

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

16 July 2012

Commencing at 6.32pm



ATTENDANCE

Members

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

Officers

Hunt, C (Acting General Manager)
Evans, S (Director, Environmental Planning & Community)
Munn, L (Acting Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Jones, M (Chief Financial Officer)
Godfrey, L (Manager, Community, Library & Economic Development)
Pawley, S (Community Development Officer)
Lawler, S (Principal Officer, Reserves & Recreation)
Eriksson, M (Principal Landscape Architect)
Davies, P (Acting Manager, Urban Infrastructure)
Williams, A (Principal Development Officer)
Pigott, A (Principal Officer, Strategic Planning)
Angles, G (Principal Officer, Administration)
Tasker, P (Administration Officer / Minute Secretary)

Council Meeting

TABLE OF CONTENTS

Item No	Item	Page No
Council Meeting		
1.0	Public Forum	6
2.0	Resident Questions	6
3.0	Apologies	7
4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	7
5.0	Confirmation of Minutes	7
6.0	Public Addresses	8
7.0	Mayoral Minutes	8
8.0	Business by Exception	8
9.0	Council Meeting Business	8
Planning an Integrated Built Environment Committee Meeting		
11.0	Planning an Integrated Built Environment Committee Business	9
C11.7	Tender T02/12 – Design and Construct a Combination Synthetic Field at Narrabeen Sports High School	9
C11.5	Edmund Hock Avenue, Avalon – Report on Resident Amenity and Safety Concerns	9
C11.6	Preservation of trees or vegetation Planning Proposal	10
C11.9	Minutes of the Pittwater Traffic Committee Meeting held on 12 June 2012	11
C11.1	N0349/11 – 50 Rednal Street, Mona Vale – Alterations and additions to the existing dwelling and erection of a swimming pool	11
C11.2	N0040/12 – 51 Robertson Road Scotland Island – Alterations and additions to the existing dwelling including a boatshed and associated decking	11

Item No	Item	Page No
C11.3	N0474/11 – 98 Crescent Road Newport – Demolition of the existing dwelling and carport and construction of a new dwelling, carport and associated landscaping	12
C11.4	Pittwater Standard Instrument Local Environmental Plan	13
C11.8	Tender T09/12 – Provision of Landscape Works for Warriewood Valley District Park Playground	13
Governance Committee		
10.0	Governance Committee Business	14
C10.6	Induction Program for Councillors	14
C10.8	Tender T06/12 – Northern Beaches Flood Warning and Information Network Program	14
C10.9	Tender T07/12 – Construction of Earthworks, Road Works and Pavements at Sydney Lakeside	15
C10.10	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 16 June 2012	15
C10.1	Investment Balances for the Month of June 2012	15
C10.2	Legal Expenditure as at 30 June 2012	15
C10.3	Update on 2012/2013 Fees & Charges	15
C10.4	21 st NSW Coastal Conference – 6-9 November 2012	16
C10.5	Adoption of Integrated Water Cycle Management Policy	16
C10.7	Tender T03/12 – Contractor Panel for Supply of Bush Regeneration Services in Pittwater LGA	16
C10.11	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 7 June 2012	17
Council Meeting		
12.0	Adoption of Governance Committee Recommendations	17

Item No	Item	Page No
13.0	Adoption of Planning an Integrated Built Environment Committee Recommendations	18
14.0	Councillor Questions	18
Committee of the Whole		
15.0	Confidential Items	19
C15.1	Confidential Report – Avalon Golf Course – Deed of Release	19
Council Meeting		
16.0	Adoption of the Committee of the Whole Recommendation	21

Notes:

1. The Council Meeting commenced at 6.32pm and adjourned at 7.17pm, recommenced at 8.30pm and adjourned at 8.31pm, recommenced at 8.49pm, and concluded at 8.50pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 7.18pm and concluded at 8.14pm.
3. The Governance Committee Meeting commenced at 8.15pm and concluded at 8.29pm.
4. The Committee of the Whole Meeting commenced at 8.32pm and concluded at 8.48pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question 1 - Ms Marcia Rackham

Of the two amendments to the Pittwater Standard Instrument Local Environmental Plan, the most fundamental change is the addition of zones / subzones, being "an area within a zone where different land uses are permissible or prohibited compared to the rest of the zone ... allowing greater flexibility on the application of zones". Can Council please explain what this means for Pittwater? Will this change be applicable to Crown Land, parks, nature reserves and bushland?

