



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

1 September 2014

Commencing at 6.30pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Angles, G (Manager, Customer Service and Information)
Pang, J (Manager, Catchment Management & Climate Change)
Shaw, M (Manager, Urban Infrastructure)
Hansen, M (Acting Manager, Natural Environment & Education)
McPherson, S (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 7.01pm, recommenced at 9.46pm and adjourned at 9.48pm, recommenced at 11.17pm and concluded at 11.18pm.
2. The Connecting Communities Committee Meeting commenced at 7.02pm and concluded at 8.25pm.
3. The Natural Environment Committee Meeting commenced at 8.26pm and concluded at 9.45pm.
4. The Committee of the Whole Meeting commenced in Closed Session at 9.49pm and concluded at 11.16pm.

Council Meeting

1.0 Apologies

Nil.

2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

1. Cr Hegarty declared a less than significant non-pecuniary interest in Item C9.4 – Renewal of the Memorandum of Understanding between North Sydney Council and Pittwater Council to continue the partnership to provide Aboriginal Heritage Services. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

“My partner is a Director of North Sydney Council and is the Manager of Aboriginal Heritage Office (AHO). There is no positive or negative financial, or otherwise, impact to either he or I in regards to this motion”.

2. Cr Hegarty declared a less than significant non-pecuniary interest in Item C10.2 – Submission to IPART – Review of the Operating Licence for Sydney Water Corporation. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

“I sit as a member of the Sydney Water Corporate Customer Council. Any decision will have no bearing on my position at Sydney Water”.

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 18 August 2014 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 Ferguson)

4.0 Public Addresses

Nil.

5.0 Councillor Questions with Notice

Nil.

6.0 Mayoral Minute

C6.1 Mayoral Minute – Business Voting

COUNCIL DECISION

1. The Mayor write to the Minister for Local Government, The Honourable Paul Toole MP, Member for Pittwater, Rob Stokes MP, Member for the Shooters and Fishers Party, The Honourable Robert Borsak, MLC, Premier of NSW, The Honourable Mike Baird and all leaders of Parties in the Upper House informing them of Pittwater Council's opposition to the Bill in its current form as follows:
 - It does not reflect the founding principles of democracy i.e. one (1) vote, one (1) value.
 - Any registration of business should be at the expense of and conducted by the Electoral Commissioner and not, the General Manager of Pittwater Council, and
 - To publically release the Bill and consult with NSW Local Government on the impacts and burden the introduction of this Bill will place on local communities across NSW.
2. That a copy of the letter is sent to the President of LGNSW and Sydney Metropolitan Mayors, the Lord Mayor of Sydney and the Pittwater Chambers of Commerce.

(Cr Townsend)

7.0 Business by Exception

COUNCIL DECISION

That Items C8.1 and C9.3 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Griffith)

8.0 Council Meeting Business

C8.1: Proposed Change to Council Meeting scheduled for 20 October 2014

COUNCIL DECISION (By Exception)

1. That the Ordinary meeting of Council scheduled for the 20 October 2014 be rescheduled to the 13 October 2014.
2. That the rescheduled meeting date be publicly advertised.

(Cr Hegarty / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Connecting Communities Committee Meeting now commence.

(Cr Ferguson / Cr Griffith)

Notes:

1. The Council Meeting adjourned at 7.01pm and the Connecting Communities Committee Meeting commenced at 7.02pm.
 2. Cr Millar assumed the Chair.
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Connecting Communities Committee

9.0 Connecting Communities Committee Business

C9.1	Submission on the Review of Government Information (Public Access) Act 2009
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COMMITTEE RECOMMENDATION

That the attached submission to the Department of Justice on the review of Government Information (Public Access) Act 2009 be noted.

(Cr Griffith / Cr Ferguson)

C9.2	Pittwater Council Public Roads Active Transport Strategy - Status Update
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COMMITTEE RECOMMENDATION

1. That this status report and the revised schedules of prioritised projects for each sub plan and the remaining of the Public Roads Active Transport Strategy, be noted.
2. That Council engage a peer review of the Active Transport Strategy to ensure current implementation methods are contemporary to current needs and best practice. This review is to include the 1999 Cycle Strategy.
3. The review is to be conducted in 2014 but does not seek to defer any construction planned.
4. That the raised pedestrian crossing approved by the Traffic Committee and Council at Kalang Road, Elanora Heights, be commenced and completed at the earliest possible time.

