



# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***18 June 2012***

Commencing at 6.30pm.

## **ATTENDANCE**

### **Members**

Rose, H (Mayor & Chairperson)  
White, I (Deputy Mayor)  
Giles, P  
Dunbar, B  
Hegarty, J  
Hock, P  
Townsend, J

### **Officers**

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Williams, A (Principal Development Officer)  
Edmonds, M (Principal Development Officer)  
Pigott, A (Principal Officer, Strategic Planning)  
Godfrey, L (Manager, Community, Library & Economic Development)  
Reid, P (Manager Corporate Strategy and Commercial)  
Angles, G (Principal Officer, Administration)  
McPherson, S (Administration Officer/ Minute Secretary)

# Council Meeting

## Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.  
Council acknowledges their traditional custodianship of the Pittwater area

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**Notes:**

1. The Council Meeting commenced at 6.30pm and adjourned at 7.17pm, recommenced at 8.23pm and concluded at 8.32pm.
  2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.18pm and concluded at 7.48pm.
  3. The Governance Committee Meeting commenced at 7.49pm and concluded at 8.22pm.
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## **Council Meeting**

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### **1.0 Public Forum**

Nil.

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### **2.0 Resident Questions**

Nil.

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### **3.0 Apologies**

#### **COUNCIL DECISION**

That apologies be received and accepted from Cr Grace and Cr James and leave of absence be granted from the Council Meeting held on 18 June 2012.

(Cr Hegarty / Cr Giles)

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

Nil.

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### **5.0 Confirmation of Minutes**

#### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 4 June 2012 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 Hegarty / Cr Giles)

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## **6.0 Public Addresses**

**C10.1 - Financial Report for the Period Ending 31 May 2012 of the 2011/2012 Financial Year** - Ms Susan Young (Newport Residents Association) addressed the meeting speaking against this item.

**C10.4 - Loan Borrowings - June 2012** - Ms Susan Young (Newport Residents Association) addressed the meeting speaking against this item.

**C10.6 - Tender 01/12 - Construction of Cabins at Sydney Lakeside Holiday Park** – Mr Kyle Hill (Newport Residents Association) addressed the meeting speaking against this item.

**C10.7 - 2012-2016 Delivery Program & Budget** - Ms Susan Young (Newport Residents Association) addressed the meeting speaking against this item.

**C11.1 - N0350/11- 64 - 66 Avalon Parade Avalon - Demolition of the existing dwellings and construction of Housing for Seniors and People with a Disability development and Strata Subdivision** –Dr Richard Boyle addressed the meeting speaking against this item. Mr Tom Luedecke addressed the meeting speaking in support of this item.

**C11.2 - N0445/10 - S82A Review of Determination - 12 Northview Road, Palm Beach - Construction of a three storey dwelling, swimming pool and detached double garage with separately accessible structure** – Mr David Kettle and Mr Michael Dupree addressed the meeting speaking against this item. Ms Jenny Buchanan and Mr Greg Crone addressed the meeting speaking in support of this item.

**C11.6 - Sydney over the next 20 years - A Discussion Paper** – Ms Margie Jones (Newport Residents Association) addressed the meeting speaking in support of this item.

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## **8.0 Business by Exception (All items on the Minutes)**

### **COUNCIL DECISION**

That Items C10.2, C10.3, C10.5, C10.9, C10.12, C11.3, C11.4 and C11.5 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

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## **9.0 Council Meeting Business**

Nil.

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

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

(Cr Rose / Cr Giles)

**Notes:**

1. The Council Meeting adjourned at 7.17pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.18pm.
  2. Cr Hegarty assumed the chair
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## **Planning an Integrated Built Environment Committee**

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### **11.0 Planning an Integrated Built Environment Committee Business**

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#### **C11.1 N0350/11- 64 - 66 Avalon Parade Avalon - Demolition of the existing dwellings and construction of a Housing for Seniors and People with a Disability development and Strata Subdivision**

#### **COMMITTEE RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0350/11 for the demolition of the existing dwellings, construction of a Housing for Seniors and People with a Disability at 64 - 66 Avalon Parade, Avalon be granted Development consent subject to the conditions contained in the Draft Determination and the following amendments and additional condition of consent:

**1. Additional Documents to be referenced in Consent**

- Architectural Plans Project No. 1109 Drawing No. A71 Revision A Dated 20 April 2012 Prepared by Richard Cole Architecture Pty Ltd
- Survey Plan Ref: 2283 Dated 26 July 2011 Prepared by DP Surveying

**2. Delete condition B34**

**3. Delete condition C6**

**4. Amended Condition of Consent B16:**

All screening devices, other **than those specifically referred to elsewhere in this consent** shall be 1.7m high from the finished floor level, solid, translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:

- permanent and fixed;
- made of durable materials;
- and dark and earthy materials and tones.