Answer:

The Director, Environmental Planning and Community, advised that the changes to the Standard Instrument are a policy direction by the Department of Planning & Infrastructure. The Department has only issued a policy statement at this stage and the details of what is intended are not yet known from the Department. The best answer at this point is that sub zones will permit development in specific areas within a zone that would otherwise not be permitted, for instance Dual Occupancy. We don't have sufficient detail from the Department to state categorically that this will be the case as yet. The Director indicated that he would be happy to discuss this further with the resident as more information was forthcoming.

Question 2 - Mr Ross Smith

My questions relate to why some planning staff do not return phone calls?

Answer:

The Director, Environmental Planning and Community, advised that he would investigate the matter and have the officer respond to Mr Smith.

Question 3 - Mr Ross Smith

Why did the Duty Planner not return my phone call (made 12 July 2012)?

Answer:

The Director, Environmental Planning and Community, advised that he would investigate this matter and have the Duty Planner return the call to Mr Smith.

Question 4 - Mr Glen Ilic

What is happening about the provision of a bus service to the seniors in Wilga Street?

Answer:

The Acting General Manager advised that Council had written to the State Transit Authority (STA) about the cancellation of the bus service to Wilga Street, but unfortunately Council has no powers over the STA and they were reluctant to reinstate the service. Council had raised all the issues in relation to this matter including the number of senior citizens disadvantaged by the STA decision and will again write to the STA in the hope of securing a better outcome for Wilga Street residents.

3.0 Apologies**COUNCIL DECISION**

That apologies be received and accepted from Cr Giles and leave of absence be granted from the Council Meeting held on 16 July 2012.

(Cr James / Cr White)

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 2 July 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 White / Cr Hock)

6.0 Public Addresses

C11.5 – Edmund Hock Avenue Avalon – Report on Resident Amenity and Safety Concerns – with the leave of the Council Mr David Newton-Ross and Mr Brad O'Connor addressed the meeting speaking against this item.

C11.6 – Preservation of trees or vegetation Planning Proposal – with the leave of the Council Mr Glen Ilic and Mr Philip Blease addressed the meeting speaking against this item.

C11.7 – Tender T07/12 – Design and Construct a Combination Synthetic Field at Narrabeen Sports High School – with the leave of the Council Mr Chris Hornsby (President, Warriewood Residents Association) addressed the meeting speaking against this item.

C11.9 – Minutes of the Pittwater Traffic Committee Meeting held on 12 June 2012 – Item TC4.10 Dygal Street Mona Vale – with the leave of the Council Mr Aaron Hendrikson (President, Mona Vale Chamber of Commerce) and Mr Ross Smith addressed the meeting speaking against this item.

7.0 Mayoral Minutes

Nil.

8.0 Business by Exception (All items on the Agenda)

COUNCIL DECISION

That Items C10.1, C10.2, C10.3, C10.4, C10.5, C10.7, C10.11, C11.1, C11.2, C11.3, C11.4 and C11.8 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr White)

9.0 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 Rose / Cr Dunbar)

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.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.7 Tender T02/12 - Design and Construct a Combination Synthetic Field at Narrabeen Sports High School

COMMITTEE RECOMMENDATION

That consideration of Item C11.7 (Tender T07/12 - Design and Construct a Combination Synthetic Field at Narrabeen Sports High School) be deferred to the Council Meeting of 6 August 2012 to allow further assessment of the tenders received.

(Cr James / Cr White)

C11.5 Edmund Hock Avenue, Avalon - Report on Resident Amenity and Safety Concerns

COMMITTEE RECOMMENDATION

1. That the report, including the following proposed actions to improve the amenity and safety for residents, lessees and other users of Edmund Hock Avenue, Avalon Beach, be noted:
 - a) What is currently being done?
 - Noise of Collection Services: Letters written to all businesses in the lane and to the garbage contractor requiring all services to only be provided during the hours of 6am to 10pm.
 - Delivery Truck Blocking Lane: Letter to be sent to Woolworths requiring their compliance with the conditions of development consent and the road rules to ensure that the lane is not blocked by parked trucks.

- Dumping of Goods around Red Cross Shop: Following discussions, Red Cross Management agreed to only accept donations during business hours and to investigate the possibility of fencing off their rear delivery area in the lane and lighting the pathway adjacent to the shop and install CCTVs.

b) What is to be further investigated?

- One Way Traffic: Proposal is to be investigated as a project in Council's 2012/13 Delivery Plan.
- Access to Driveways: Amendments to existing parking restrictions to be considered as part of the One Way traffic proposal.
- Pedestrian Access Lane adjacent to Red Cross Shop: To be maintained in a trafficable condition with resurfacing of the path and public lighting to be considered for inclusion as projects in future Council Delivery Plans.