(Cr Townsend / Cr Griffith)

Notes:

1. The following unsuccessful amendment was moved by Cr Young and seconded by Cr Hegarty:
 - “1. That this status report and the revised schedules of prioritised projects for each sub plan and the remaining of the Public Roads Active Transport Strategy, be noted.
 2. That the raised pedestrian crossing approved by the Traffic Committee and Council at Kalang Road, Elanora Heights, be commenced and completed at the earliest possible time”.
2. Cr Young and Cr Grace requested their names be recorded as having voted against the motion which was carried.

Procedural Motion (COUNCIL DECISION)

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

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Townsend)

C9.3	Amendments to Section 296 of the Local Government Act 1993 Relating to the Conduct of Elections
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COUNCIL DECISION (By Exception)

1. That pursuant to s. 296(2) and (3) of the *Local Government Act 1993* Council enter into an election arrangement by contract for the Electoral Commissioner to administer all elections of the Council.
2. That pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, enter into by contract a poll arrangement for the Electoral Commissioner to administer all council polls of the Council.
3. That pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, enter into by contract a constitutional referendum arrangement for the Electoral Commissioner to administer all constitutional referenda of the Council.

(Cr Hegarty / Cr Griffith)

C9.4	Renewal of the Memorandum of Understanding between North Sydney Council and Pittwater Council to Continue the Partnership to Provide Aboriginal Heritage Services
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COMMITTEE RECOMMENDATION

That Council endorse the General Manager's re-signing of the Memorandum of Understanding between North Sydney Council and Pittwater Council for the effective conservation and protection of Aboriginal heritage sites within the Pittwater Local Government area.

(Cr Griffith / Cr Hegarty)

Note:

Cr Hegarty declared a less than significant non-pecuniary interest in Item C9.4 – Renewal of the Memorandum of Understanding between North Sydney Council and Pittwater Council to continue the partnership to provide Aboriginal Heritage Services. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

"My partner is a Director of North Sydney Council and is the Manager of Aboriginal Heritage Office (AHO). There is no positive or negative financial, or otherwise, impact to either he or I in regards to this motion".

C9.5	Minutes of the Connecting Communities Reference Group Meeting - 6 August 2014
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COMMITTEE RECOMMENDATION

1. That Council note the Minutes of the Connecting Communities Reference Group Meeting held on 6 August 2014 that relate to the discussion on:
 - CC4.2 Northern Beaches Health Services Redevelopment Mona Vale Hospital Masterplan.
 - CC4.1 Northern Beaches Mental Health Services Update.
 - CC4.3 Place Management and Enliven Pittwater.

2. That Council note the following Reference points from the meeting:

2.1 Northern Beaches Mental Health Services Update

That the reference group thanked Mr Laurie Bassett of the Northern Beaches Community Care for his presentation on the Mental Health Services update and Ms Leanne Kelly, Social Planning & Community Development Co-ordinator for her update on Headspace.

2.2 Northern Beaches Health Services Redevelopment

1. That the Reference Group thank Ms Heather Gough and Mr Michael Player (NBHSR) for their presentation on the Northern Beaches Health Service Redevelopment.
2. That appropriate State Government representatives be invited to the next Reference Group meeting and provide an update on the road infrastructure, funding and upgrades (especially in regards to Wakehurst Parkway and Mona Vale Road) around the implications and issues and accessibility to the new health services.

2.3 Place Management and Enliven Pittwater

That reference group commended Council on the outcomes achieved by the Enliven Program, especially in relation to the recent Inaugural Young Artist program run in conjunction with Pittwater Community Arts. Avalon artist Mr Henry Curchod received the inaugural Pittwater Community Arts Young Emerging Artist grant and the exposure he has received has resulted in his artwork hanging in the Sulman, Sydney.

(Cr Ferguson / Cr Millar)

Procedural Motion (COUNCIL DECISION)

That the Connecting Communities Committee Meeting be concluded and the Natural Environment Committee Meeting now commence.

(Cr Townsend / Cr Young)

Notes:

1. The Connecting Communities Committee Meeting concluded at 8.25pm and the Natural Environment Committee Meeting commenced at 8.26pm.
2. Cr White assumed the Chair.

Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1 Actions from the 10/50 Vegetation Clearing Code

COMMITTEE RECOMMENDATION

1. That the actions to date be noted.
2. That Council staff continue to make representations to the NSW Rural Fire Service to address the unintended consequences of the Code, and seek to mitigate these in line with Council's concern.
3. That the Council write to the Minister of Planning, The Honourable Pru Goward, the Assistant Minister for Planning, Rob Stokes MP and the Premier, The Honourable Mike Baird, regarding the indirect impact on the planning processes for example, development applications, conditions and threatened species legislation as a result of the implementation of the 10/50 rule.
4. That a report be brought back to the Council meeting in October with an update on its progress.
5. That Council develop an education campaign regarding the benefits of maintaining the tree canopy and bushland in Pittwater.

(Cr Townsend / Cr Millar)

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	

C10.2 Submission to IPART - Review of the Operating Licence for Sydney Water Corporation

COMMITTEE RECOMMENDATION

1. That the information provided in this report be noted.
2. That the submission to IPART in response to the review of the current Operating Licence for Sydney Water Corporation be endorsed.
3. That Council continue to be involved as a stakeholder in the review process as well as the preparation of the new Operating Licence for Sydney Water Corporation.

(Cr Millar / Cr Griffith)

Note:

Cr Hegarty declared a less than significant non-pecuniary interest in Item C10.2 – Submission to IPART – Review of the Operating Licence for Sydney Water Corporation. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

"I sit as a member of the Sydney Water Corporate Customer Council. Any decision will have no bearing on my position at Sydney Water".

C10.3	Greater Sydney Local Land Services Local Government Advisory Group
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COMMITTEE RECOMMENDATION

That Council accept individual membership onto the Greater Sydney Local Land Services Local Government Advisory Group and appoint Cr White as delegate and Cr Griffith as an alternative delegate to the Greater Sydney Local Land Services Local Government Advisory Group for the period September 2014 to September 2015.

(Cr White / Cr Ferguson)

C10.4	Appointment of Sydney Coastal Council Group Delegates
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COMMITTEE RECOMMENDATION

That Council appoint Cr Griffith as delegate and Cr Young as an alternative delegate to the Sydney Coastal Councils Group Inc for the period September 2014 to September 2015.

(Cr Hegarty / Cr Ferguson)

C10.5	Minutes of the Natural Environment Reference Group Meeting
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COMMITTEE RECOMMENDATION

1. That Council note the Minutes of the Natural Environment Reference Group Meeting held on 13 August 2014 that relate to the discussion on:
 - NE4.1 Verbal update on 10/50 Vegetation Clearing Code.
 - NE4.2 Northern Beaches Health Services Redevelopment.
 - NE4.3 Strategy Too Good to Waste.
 - NE4.4 Place Management and Enliven Strategy.
2. That Council note the following reference points from that meeting:
 - 2.1 **Verbal update on 10/50 Vegetation Clearing Code**
 1. That the update on this item be noted.
 2. That all members report back to their associations and write to the Premier, Environment Minister, Minister for Emergency Services and Local Member repealing the 10/50 Vegetation Clearing Code requesting for consultation with the community regarding the Code which will include a public exhibition process to provide residents an opportunity to provide comments and feedback.
 3. Council will distribute key information to reference group members to assist with submissions.
 - 2.2 **Northern Beaches Health Services Redevelopment**
 1. That the presentation on this item be noted.
 2. That the group thank Ms Heather Gough from the Northern Beaches Health Services Redevelopment for the presentation on this item.

2.3 Strategy Too Good to Waste

1. That the update on this item be noted.
2. That members report back to their Associations and provide an update on the *Too Good to Waste Strategy* and provide feedback on the Ministers Release on 12 September 2014.

2.4 Place Management and Enliven Pittwater

1. That the update on this item be noted.
2. That the update on the Place Management and Enliven Pittwater update be deferred to the next Natural Environment Reference Group meeting in November.

(Cr McTaggart / Cr Townsend)

Procedural Motion (COUNCIL DECISION)

That the Natural Environment Committee Meeting be concluded and the Council Meeting now commence.

(Cr Townsend / Cr Griffith)

Notes:

1. The Natural Environment Committee Meeting concluded at 9.45pm and the Council Meeting recommenced at 9.46pm.
 2. Cr Townsend assumed the Chair.
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Council Meeting

11.0 Adoption of Connecting Communities Committee Recommendations

COUNCIL DECISION

That the recommendations of the Connecting Communities Committee on Items C9.1, C9.2, C9.4 and C9.5 comprising all Council members be, and are hereby, adopted.

