



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

20 June 2011

Commencing at 6.32pm

ATTENDANCE

Members

Rose, H (Mayor & Chairperson)
Giles, P
Hegarty, J
Hock, P
James, D
White, I

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Godfrey, L (Manager, Community, Library & Economic Development)
Jones, M (Chief Financial Officer)
Rawe, S (Manager, Corporate Development & HR)
Reid, P (Manager, Corporate Strategy & Commercial)
Edmonds, M (Principal Development Officer)
Williams, A (Principal Development Officer)
Garland, S (Senior Planner)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.32pm and adjourned at 7.02pm, recommenced at 7.55pm and concluded at 7.57pm.
2. The Governance Committee Meeting commenced at 7.03pm and adjourned at 7.34pm, recommenced at 7.45pm and concluded at 7.54pm.
3. The Planning an Integrated Built Environment Committee Meeting commenced at 7.35pm and concluded at 7.44pm.

Council Meeting

1.0 Public Forum

2.0 Resident Questions

Question 1- Mr Kyle Hill

I note that the investment balances under Item C10.2 show a total of \$25.6m, whereas the total investments in the balance sheet under Item C10.1 only show total investments of \$21.3m. I understand from a partial reconciliation shown in prior financial presentations, which have been now discontinued for unexplained reasons, that the At Call Funds of \$1.35m in the Investment Report are reclassified to Cash Assets in the Balance Sheet, but that does not explain the remaining \$3m difference. Why do we have this difference and which investments of the \$25.6m are represented by the \$3m variance?

Answer:

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

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Townsend, Cr Dunbar and Cr Grace, and leave of absence be granted from the Council Meeting held on 20 June 2011.

(Cr Hegarty / Cr Giles)

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 6 June 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)

6.0	Business by Exception (All items on the Agenda)
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COUNCIL DECISION

That Items C10.1, C10.2, C10.3, C10.4, C10.5, C10.8, C10.9, C10.10, C10.11, C10.14, C11.1, C11.2, C11.4 and C15.1 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Giles)

7.0	Public Addresses
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Proceedings in Brief

C10.6 2011-2015 Delivery Program and Budget - Mr Phillip Gatenby (on behalf of Boondah Road landowners in Sector 15 Warriewood Valley) and Ms Susan Young (on behalf of the Newport Residents Association) with the leave of the Council addressed the meeting speaking against this item.

C10.7 Former Avalon Guide Hall - Expressions of Interest - Mr David Owen (on behalf of the Clareville & Bilgola Plateau Residents Association) and Ms Meg Johnson with the leave of the Council addressed the meeting speaking for this item.

C11.3 N0052/11 - 4 Boundary Road and 10 Jubilee Avenue Warriewood - Construction of a new private road to access 120 Mona Vale Road Warriewood - Mr Roy Mustaca with the leave of the Council addressed the meeting speaking against this item.

8.0 Mayoral Minutes - Nil

9.0 Council Meeting Business - Nil

Procedural Motion (COUNCIL DECISION)

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

(Cr James / Cr Hegarty)

Notes:

1. The Council Meeting adjourned at 7.02pm and the Governance Committee Meeting commenced at 7.03pm.
 2. Cr Rose remained in the Chair.
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Governance Committee

10.0 Governance Committee Business

C10.6 2011-2015 Delivery Program & Budget

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 2011/2012 as named and shown in the Report.
2. That Pittwater Council's 2011-2015 Delivery Program, 2011-2012 Budget and all other Fees & Charges, subject to the *Outstanding Notices Certificate* fee being included at \$150.00 per certificate, be adopted.
3. That prior to Council expending funds in 2012/2013 for the construction of Avalon Surf Life Saving Club, a report be presented to Council on the construction method and costings of the project.

(Cr James / Cr Rose)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Rose)

C10.7	Former Avalon Guide Hall - Expression of Interest
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COMMITTEE RECOMMENDATION

1. That Council note that only two Expressions of Interest were received and both were non-conforming with alternative submissions provided.
2. That Council also note that neither alternative submission provide any clear proposal to sustainably finance improvements to the former Girl Guides hall and to its future operations and maintenance.
3. That Council continue to liaise with the Clareville and Bilgola Plateau Residents Association Inc. to determine if a Men's Shed is a viable future use for the former Girl Guides Hall and report back to Council by February 2012.
4. That the current moratorium on demolishing the former Girl Guides Hall be extended until February 2012.
5. That both the Clareville and Bilgola Plateau Residents Association Inc. and Ms Meg Johnson be thanked for their submissions.