**5. Amended Condition of Consent B27:**

All utility services within the site are to be placed underground or encapsulated within the building.

**6. Amended Condition of Consent B31:**

All fences along the boundaries (except for the front boundary fence) and within the site are to be constructed of timber and to allow for the passage of floodwaters through the fence.

**7. Amended Condition of Consent C16:**

The north facing stairs to the Unit 2 deck are to be deleted and new stairs provided along the eastern edge of the deck. Revised plans are to be provided prior to issue of the Construction Certificate.

**8. Additional Condition of Consent B**

Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

**9. Additional Condition of Consent B**

A privacy wall is to be erected extending from the eastern wall of Unit 2 in a northerly direction for the width of Unit 2 deck. The wall shall be solid, painted with a mid to dark tone (either a green or brown) and shall extend from ground level to 2m above the ground floor level/deck.

**10. Additional Condition of Consent B**

The screening device along the eastern edge of Unit 7 deck and planter shall be a horizontal angled screen with the lower point of each panel to be on the inside of the deck and the higher point of each panel on the outside of the deck. The screen is to be installed in a manner so that when a horizontal view point (at eye level) of the screen is taken from within Unit 7 deck, no openings are visible.

**11. Additional Condition of Consent B**

All residential units are to be constructed with piers (except the areas where the detention and rainwater tanks are located). The underside of the floor is to be kept clear. There are to be no materials fixed onto the side of the building between the ground level and floor level to ensure clear passageway of floodwaters.

## **12. Additional Condition of Consent B**

The rear yards of units 1, 2, 3, 4, 5 and 6 are not to be paved and must be maintained in accordance with the approved landscape plan for the life of the development.

## **13. Additional Condition of Consent B**

The natural ground levels around the development shall be maintained in accordance with the details on the Survey Plan (Ref: 2283 Dated 26 July 2011 Prepared by DP Surveying) for the life of the development.

## **14. Additional Condition of Consent B**

Tree 29 is to be retained and not removed. The canopy of Tree 29 (excluding the trunk) should it overhang onto No. 64 Avalon Pde may be trimmed by a maximum 10%.

## **15. Additional Condition of Consent E**

Slender Weaver Bamboo shall be planted along the entire eastern boundary except in the front building line. The Bamboo shall be planted at one plant per meter to ensure adequate screening. The Bamboo is to be retained for the life of the development and maintained at a minimum height of 3.0m above ground level. The Slender Weaver Bamboo to be planted along the eastern boundary between Unit 2 where it passes the northern end of the residential building of 62 Avalon Parade (16m from the passes the rear boundary) and the rear (northern) boundary shall be planted utilising plant stock with a minimum height of 3.0m upon planting.

## **16. Additional Condition of Consent E**

Ground levels around the development shall be maintained in accordance with the details on the Survey Plan (Ref: 2283 Dated 26 July 2011 Prepared by DP Surveying) and are to be certified by a Registered Surveyor prior to the issue of the Occupation Certificate.

## **17. Additional Condition of Consent F**

Provision is to be made in the Strata Plan for access to the Detention Tank and Rainwater Tank for the purpose of inspection, maintenance and repair in favour of the Body Corporate.

(Cr Townsend / Cr Rose)

### **Note:**

### ***Division***

A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Rose	Nil
Cr White	
Cr Dunbar	
Cr Giles	
Cr Hegarty	
Cr Hock	
Cr Townsend	

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<b>C11.2</b>	<b>N0445/10 - S82A Review of Determination - 12 Northview Road, Palm Beach - Construction of a three storey dwelling, swimming pool and detached double garage with separately accessible structure</b>
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**COMMITTEE RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0445/10 - S82A Review of Determination - 12 Northview Road, Palm Beach (Lot 21 DP 669199) for construction of a three storey dwelling, swimming pool and detached garage with separately accessible structure be granted development consent subject to the conditions contained in the Draft Determination and the following amended conditions:

- B15** In accordance with Pittwater Councils Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers. **(For clarification purposes, it is noted that as indicated on the approved Landscape Plan Tree 14 is to be retained)**
- B36** The louvers to the enclosed verandah on the southern elevation are to be obscure glazing or solid and fixed vertically at a 45 degree angle. **These louvers are to be recessed so they do not project beyond the southern elevation of the enclosed verandah.**
- C7** Detailed plans and elevations are required to be provided prior to the issue of the Construction Certificate that indicate that the proposed driveway and garage works ensure the 2.6 metre structural root zone of Tree 6 **and 8** is not breached, and that levels are not altered within the Tree Protection Zone, in accordance with the specifications on Page 6 of the arborist report (RainTree Consulting May 2010).