(Cr Griffith / Cr Millar)

Note:

Cr Hegarty declared a less than significant non-pecuniary interest in Item C9.4 – Renewal of the Memorandum of Understanding between North Sydney Council and Pittwater Council to continue the partnership to provide Aboriginal Heritage Services. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

“My partner is a Director of North Sydney Council and is the Manager of Aboriginal Heritage Office (AHO). There is no positive or negative financial, or otherwise, impact to either he or I in regards to this motion”.

12.0	Adoption of Natural Environment Committee Recommendation
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COUNCIL DECISION

That the recommendations of the Natural Environment Committee on Items C10.1, C10.2, C10.3, C10.4 and C10.5 comprising all Council members be, and are hereby, adopted.

(Cr Griffith / Cr Hegarty)

Note:

Cr Hegarty declared a less than significant non-pecuniary interest in Item C10.2 – Submission to IPART – Review of the Operating Licence for Sydney Water Corporation. Cr Hegarty remained in the meeting and took part in the discussion and voting on this item. The reason provided by Cr Hegarty was:

“I sit as a member of the Sydney Water Corporate Customer Council. Any decision will have no bearing on my position at Sydney Water”.

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 Items C13.1 and C13.2. Section 10A(2)(a) permits the Committee to close the meeting to consider:

(a) personnel matters concerning particular individuals.

(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 Items C13.1 and C13.2.
2. The Chairperson invited those in attendance to make verbal representations to the committee on whether the meeting should be closed to consider Items C13.1 and C13.2. There were no requests to make a verbal representation.
3. The Council Meeting adjourned at 9.48pm and the Committee of the Whole Meeting commenced at 9.49pm in Closed Session.
4. Cr Townsend remained in the Chair.

Committee of the Whole

Report of Closed Session – 1 September 2014

At 9.49pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on item C13.1 and C13.2. Upon resumption into Open Council the Corporate Officer, 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.

13.0 Confidential Items

C13.1 Mayoral Minute - General Manager's Performance Review - 2014

COMMITTEE RECOMMENDATION

1. That the report by the Performance Review Panel be noted.
2. The Mayor to prepare and send to the general manager a written statement setting out the conclusions on his performance.
3. That the Performance Agreement for 2014-2015 agreed between the Review Panel and the General Manager be noted.

(Cr White / Cr Hegarty)

Note:

The following unsuccessful motion was moved by Cr Grace and seconded by Cr Ferguson:

- “1. That the report by the Performance Review Panel be noted.*
- 2. The Mayor to prepare and send to the General Manager a written statement setting out the conclusions on his performance.*
- 3. That the Performance Agreement for 2014-2015 agreed between the Review Panel and the General Manager be noted.*
- 4. That pursuant to Section 8.3 of the General Manager's contract that an increase of the modest amount of 2.2% of his current gross salary be given as his performance review exceeds the satisfactory standard. This remuneration cannot be paid as a lump sum, but is to be paid as a percentage on top of his existing package over a 12 month period”.*

(Cr Grace / Cr Ferguson)

C13.2 Confidential - Mayoral Minute - Re-appointment to the position of General Manager

COMMITTEE RECOMMENDATION

1. That Council accept the application made by Mark Ferguson for re-appointment to the position of General Manager for five (5) years pursuant to clause 5.1 of his contract.
2. That a confidential Mayoral Minute for consideration of the application by Mark Ferguson for re-appointment be brought to the second Council meeting in November 2014.
3. That the Mayor write to Mark Ferguson to acknowledge his application for re-appointment and inform him of the meeting date when council will consider his application.

(Cr Hegarty / Cr Millar)

Note:

The following amendment moved by Cr Griffith lapsed for want of a seconder:

“That this item be deferred to the Council meeting on 15 September 2014”.

Procedural Motion (COUNCIL DECISION)

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

(Cr Millar / Cr Hegarty)

Notes:

1. The Committee of the Whole Meeting concluded at 11.16pm and the Council Meeting recommenced in Open Session at 11.17pm.
2. Cr Townsend remained in the Chair.

Council Meeting

14.0 Adoption of the Committee of the Whole Recommendation

COUNCIL DECISION

That the recommendations on Items C13.1 and C13.2 of the Committee of the Whole comprising all Council members be, and are hereby, adopted.

(Cr White / Cr Ferguson)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 11.18PM ON
MONDAY, 1 SEPTEMBER 2014**