(Cr Giles / Cr White)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr James)

Notes:

1. The Governance Committee Meeting adjourned at 7.34pm and the Planning an Integrated Built Environment Committee Meeting commenced at 7.35pm.
2. Cr Hegarty assumed the Chair.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.3 N0052/11 - 4 Boundary Street & 10 Jubilee Avenue, Warriewood - Construction of a new private road to access 120 Mona Vale Road

COMMITTEE RECOMMENDATION

That consideration of C11.3 be deferred to the next Council Meeting to be held on 4 July 2011.

(Cr Rose / Cr Giles)

C11.1 NO209/10 - 19 Allawah Avenue, Elanora Heights - Demolition and construction of a new dwelling

COUNCIL DECISION (By Exception)

That the recommendation in the Development Officer's Report be endorsed and Application NO209/10 - 19 ALLAWAH AVENUE, ELANORA HEIGHTS (Lot 197 DP 13643) Demolition and construction of a new dwelling be granted consent subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

C11.2 N0278/10 -1789 Pittwater Road, Mona Vale -alterations and additions to the existing heritage buildings on site and use of the premises as professional consulting rooms

COUNCIL DECISION (By Exception)

That the recommendation in the Development Officers Report be endorsed and Application N0278/10 - 1789 Pittwater Rd, Mona Vale for alterations and additions to the existing heritage buildings on site and use of the premises for commercial purposes be approved subject to the conditions contained in the Draft Determination and the following amended conditions of consent:

Amended Condition B6

The approved materials and colour schemes are only to be used on the extension and not the heritage item.

Amended Condition C7

The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials shall be non-glare and shall be in accordance with the heritage nature of the building. A satisfactory specification which achieves this shall be submitted to the Council and approved by Council's Heritage Architect before the Construction Certificate application, or with the Construction Certificate where Council is the Certifier in the form of a *Schedule of Finishes*.

(Cr Hegarty / Cr Giles)

C11.4	N0655/10 - 140A Crescent Road, Newport - Extension to existing slipway and construct a new boatshed
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COUNCIL DECISION (By Exception)

That the recommendation in the Development Officers Report be endorsed and Application N0655/10 - 140A Crescent Road, Newport (Lot 2 DP 535511, LIC 395087) for an extension to the existing slipway and to construct a new boatshed be approved subject to the conditions contained in the Draft Determination.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Giles)

Notes:

1. The Planning an Integrated Built Environment Meeting concluded at 7.44pm and the Governance Committee Meeting recommenced at 7.45pm.
2. Cr Rose resumed the Chair.

Governance Committee

10.0 Governance Committee Business

C10.1 Financial Report for the Period Ending 31 May 2011 of the 2010/2011 Financial Year

COUNCIL DECISION (By Exception)

1. That the year to date financial results for the period ending 31 May 2011 be noted, including:

- Consolidated financial result being an increase on Council funds of \$3.453 million.
- Operating result before capital being a profit of \$1.365 million.
- Major Projects Program expenditure stands as \$4.938 million.
- Cash and investment position stands at \$26.719 million.

(Cr Hegarty / Cr Giles)

C10.2 Investment Balances for the Month of May 2011

COUNCIL DECISION (By Exception)

That the information provided in the report be noted, including the year to date (May) net investment return of \$ 1,429,040.

(Cr Hegarty / Cr Giles)

C10.3 Legal Expenditure as at 31 May 2011

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.4	Monthly Contractors and Staff Report - April 2011
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COUNCIL DECISION (By Exception)

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

(Cr Hegarty / Cr Giles)

C10.5	Human Resources Report
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COUNCIL DECISION (By Exception)

That the report be noted.

(Cr Hegarty / Cr Giles)

C10.8	Appointment of Reference Group Members 2011-2012
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COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Giles)

C10.9	Community Engagement Policy
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COUNCIL DECISION (By Exception)

1. That the information provided in the report be noted.
2. That the attached Community Engagement Policy be adopted.
3. That Council's Policy Register, be updated to include the new Policy.

(Cr Hegarty / Cr Giles)

C10.10 Policy Review - Corporate Services Division**COUNCIL DECISION (By Exception)**

1. That Council adopt the following as Draft Policies for the purpose of Public Exhibition:

Policies to be Retained with only minor changes and/or format modification:

Policy No.	Strategy	Policy Name
No. 1	Community Engagement, Education & Awareness	Media Policy
No 15	Business Management	Interest earned on contributions levied and security deposits held
No 42	Business Management	Development application by Councillors – Council Staff
No 51	Business Management	Lakeside Caravan Park
No 55	Business Management	Golf Course Fees
No 56	Business Management	Resumption for Public Utilities
No 92	Business Management	Land – Disposal of Surplus
No 110	Business Management	Rates on Leased Council Property/Facilities
No 114	Business Management	Sponsorship
No 115	Business Management	Loan borrowing – infrastructure creation and replacement
No 134	Business Management	Privacy and Personal Information Protections Act 1998 – Privacy Management Plan
No 138	Business Management	Mediation
No 145	Business Management	Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors
No 151	Business Management	Amending Council Policies
No 153	Business Management	Credit Cards
No 164	Sustainability Co-ordination	Pittwater Sustainability Policy
No 165	Business Management	Public Access to Information
No 166	Business Management	Customer Service Charter