2. That a further report be presented to Council in October 2012 as to any further progress of the matters set out in this Agenda including inter alia any further consultation with stakeholders on matters affected by this Agenda.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Townsend)

C11.6 Preservation of trees or vegetation Planning Proposal

COMMITTEE RECOMMENDATION

1. That Council endorse the Planning Proposal at **Attachment 1**.
2. That the Planning Proposal be forwarded to the Director General of the Department of Planning & Infrastructure with a request that a final assessment be undertaken and, if supported, that the legal instrument be prepared and made.
3. That all persons who have made a submission are advised of Council's decision.
4. That the Pittwater Tree Preservation and Management Order be repealed upon the publication of the amendment to the Pittwater LEP on the NSW Legislation website.

(Cr James / Cr White)

C11.9	Minutes of the Pittwater Traffic Committee Meeting held on 12 June 2012
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee recommendations contained in the Minutes of the Meeting of 12 June 2012 be adopted.
2. That in relation to Item TC4.10 – Dygal Street Mona Vale – a meeting be organised between residents, Mona Vale Chamber of Commerce, two (2) local schools and any interested parties to work through a solution of the Dygal Street parking and safety issues.

(Cr Hegarty / Cr White)

C11.1	N0349/11 - 50 Rednal Street, Mona Vale - Alterations and additions to the existing dwelling and erection of a swimming pool
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application N0349/11 for the alterations and additions to the existing dwelling and erection of a swimming pool at 50 Rednal Street, Mona Vale (Lot 23 DP 24428) be granted development consent subject to the conditions contained in the Draft Determination and additional condition B17.

- B17** As part of an integrated on-site stormwater management system, stormwater overflow from the stormwater system is to be discharged into the adjacent waterway with erosion minimization facilities installed.

(Cr Hegarty / Cr White)

C11.2	N0040/12 - 51 Robertson Road Scotland Island - Alterations and additions to the existing dwelling including a boatshed and associated decking
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application N0040/12 for alterations and additions to the existing dwelling including a boatshed and associated decking at 51 Robertson Road, Scotland Island (Lot 124 DP 1003857) be granted development consent subject to the conditions contained in the Draft Determination and amended condition B18 and additional conditions B29 and B30.

Amended Condition:

B18 All privacy screens are to be in accordance with the following:

- solid translucent screens or perforated panels or trellises **or angled louvres** which have a maximum of 25% openings, and which are:
 1. permanent and fixed,
 2. made of durable materials, and
 3. designed and painted or coloured to blend in with the dwelling.

Additional Conditions:

B29 As part of an integrated on-site stormwater management system, stormwater overflow from the stormwater system is to be discharged into the adjacent waterway with erosion minimisation facilities installed.

B30 The recommendation of the risk assessment required to manage the hazards as identified in the Geotechnical Report are to be incorporated into the development and maintained over the lifetime of the development

(Cr Hegarty / Cr White)

C11.3	N0474/11 - 98 Crescent Road Newport - Demolition of the existing dwelling and carport and construction of a new dwelling, carport and associated landscaping
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application N0474/11 for the demolition of the existing dwelling and carport and construction of a new dwelling, carport and associated landscaping at 98 Crescent Road Newport (Lot 36A DP 156606) be granted development consent subject to the conditions contained in the Draft Determination and amended condition C10 and additional condition B27.

Amended Condition:

C10 Prior to the issuing of the Construction Certificate amended plans showing the deletion of the **building form accommodating the ensuite area** (double sink and bath proportion) **off** the master bedroom on the upper most level are to be submitted to the Principle Certifying Authority.

Additional condition

B27 The recommendation of the risk assessment required to manage the hazards as identified in the Geotechnical Report are to be incorporated into the development and maintained over the lifetime of the development.

(Cr Hegarty / Cr White)

C11.4 Pittwater Standard Instrument Local Environmental Plan

COUNCIL DECISION (By Exception)

That the report be noted and the preparation of the draft Pittwater Standard Instrument Local Environmental Plan continue to progress.

