griffith / Cr Grace)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 11.18PM
ON MONDAY 16 SEPTEMBER 2013**

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General Manager

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Mayor