



PITTWATER COUNCIL

# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***21 November 2011***

Commencing at 6.33pm

# **ATTENDANCE**

## **Members**

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

## **Officers**

Ferguson, M (General Manager)  
Evans, S (Director, Environmental Planning & Community)  
Hunt, C (Director, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
Jones, M (Chief Financial Officer)  
Rawe, S (Manager, Corporate Development & HR)  
Pang, J (Manager, Catchment Management & Climate Change)  
Pigott, A (Principal Officer, Strategic Planning)  
Tasker, P (Administration Officer/ Minute Secretary)  
Angles, G (Executive Assistant to Mayor & Councillors)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.33pm and adjourned at 6.58pm, recommenced at 7.18pm and adjourned at 7.19pm, recommenced at 7.26pm and concluded at 7.28pm.
2. The Planning an Integrated Built Environment Committee Meeting commenced at 6.59pm and concluded at 7.08pm.
3. The Governance Committee Meeting commenced at 7.09pm and concluded at 7.17pm.
4. The Committee of the Whole Meeting commenced at 7.20pm and concluded at 7.25pm.

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## **Council Meeting**

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### **1.0 Public Forum - Nil**

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### **2.0 Resident Questions**

#### **Question 1 - Ms Susan Young**

Councillors, how many of you have seen a copy of the letter from the OIC dated 11 November which, without challenge, rebuked all reasons given by the Manager, Administration and Governance, on numerous occasions to the Newport Residents Association when we sought release of the contract with Woolworths related to the rezoning of the Foamcrest Avenue carparks?

#### **Answer:**

The General Manager advised that he would provide copies of the letter to Councillors, and that the Contract itself had been proactively released as being in the public interest about two weeks ago and was available on Council's website.

#### **Question 1 - Mr Gavin Butler**

With regard to Council's representation on the Joint Regional Planning Panel (JRPP), how does Council expect to get the appropriate level of representation when it has compromised the impartiality of three of the four Councillor Representatives (2 appointed and 2 alternates) considering the rezoning of the Foamcrest Avenue carparks, given that the only Councillor with no conflict on interest is Cr Hegarty?

**Answer:**

The General Manager responded that Council has not conflicted its delegates to the JRPP. Council believes that its delegates are not conflicted in the consideration of a development application. Ultimately, the issue will be for the individual Councillors to consider their position.

**Question 2 - Mr Gavin Butler****Note:**

Mr Butler's second question contained offensive comments and was ruled out of order by the Mayor.

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**3.0 Apologies - Nil**

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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**

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**COUNCIL DECISION**

That the Minutes of the Council Meeting held on 7 November 2011, 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 White)

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**6.0 Public Addresses**

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**Proceedings in Brief**

**C11.4 – Proposed new telecommunications poles in Elanora Heights and Mona Vale –**  
Ms Jacqueline Crompton, Wimax Community Relations Manager, Ausgrid, with the leave of the Council addressed the meeting speaking in support of this item.

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**7.0 Mayoral Minutes - Nil**

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

### **COUNCIL DECISION**

That Items C10.2, C10.3, C10.4, C10.5, C11.1, C11.2 and C11.3 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**

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

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

(Cr Hock / Cr Dunbar)

#### **Notes:**

1. The Council Meeting adjourned at 6.58pm and the Planning an Integrated Built Environment Committee Meeting commenced at 6.59pm.
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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#### **C11.4 Proposed new telecommunications poles in Elanora Heights and Mona Vale**

### **COMMITTEE RECOMMENDATION**

1. That the information in the report be noted.
2. That Council write to Ausgrid and object to the excessive height and scale of the proposed towers and their inappropriate location.

3. That any possible affected properties, community groups and Chambers of Commerce be urgently notified of this report and encouraged to submit a submission to Council and that these be then forwarded onto Ausgrid.
4. That a further update be provided to Council by the last meeting of 2011 (being 19 December 2011) on any submissions received and any response from Ausgrid.

(Cr Hegarty / Cr James)

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|              |                                                                                                                                                        |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C11.1</b> | <b>N0235/11 - 68 Hudson Parade, Clareville - Demolition of existing dwelling and construction of a two storey dwelling, double garage and driveway</b> |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|

**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officers Report be endorsed and Application N0235/11 - 68 Hudson Parade, Clareville (Lot 1 DP 801974) for the demolition of the existing dwelling and construction of a two storey dwelling, double garage and driveway be granted consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

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|              |                                                              |
|--------------|--------------------------------------------------------------|
| <b>C11.2</b> | <b>N0309/11 - 97 Avalon Parade, Avalon - A swimming pool</b> |
|--------------|--------------------------------------------------------------|

**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officer's Report be endorsed and Development Application N0309/11 - 97 Avalon Parade, Avalon (Lot 2 DP 528219) a swimming pool, be approved subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

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|--------------|------------------------------------------------------------------------------------------------------|
| <b>C11.3</b> | <b>N0329/11 - 532 Barrenjoey Road, Avalon - Demolition, new dwelling and ancillary swimming pool</b> |
|--------------|------------------------------------------------------------------------------------------------------|

**COUNCIL DECISION (By Exception)**

That the recommendation in the Development Officers Report be endorsed and Application N0329/11 - 532 Barrenjoey Road, Avalon (Lot Y DP28920) for the demolition, new dwelling and ancillary swimming pool be approved subject to the conditions contained in the Draft Determination.