(Cr Hegarty / Cr White)

C11.8 Tender T09/12 - Provision of Landscape Works for Warriewood Valley District Park Playground

COUNCIL DECISION (By Exception)

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005 the tender received from Hargraves Landscapes in the amount of \$604,028.83 excluding GST be accepted.
2. That the General Manager be authorised to sign all documentation required for the execution of Tender 09/12 between Pittwater Council.
3. That unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

(Cr Hegarty / Cr White)

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 James)

Notes:

1. The Planning an Integrated Built Environment Committee Meeting concluded at 8.14pm and the Governance Committee Meeting commenced at 8.15pm.
 2. Cr Townsend assumed the Chair.
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Governance Committee

10.0	Governance Committee Business
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C10.6	Induction Program for Councillors
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COMMITTEE RECOMMENDATION

That the attached program of induction and training for Councillors be endorsed.

(Cr Rose / Cr Hock)

C10.8	Tender T06/12 - Northern Beaches Flood Warning and Information Network Program
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COMMITTEE RECOMMENDATION

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, the tender from Department of Public Works Manly Hydraulics Laboratory for the provision of the Northern Beaches Flood Warning and Information Network Program for a period of five (5) years for the tender price of \$455,000, be accepted.
2. That the General Manager be authorised to approve all contract payments associated with this contract and affix the Seal of Council to any relevant documents if required.
3. That the unsuccessful Tenderers be thanked for their submissions.
4. That Warringah and Manly Councils be advised of the acceptance of the tender for the provision of the Northern Beaches Flood Warning and Information Network Program from the Department of Public Works Manly Hydraulics Laboratory.

(Cr Hegarty / Cr Townsend)

C10.9	Tender T07/12 - Construction of Earthworks, Road Works and Pavements at Sydney Lakeside
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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 Statewide Civil Pty Ltd in the lump sum price of \$273,289.50 (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 Townsend / Cr Hegarty)

C10.10	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 16 June 2012
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COMMITTEE RECOMMENDATION

That the Minutes of the Sydney Coastal Councils Group (SCCG) Ordinary Meeting of 16 June 2012 be noted.

(Cr Townsend / Cr White)

C10.1	Investment Balances for the Month of June 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 1,679,693.

(Cr Hegarty / Cr White)

C10.2	Legal Expenditure as at 30 June 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr White)

C10.3	Update on 2012/2013 Fees & Charges
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COUNCIL DECISION (By Exception)

That the typographical error contained in the Fees and Charges schedule for the 2012/2016 Delivery Program and Budget be amended to reflect the correct charge of \$3/hr for the Pay & Display Parking fee.

(Cr Hegarty / Cr White)

C10.4	21st NSW Coastal Conference - 6-9 November 2012
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COUNCIL DECISION (By Exception)

1. That Council register places for two (2) councillor delegates to attend the 21st NSW Coastal Conference at Kiama from 6-9 November 2012 prior to the close of early registration on 14 September 2012.
2. That Council nominate two elected member delegates to attend the 21st NSW Coastal Conference as part of the annual process of appointing councillor delegates to special, joint and external committees and boards when this matter is reported following the 2012 NSW Local Government Elections.

(Cr Hegarty / Cr White)

C10.5	Adoption of Integrated Water Cycle Management Policy
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COUNCIL DECISION (By Exception)

That the attached Integrated Water Cycle Management Policy be adopted.

(Cr Hegarty / Cr White)

C10.7	Tender T03/12 - Contractor Panel for Supply of Bush Regeneration Services in Pittwater LGA
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COUNCIL DECISION (By Exception)

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tenders received from:
 - Australian Bushland Restoration Pty Ltd
 - Bushland & Rainforest Restoration & Consulting (BAARC)
 - Dragonfly Environmental Pty Ltd
 - Jan Koltai
 - John Charles Allen
 - Sydney Bush Regeneration Company Pty Ltd
 - Toolijooa
 - Total Earth Care Pty Ltd
 - Waratah Eco Works and
 - Weed Management Solutions

as per the tendered schedule of rates, be accepted and that these companies be placed on a panel for a contract period of an initial two (2) years with three (3) extensions of one (1) year each available upon successful performance.

2. That the General Manager be authorised to sign all contract documentation required for the execution of tender T03/12.

3. That unsuccessful tenderers be notified of the tender outcomes in writing and thanked for their participation.
4. That work be made available to all panel members in the areas of expertise tendered through the issue of written briefs, with awards of work made via value for money assessments of responses to such briefs.

(Cr Hegarty / Cr White)

C10.11	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 7 June 2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr James)

Notes:

1. The Governance Committee Meeting concluded at 8.29pm and the Council Meeting recommenced at 8.30pm.
2. Cr Rose resumed the Chair.

Council Meeting

12.0	Adoption of Governance Committee Recommendations
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COUNCIL DECISION

That the recommendations on Items C10.6, C10.8, C10.9 and C10.10 of the Governance Committee comprising all Council members be and are hereby adopted.

