



# **Pittwater Council Minutes**

## **Council Meeting**

held at Mona Vale Memorial Hall, Mona Vale  
on

***17 November 2014***

Commenced at 6.31pm.

# ATTENDANCE

## Members

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

## Officers

Ferguson, M (General Manager)  
Hunt, C (Director, Urban & Environmental Assets)  
Godfrey, L (Acting Director, Environmental Planning & Community)  
Rawe, S (Manager, Corporate Development)  
Lawrence, W (Manager, Administration & Governance)  
Mamouzelos, N (Principal Officer, Administration & Risk)  
Munn, L (Manager, Reserves, Recreation & Building Services)  
Pigott, A (Manager, Planning and Assessment)  
Cordoba, L (Principal Officer, Land Release)  
Stagni, T (Senior Strategic Planner – Land Release)  
Wilkinson, K (Senior Strategic Planner)  
Ralph, A (Strategic Planner – Land Release)  
Williams, A (Principal Development Officer)  
Gibson, D (Principal Officer, Building Services)  
Davies, P (Principal Engineer, Strategy Investigation & Design)  
Jones, M (Chief Financial Officer)  
Kelly, Leeanne (Social Planning and Community Development Coordinator)  
Peake, Russell (Community Development Officer)  
Tasker, P (Administration Officer/ Minute Secretary)

## External Consultants

Bauer, V (Probity Consultant, Procure Group)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.31pm and adjourned at 7.25pm, recommenced at 9.58pm and concluded at 10.02pm.
2. The Leading & Learning Committee Meeting commenced at 7.26pm and adjourned at 8.39pm, recommenced at 9.25pm and concluded at 9.35pm.
3. The Sustainable Town & Villages Committee Meeting commenced at 8.40pm and concluded at 9.24pm.
4. The Committee of the Whole commenced at 9.36pm and concluded at 9.57pm.

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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 – Mr Mark Turner**

Pittwater has recently been reported as having the cleanest beaches in Sydney. Council has done excellent work lobbying for improved ocean waste outfalls. Would Council consider formally adopting the logo: “*Pittwater – Cleanest Beaches in Sydney!*” ?

#### **Answer:**

The General Manager responded that it was an accolade very much appreciated and that the Council was very proud of the standard of beaches in Pittwater. The incorporation of this into a logo is certainly worthy of consideration and is something that the Council would further consider.

#### **Question 1 – Mr Livio Panozzo**

I would ask why the report prepared entirely by staff of the Council concentrates so much on what other councils are doing and not on what the experiences of Pittwater have been at their three off leash dog parks?

**Answer:**

The Manager, Reserves and Recreation, responded that the staff had researched the issue according to recommended best practice and that is why the report in part focussed on how other councils responded to this issue.

**Question 2 – Mr Livio Panozzo**

If the only dog attacks mentioned in the report took place on a secluded beach (“Wanda”), why does Council propose to use Bungan Beach, also a secluded beach?

**Answer:**

The Manager, Reserves and Recreation, responded that there is always a potential for conflict when people and dogs share beaches. The suggestion of a secluded beach was an attempt to minimise conflict.

**Question 1 – Ms Jan Morris**

Where is the new proposed toilet block site likely to now be on the Fern Creek Site?

**Answer:**

The Manager, Reserves and Recreation, advised that in response to a number of residents expressing concern about the toilet block location it was now planned to relocate the block to a new site adjacent to the slippery dips and further away from houses. Council staff are currently finalising public notification. Residents and the community will be notified of the new location as soon as possible.

**Question 2 – Ms Jan Morris**

What is the course of events from now in regard to the finalisation of toilet block construction in the two hectare Fern Creek recreational facility?

**Answer:**

The General Manager responded that there would be further public engagement before any determination was made, and that there would be further discussion with any residents who made a submission.

**Question 1 – Mr Phil Walker**

During two afternoons of Traffic Survey last week at the exit from the new Post Office Car Park at Mona Vale the majority of vehicles failed to stop at the stop sign. How will Council enforce compliance?

**Answer:**

The General Manager responded that he was not aware of any traffic survey undertaken at that location. Council will ensure adequate signage, and should any vehicle not comply it is a matter for the police.

## Question 2 – Mr Phil Walker

In 2005 industrial pollution of the beach at the Ferry Wharf at Palm Beach was reported to Council. In 2013 a sample of beach sand was positively tested showing high levels of tributyl tin. At what level of tributyl tin in the beach sand will Council close the beach?

### Answer:

The General Manager responded that he would have to take this question on notice.

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## 3.0 Apologies

### COUNCIL DECISION

1. That apologies be received and accepted from Cr McTaggart and leave of absence be granted from the Council Meeting held on 17 November 2014.
2. That apologies be received and accepted from Cr White and leave of absence be granted from the Council Meeting held on 17 November 2014.
3. Cr Hegarty had advised that she would be late to the meeting.