(Cr White / Cr Hock)

**Note:**

***Division***

A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Rose	Nil
Cr White	
Cr Dunbar	
Cr Hegarty	
Cr Hock	
Cr Townsend	
Cr Giles	

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<b>C11.3</b>	<b>N0051/12 - 3 Florence Terrace, Scotland Island - Alterations and Additions to the Existing Dwelling, Boatshed and Public Access and Steps on Crown Land</b>
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**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officer's Report be endorsed and Application N0051/12 for alterations and additions to the existing dwelling, boatshed and public access and steps on Crown land at 3 Florence Terrace, Scotland Island (Lot 112 DP 617064) be granted development consent subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

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<b>C11.4</b>	<b>N0004/12 - 36 Delecta Avenue, Clareville - Alterations and Additions and Swimming Pool</b>
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**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officer's Report be endorsed and Application N0004/12 for alterations and additions and a swimming pool to 36 Delecta Avenue, Clareville (Lot 6 DP13291) be granted development consent subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

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<b>C11.5</b>	<b>N0463/11 - 8 Iluka Road, Palm Beach - Alterations and Additions to the Existing Dwelling</b>
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**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officer's Report be endorsed and Application N0463/11 for alterations and additions to the existing dwelling at 8 Iluka Road, Palm Beach (Lot 49 DP 14682) be granted development consent subject to the conditions contained in the Draft Determination and the additional deletion of conditions B7, B9, D1 and D2.

(Cr Hegarty / Cr Giles)

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<b>C11.6</b>	<b>Sydney over the next 20 years - A Discussion Paper</b>
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**COMMITTEE RECOMMENDATION**

1. That the information in the report be noted.
2. That Council resolve to send the attached submission regarding 'Sydney over the next 20 years – A Discussion Paper' to the Department of Planning and Infrastructure, after including in Section 6 "Protecting Our Environment and Building Resilience to Natural Hazards" an additional item for "Response to Disaster Management Arrangements".

(Cr Townsend / Cr Giles)

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<b>C11.7</b>	<b>Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 16 May 2012</b>
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**COMMITTEE RECOMMENDATION**

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 16 May 2012 be noted.

(Cr Dunbar / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Rose / Cr Giles)

**Notes:**

1. The Planning an Integrated Built Environment Meeting concluded at 7.48pm and the Governance Committee Meeting commenced at 7.49pm.
  2. Cr Townsend assumed the Chair.
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<b>Governance Committee</b>
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<b>10.0</b>	<b>Governance Committee Business</b>
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<b>C10.1</b>	<b>Financial Report for the Period Ending 31 May 2012 of the 2011/2012 Financial Year</b>
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**COMMITTEE RECOMMENDATION**

1. That the Year to date financial results for the period ending 31 May 2012 be noted, including:
  - Consolidated financial result being an increase of Council funds of \$2.390 million.
  - Operating result before capital being a surplus of \$905,000.
  - Major Projects Program expenditure stands as \$6.740 million.
  - Cash and investment position stands at \$24.646 million.

(Cr White / Cr Giles)

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**C10.2 Investment Balances for the Month of May 2012****COUNCIL DECISION (By Exception)**

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 1,551,967 as at 31 May 2012.

(Cr Hegarty / Cr Giles)

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**C10.3 Legal Expenditure as at 31 May 2012****COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

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**C10.4 Loan Borrowings - June 2012****COMMITTEE RECOMMENDATION**

1. That in accordance with Council's adopted 2011-15 Delivery Program and the 2011-12 Revised Budget, Council authorises borrowings totalling \$2,400,000 in order to fund the following:
  - a. Capital Works Program \$1,000,000
  - b. Sydney Lakeside Holiday Park Capital Program \$1,400,000
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 Townsend / Cr Giles)

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**C10.5 T41112 - SHOROC - Provision of Fire Testing and Maintenance Services****COUNCIL DECISION (By Exception)**

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, the tender from Grosvenor Engineering Group Pty Ltd as per the tendered schedule of rates for a three (3) year period from the date of execution with a one (1) year optional extension be accepted.
2. That the General Manager be authorised to sign the necessary documentation and affix, on behalf of Council the Council Seal if required.
3. That Hunter Councils Regional Procurement Initiative be advised of Council's decision.
4. That unsuccessful tenderers be notified of the tender outcomes in writing and thanked for their participation.

(Cr Hegarty / Cr Giles)

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<b>C10.6</b>	<b>Tender 01/12 - Construction of Cabins at Sydney Lakeside Holiday Park</b>
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**COMMITTEE RECOMMENDATION**

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender from Eastcoast Homes and Park Cabins in the lump sum amount of \$1,043,550 (inc GST).
2. That the General Manager be authorised to sign the necessary documentation and affix, on behalf of Council the Council Seal if required.