Policies to be Retained with substantial modification as well as format modification:

Policy No.	Strategy	Policy Name
No 143	Business Management	Investment

New Policies:

Policy No.	Strategy	Policy Name
New	Community Engagement, Education & Awareness	Communications Policy
New	Business Management	Rates and Charges Administration
New	Sustainability Co-ordination	Sustainable Event Management

2. That Council revoke the following Policies:

Policy No.	Policy name
No 3	Agenda papers – Procedures for Public Release
No 4	Attacks on Councillors and Staff Members - Meetings
No 5	Public Forum – Resident Question Time – Council Meetings
No 6	Opening of Public Buildings
No. 7	Plaques – New Civic Buildings
No 8	Mail Outs – Exclusion of Enclosures
No 10	Receipts – issue off
No 11	Rebates and Accruals of Pensioner Rates, Domestic Waste Charges and Interest
No 12	Aggregation of Values for Rating Purposes
No 13	Rate Collection and Recovery
No 14	Relief from Rate Increases – Hardship in first Year of New Valuations
No 16	Kerbing and Guttering Charges Debt Recovery - Pensioners
No 17	Fees and charges – guideline for determining user pay principles
No 23	Working From Home
No 50	Urban Design Awards
No 57	Sale of Drainage Reserves
No 108	Submission of Draft Reports/Documents to Councillors
No 121	Redundancy & Redeployment
No 122	Disability Discrimination Action (DDA) Plan
No 150	Regulatory Process - Permanent Section – Sydney Lakeside
No 155	Ethical Business Relationships
No 177	Road Rule Education

3. That the Draft Policies as shown in Attachments 1, 2 and 3, together with those Draft Policies to be identified in separate reports to Council during May, June and July 2011, be placed on public exhibition for a period of 28 days following the final Policy Report to Council.
4. That on completion of the Public Exhibition, a further report facilitating adoption of the finalised Policies be made to Council.

(Cr Hegarty / Cr Giles)

C10.11	Review of Council s Code of Meeting Practice
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COUNCIL DECISION (By Exception)

That the Draft Code of Meeting Practice (as amended) be placed on public exhibition for 28 days and a further report be brought back to Council at the end of the 42 day period allowed for submissions.

(Cr Hegarty / Cr Giles)

C10.12	Determinations of the Local Government Remuneration Tribunal 2011/2012
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COMMITTEE RECOMMENDATION

1. That the annual fee payable to Councillors for the period 1 July 2011 to 30 June 2012 be **\$16,227**, representing a 4.2% 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 2011 to 30 June 2012 be **\$35,428**, representing a 4.2% increase (as recommended by the Local Government Remuneration Tribunal) to the current fees.

(Cr Rose / Cr Giles)

C10.13	Constitutional Reform - Recognition of Local Government in the Australian Constitution
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COMMITTEE RECOMMENDATION

1. That Pittwater Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly.

2. That Pittwater Council supports the inclusion of local government in any new Preamble to the Constitution if one is proposed.
3. That Pittwater Council call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
4. That a copy of Pittwater Council's formal endorsement be sent to the Australian Local Government Association and the Local Government Association of NSW.

(Cr Hegarty / Cr Giles)

C10.14	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 9 April 2011
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COUNCIL DECISION (By Exception)

That the Minutes of the SCCG Ordinary Meeting of 9 April 2011 be noted.

(Cr Hegarty / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr James)

Notes:

1. The Governance Committee Meeting concluded at 7.54pm and the Council Meeting recommenced at 7.55pm.
2. Cr Rose remained in the Chair.

Council Meeting

12.0	Adoption of the Governance Committee Recommendations
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COUNCIL DECISION

That the recommendations on Items C10.6, C10.7, C10.12 and C10.13 of the Governance Committee comprising all Council members be and are hereby adopted.

(Cr Giles / Cr Hegarty)

13.0	Adoption of the Planning an Integrated Built Environment Committee Recommendation
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COUNCIL DECISION

That the recommendation on Item C11.3 of the Planning an Integrated Built Environment Committee comprising all Council members be and is hereby adopted.

(Cr Giles / Cr Rose)

14.0	Councillor Questions - Nil
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15.0	Confidential Items
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C15.1	Confidential Report - Avalon Golf Course - Renegotiation of Commercial Terms
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COUNCIL DECISION (By Exception)

That the revised commercial terms to the prevailing Management Agreement, as outlined in this report, be adopted.

(Cr Hegarty / Cr Giles)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 7.57PM
ON MONDAY 20 JUNE 2011**