(Cr Ferguson / Cr Griffith)

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

1. Cr Townsend declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter - and took no part in discussion and voting on this item. The reason provided by Cr Townsend was:

*“I am Council delegate sitting on the JRPP that will preside over this matter.”*

3. Cr Hegarty declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“I sit as Council’s delegate on the JRPP who will be the determining authority.”*

4. Cr Hegarty declared a significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“My mother is a landowner in the Warriewood Valley area.”*

5. Cr Millar declared a less than significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report, and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:  
*“I live in Warriewood Valley which does not preclude me from debate.”*
6. Cr Millar declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:  
*“I own a dog which does not preclude me from entering into debate.”*
7. Cr Young declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Young was:  
*“Relatives belong to Pittwater Unleashed – make independent decisions.”*
8. Cr Grace declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Grace was:  
*“Own a dog – I have had dogs off and on in my career in local government but I don’t believe it would affect my decision.”*

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## **5.0 Confirmation of Minutes**

### **COUNCIL DECISION**

That the Minutes of the Council Meeting held on 3 November 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 Millar / Cr Ferguson)

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## **6.0 Public Addresses**

**C11.3 – Response to Pittwater Unleashed** – with the leave of the Council Ms Michele Robertson, Ms Judy Davie and Ms Karen Garner addressed the meeting speaking against the recommendation on this item. Mr William Thomson, Mr Nicholas Coleman and Mr Colin Spencer addressed the meeting speaking in support of the recommendation on this item.

**C12.3 – Bungan Lane Carpark, Mona Vale** – with the leave of the Council Mr Ross Smith addressed the meeting speaking in support of the recommendation on this item.

**C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report** – with the leave of the Council Ms Amy Romero (on behalf of the Henroth Group) addressed the meeting speaking against the recommendation on this item.



**Note:**

Cr Hegarty joined the meeting at 7.19pm.

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**7.0 Councillor Questions with Notice**

Nil.

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**8.0 Mayoral Minutes**

(See Committee of the Whole - Confidential Item C15.1 – Mayoral Minute: Reappointment to the Position of General Manager).

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**9.0 Business by Exception**

**COUNCIL DECISION**

That Items C11.1, C11.2, C11.5, C11.7, C11.8 and C12.5 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Griffith)

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**10.0 Council Meeting Business**

Nil.

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**Procedural Motion (COUNCIL DECISION)**

That the Council Meeting be adjourned and the Leading and Learning Committee Meeting now commence.

(Cr Griffith / Cr Millar)

**Notes:**

1. The Council Meeting adjourned at 7.25pm and the Leading and Learning Committee Meeting commenced at 7.26pm.
2. Cr Townsend remained in the Chair.

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## Leading and Learning Committee

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### 11.0 Leading and Learning Committee Business

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#### C11.3 Response to Pittwater Unleashed

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##### NO DECISION WAS MADE IN THIS MATTER

##### Notes:

1. The following unsuccessful motion was moved by Cr Townsend and seconded by Cr Hegarty:
  1. *That the information provided within this report be noted.*
  2. *That Council calls for expressions of interest from the community to form a Pittwater Dog Working Group.*
  3. *That the Pittwater Dog Working Group develops a workable sustainable dog policy.*
2. The following unsuccessful amendment was moved by Cr Millar and seconded by Cr Grace:
  1. *That the information provided within this report be noted.*
  2. *That the proposal to undertake significant improvement works at Careel Bay and Rowland Reserve unleashed dog exercise areas at a cost of \$74,000 be considered for inclusion in the Council's 2015/2016 Delivery Plan.*
  3. *That Council investigate opening up the three nominated beaches, namely Turimetta, South Mona Vale and Bungan Beaches five days per week between 5pm daylight saving time and 4pm EST and 8am, in conjunction with a Working Group comprising of nominees by Eol process.*
  4. *That the Working Group report back to Council at the end of the review.*
3. The following unsuccessful further amendment was moved by Cr Grace and lapsed for want of a seconder:

*That the matter be deferred for two weeks to enable Cr White, the mover of the original motion for the report, to be present.*
4. Cr Millar had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:

*"I own a dog which does not preclude me from entering into debate."*

7. Cr Young had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Young was:

*“Relatives belong to Pittwater Unleashed – make independent decisions.”*

8. Cr Grace had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Grace was:

*“Own a dog – I have had dogs off and on in my career in local government but I don’t believe it would affect my decision.”*

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#### **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 Griffith)

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

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

(Cr Hegarty / Cr Griffith)

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

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

(Cr Millar / Cr Ferguson)

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

That the Leading & Learning Committee Meeting be adjourned and the Sustainable Towns and Villages Committee Meeting now commence.