(Cr White / Cr Giles)

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<b>C10.7</b>	<b>2012-2016 Delivery Program &amp; Budget</b>
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**COMMITTEE RECOMMENDATION**

1. That Council makes the annual Ordinary Rates (in accordance with IPART's approval), Domestic Waste Management Charges and Stormwater Management Services Charges for 2012/2013 as named and shown in the Report.
2. That Pittwater Council's 2012-2016 Delivery Program, 2012-2013 Budget and all other Fees & Charges, as tabled, be adopted.

(Cr Townsend / Cr Rose)

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<b>C10.8</b>	<b>Privacy Management Plan Review</b>
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**COMMITTEE RECOMMENDATION**

That the attached amended Privacy Management Plan be adopted and a copy be referred to the Office of the NSW Privacy Commissioner subject to the Statutory Declaration being amended to include an appropriate wording in relation to the authorisation of the document by a Justice of the Peace.

(Cr Hegarty / Cr Giles)

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<b>C10.9</b>	<b>Change to Scheduled Council Meeting Dates in September and October 2012</b>
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**COUNCIL DECISION (By Exception)**

1. That the Council meeting of 17 September 2012 be rescheduled to 24 September 2012.
2. That the Council meeting of 2 October 2012 be cancelled.

(Cr Hegarty / Cr Giles)

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<b>C10.10</b>	<b>Determinations of the Local Government Remuneration Tribunal 2012/2013</b>
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**COMMITTEE RECOMMENDATION**

1. That the annual fee payable to Councillors for the period 1 July 2012 to 30 June 2013 be **\$16,632**, representing a 2.5% increase (as recommended by the Local Government Remuneration Tribunal) to the current fees.
2. That the annual fee payable to the Mayor for the period 1 July 2012 to 30 June 2013 be **\$36,313**, representing a 2.5% increase (as recommended by the Local Government Remuneration Tribunal) to the current fees.

(Cr Rose / Cr White)

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<b>C10.11</b>	<b>Minutes of the Community Engagement, Information and Governance Reference Group Meeting of 23 May 2012</b>
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**COMMITTEE RECOMMENDATION**

1. That the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 23 May 2012 be noted.
2. That the initiatives discussed in relation to:
  - Climate Change Risk Assessment
  - End of Term Report
  - Update on Actions Arising from Reference Groups to be incorporated into the Delivery Program and Budget for 2012-2016

be taken into consideration when developing / updating Council's Delivery Plan and Strategic documents.

(Cr Rose / Cr Giles)

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<b>C10.12</b>	<b>Minutes of the Audit &amp; Risk Committee for the meeting held on 16 May 2012</b>
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**COUNCIL DECISION (By Exception)**

That the Minutes of the Audit and Risk Committee Meeting held on 16 May 2012 be noted.

(Cr Hegarty / Cr Giles)

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**Procedural Motion (COUNCIL DECISION)**

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

(Cr Rose / Cr Hegarty)



**Notes:**

1. The Governance Meeting concluded at 8.22pm and the Council Meeting recommenced at 8.23pm.
  2. Cr Rose resumed the Chair.
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**Council Meeting**

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**7.0 Mayoral Minute**

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**C7.1 Part McCarrs Creek Road and Pittwater Road – Regional Road Classification and Hand Over to Pittwater Council**

**COUNCIL DECISION**

1. That the General Manager be delegated authority to conclude with the RMS the official hand over of part of McCarrs Creek Road and Pittwater Road from Barrenjoey Road at Mona Vale through to the National Park boundary at Church Point (7.6 km) as a result of its declassification to a Regional Road status
2. That in this regard:
  - it is acknowledged that the RMS has recently and is in the process of providing additional road repairs and asphalt re-sheeting that has significantly improved the condition of the road pavement
  - the RMS is to complete its current program of road repairs and resheeting as a separate commitment by RMS
  - as part of the hand over, the RMS is to provide a one off financial payment (amount to be negotiated) this financial year to assist with further road repair
  - the RMS will continue to be responsible for the stability of those segments of the road assessed as having a higher order risk of landslip
  - the RMS be advised of Council's decision and further negotiation and finalisation of the hand over aim to be concluded by 30 June 2012.

(Cr Rose / Cr Giles)

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**12.0 Adoption of Governance Committee Recommendations**

**COUNCIL DECISION**

That the recommendation on Items C10.1, C10.4, C10.6, C10.7, C10.8, C10.10 and C10.11 of the Governance Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hegarty)

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<b>13.0</b>	<b>Adoption of Planning an Integrated Built Environment Committee Recommendations</b>
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**COUNCIL DECISION**

That the recommendations on Items C11.1, C11.2, C11.6 and C11.7 of the Planning an Integrated Built Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Hegarty)

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<b>14.0</b>	<b>Councillor Questions</b>
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Nil.

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**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 8.32PM ON MONDAY  
18 JUNE 2012**