(Cr Hegarty / 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 Committee Meeting concluded at 7.08pm and the Governance Committee Meeting commenced at 7.09pm.
2. Cr Townsend assumed the Chair.

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## **Governance Committee**

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### **10.0 Governance Committee Business**

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#### **C10.1 Quarterly Budget Review Statement for the Quarter Ending 30 September 2011**

#### **COMMITTEE RECOMMENDATION**

1. That the financial results for the period ending 30 September 2011 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Rose / Cr Townsend)

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#### **C10.2 Investment Balances for the Month of October 2011**

#### **COUNCIL DECISION (By Exception)**

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 367,374.

(Cr Hegarty / Cr Giles)

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|              |                                                |
|--------------|------------------------------------------------|
| <b>C10.3</b> | <b>Legal Expenditure as at 31 October 2011</b> |
|--------------|------------------------------------------------|

**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

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|              |                                                                |
|--------------|----------------------------------------------------------------|
| <b>C10.4</b> | <b>Monthly Contractors &amp; Staff Report - September 2011</b> |
|--------------|----------------------------------------------------------------|

**COUNCIL DECISION (By Exception)**

1. That the information provided on the engagement of new contracts for the month of September 2011 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during September 2011 be noted.

(Cr Hegarty / Cr Giles)

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|              |                                                                                                                       |
|--------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>C10.5</b> | <b>Draft Coastal Erosion Emergency Action Subplan for Bilgola Beach and Mona Vale Basin Beach - Public Exhibition</b> |
|--------------|-----------------------------------------------------------------------------------------------------------------------|

**COUNCIL DECISION (By Exception)**

1. That the draft Coastal Erosion Emergency Action Subplan for Bilgola Beach and Mona Vale Basin Beach as tabled at the meeting, be placed on public exhibition for a period of 21 days in accordance with the provisions of the Coastal Protection Act.
2. That the comments and feedback from the public exhibition of the draft Coastal Erosion Emergency Action Subplan for Bilgola Beach and Mona Vale Basin Beach be reported to Council at the conclusion of the exhibition and submission period.

(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 Hegarty / Cr Giles)

**Notes:**

1. The Governance Committee Meeting concluded at 7.17pm and the Council Meeting recommenced at 7.18pm.
2. Cr Rose resumed the Chair.

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## **Council Meeting**

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### **12.0 Adoption of the Governance Committee Recommendation**

#### **COUNCIL DECISION**

That the recommendation on Item C10.1 of the Governance Committee comprising all Council members be, and is hereby, adopted.

(Cr Giles / Cr Grace)

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### **13.0 Adoption of the Planning an Integrated Built Environment Committee Recommendation**

#### **COUNCIL DECISION**

That the recommendation on Item C11.4 of the Planning an Integrated Built Environment Committee comprising all Council members be, and is hereby, adopted.

(Cr Grace / Cr Hock)

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### **14.0 Councillor Questions - Nil**

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#### **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)(a) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C15.1. Section 10A(2)(a) permits the Committee to close the meeting to consider:

- (a) *personnel matters concerning particular individuals;*

(Cr Grace / Cr Hock)

**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. The Chairperson invited those in attendance to make verbal representations to the Committee on whether the meeting should be closed to consider Item C15.1. There were no requests to make a verbal representation.
2. The General Manager, The Director – Environmental Planning & Community, the Director – Urban & Environmental Assets, the Manager – Administration & Governance and the Executive Assistant to the Mayor & Councillors left the meeting at 7.20pm, returned at 7.26pm, and were not present during discussion on Item C15.1 – General Manager's Performance Review 2011.

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## **Committee of the Whole**

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### ***Report of Closed Session - 21 November 2011***

At 7.20pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on Item C15.1, General Manager's Performance Review 2011. Upon resumption into Open Council the Manager, Corporate Development and HR, being the officer nominated by the General Manager, reported that the following recommendations had been formulated by the Committee of the Whole in Closed Session.

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## **15.0 Confidential Items**

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### **C15.1 General Manager's Performance Review - 2011**

#### **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 2010 to 19 September 2011 be adopted.
2. That Mr Ferguson's total remuneration package be increased by 4% in line with the determination of the Statutory and Other Officers Remuneration Tribunal (SOORT) for the subject review period, in accordance with his Department of Local Government Standard Contract of Employment for General Managers.

(Cr Rose / Cr Giles)

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

That the Committee of the Whole move into open session of Council.

(Cr James / Cr Giles)

#### **Note:**

The Committee of the Whole concluded at 7.25pm and the Council Meeting resumed at 7.26pm.

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### **Council Meeting**

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### **17.0 Adoption of the Committee of the Whole Recommendation**

#### **COUNCIL DECISION**

That the recommendation of the Committee of the Whole be adopted.

(Cr Rose / Cr Giles)

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 7.28PM  
ON MONDAY 21 NOVEMBER 2011**