(Cr White / Cr Dunbar)

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

That the recommendations on Items C11.5, C11.6, C11.7 and C11.9 of the Planning an Integrated Built Environment Committee comprising all Council members be and are hereby adopted.

(Cr White / Cr Dunbar)

14.0	Councillor Questions
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Nil.

Procedural Motion (Council Decision)

That Council resolve into Committee of the Whole and that in the public interest and in accordance with Section 10A(2)(d) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C15.1 – Confidential Report – Avalon Golf Club – Deed of Release. Section 10A (2) (d) permits the Committee to close the meeting to consider:

(d) *Commercial information of a confidential nature that would, if disclosed:-*

- *prejudice the commercial position of the person who supplied it; or*
- *confer a commercial advantage on a competitor of the Council; or*
- *reveal a trade secret.*

(Cr Hegarty / Cr Hock)

Note:

The Acting 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. The Chairperson invited those in attendance to make verbal representations to Council on whether the meeting should be closed to consider Item C15.1. There were no requests to make a verbal representation.

Committee of the Whole

Report of Closed Session - 16 July 2012

At 8.32pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on Item C15.1, Confidential Report – Avalon Golf Club – Deed of Release. Upon resumption into Open Council the Manager, Administration & Governance, being the officer nominated by the Acting General Manager, reported that the following recommendations had been formulated by the Committee of the Whole in Closed Session.

15.0 Confidential Items

C15.1 Confidential Report - Avalon Golf Course - Deed of Release

COMMITTEE RECOMMENDATION

1. That Council cease the commercial management agreement with Narrabeen Golf Centre Pty Ltd ("NGC") for Avalon Golf Course as at 30 September 2012 as set out in the conditions detailed below:
 - a) Total arrears, that now amount to \$157,416.96 (as at 30 June 2012) will be reduced to \$134,000 and is to be repaid on the following basis:
 - \$100,000 of arrears are paid by 30 June 2012
 - Balance of \$34,000 be paid by 30 September 2012, if not, the bank guarantee will be activated at this time
 - b) \$75,000 rent per annum will be used to calculate 3 months worth of rent \$18,750 for three months payable for the months of July, Aug, Sept
 - c) Narrabeen Driving Range guarantee of \$80,000 will be reduced to one months rent as this agreement is now on a month to month basis - a replacement guarantee must be provided by NGC to Council
2. That Council will make provision for the outstanding balance of \$23,416.96 in the 2011/2012 financial year. Once all monies have been received in 2012/2013, Council will finalise the write-off amount.
3. That Council assume the day to day management of the Avalon Golf Course.
4. That a further report on operations be provided to Council in six (6) months from 1 October 2012.

(Cr Grace / Cr Townsend)

Note:

The following unsuccessful motion was moved by Cr White and seconded by Cr Hock:

- "1. That Council cease the commercial management agreement with Narrabeen Golf Centre Pty Ltd ("NGC") for Avalon Golf Course as at 30 September 2012 as set out in the conditions detailed below:*
 - a) Total arrears, that now amount to \$157,416.96 (as at 30 June 2012) will be reduced to \$134,000 and is to be repaid on the following basis:*
 - \$100,000 of arrears are paid by 30 June 2012*
 - Balance of \$34,000 be paid by 30 September 2012, if not, the bank guarantee will be activated at this time*
 - c) \$75,000 rent per annum will be used to calculate 3 months worth of rent \$18,750 for three months payable for the months of July, Aug, Sept*
 - c) Narrabeen Driving Range guarantee of \$80,000 will be reduced to one months rent as this agreement is now on a month to month basis- a replacement guarantee must be provided by NGC to Council*
- 2. That Council will make provision for the outstanding balance of \$23,416.96 in the 2011/2012 financial year. Once all monies have been received in 2012/2013, Council will finalise the write-off amount.*
- 3. That Council assume the day to day management of the Avalon Golf Course*
- 4. A further report on operations be provided to Council in 12 months."*

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr White)

Notes:

1. The Committee of the whole concluded at 8.48pm and the Council Meeting recommenced at 8.49pm.
2. Cr Rose remained in the Chair.

Council Meeting

16.0	Adoption of the Committee of the Whole Recommendation
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COUNCIL DECISION

That the recommendation of the Committee of the Whole on Item C15.1 be adopted.

(Cr Grace / Cr Townsend)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 8.50PM
ON MONDAY 16 JULY 2012.**