(Cr Hegarty / Cr Griffith)

#### **Notes:**

1. The Leading and Learning Committee Meeting adjourned at 8.39pm and the Sustainable Towns and Villages Committee Meeting commenced at 8.40pm.
2. Cr Griffith assumed the Chair.

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### **Sustainable Towns and Villages Committee**

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## **12.0 Sustainable Towns and Villages Committee Business**

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### **C12.3 Bungan Lane Carpark, Mona Vale**

#### **COMMITTEE RECOMMENDATION**

1. That the report on the Bungan Lane Carpark be noted, including access arrangements and parking restrictions
2. That the following parking restrictions be implemented at the Bungan Lane Carpark at Mona Vale:
  - Both top level split floors (Level 3) to be 8 hour parking (6am to 6pm) to facilitate longer stay parking for example staff working in the Mona Vale Town Centre and thereby free up other spaces across the Town Centre for more regular turnover of higher demand spaces
  - Floors 1 and 2 along with the upper ground floor level to be 3 hour parking (6am to 6pm) which is consistent with the previous parking restriction
  - The lower level ground floor level to be 1 hour parking for increased turnover
  - On the ground floor split levels provide as shown on the Plan:
    - 8 x accessible parking spaces
    - 3 x 'Parents with pram' spaces
    - Replace previously proposed 2 x 15 minute parking spaces in the south east corner of the ground floor with 2 x Loading Zone spaces
    - Bicycle area, motor cycle spaces and small car spaces

Note: Accessible spaces are not subject to these time restrictions.

3. That the operation of the car park be monitored over the next 12 months to gauge usage patterns and report back to Council on any adjustment to the parking arrangements.
4. That appropriate signage be erected at all entrances and exits to the carpark to alert motorists to pedestrian traffic and to alert pedestrians to vehicular traffic.

(Cr Griffith / Cr Millar)

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### **C12.6 Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report**

#### **COMMITTEE RECOMMENDATION**

1. That Council note the attached Probity Report prepared by Procure Group.
2. That Council note the responses to the public exhibition process detailed in the submissions table.
3. That Council adopt the attached Warriewood Valley Strategic Review Addendum Report.
4. That Council note that the *Warriewood Valley Strategic Review Report 2012*, together with the *Warriewood Valley Strategic Review Addendum Report 2014*, supersedes the *Warriewood Valley Planning Framework 2010*.

5. That Council agree to forward the attached Planning Proposal to Department of Planning and Environment for Gateway Determination to amend *Pittwater Local Environmental Plan 2014* as follows:
- Amend the Urban Release Area Map to:
    - Remove Sectors 201, 204, and 702
    - Identify Sectors 202, 203, 802 and 10C as new sectors
    - Identify Sector 3 and Buffer Area 2 as one sector, labelled “Buffer Area 2”
    - Identify Sector 172 and Southern Buffer as one sector, labelled “Southern Buffer”
    - Identify the properties 120 and 122 Mona Vale Road as Sectors 120 and 122 respectively
    - Amend boundary of Sector 901H to identify only the battle-axe portion.
  - Amend the Land Zoning Map to rezone:
    - Sector 901H (battle-axe portion only) to R3 Medium Density Residential
    - Sector 802 (5 Forest Road) be rezoned SP2 Educational Establishment
  - Amend the Lot Size Map to:
    - Remove minimum lot size applying to Sector 901H (battle-axe portion only)
    - Remove minimum lot size applying to Sector 801
  - Amend the Height of Buildings Map to:
    - Apply a 10.5 metre height limit to Sector 901H (battle-axe portion only)
  - Amend Clause 6.1(3) to:
    - Identify Sectors 901C and 901G together.
    - Allocate Sector 202 a yield of not more than 1 dwelling.
    - Allocate Sector 901H (battle-axe portion only) a yield not more than 3 dwellings.
    - Allocate Sector 10C a yield of not more than 17 dwellings.
6. That those landowners whose properties will be subject to the Planning Proposal be advised of Council’s decision in regard to recommendation 5.
7. That a review of Pittwater 21 Development Control Plan be undertaken to ensure that it enables developments at a density of 32 dwellings per developable hectare. In addition, control C6.15 is to be amended to specifically identify 23B Macpherson Street (Sector 801) as the location for the Focal Neighbourhood Centre.
8. That landowners of properties within Sector 901A be advised of the pro-rata allocation specified in Table 6 of the attached Addendum Report.
9. That any person or organisation who made a submission to the draft Warriewood Valley Addendum Report be advised of Council’s decision.
10. That a public notice be published in the Manly Daily notifying of the adoption of Warriewood Valley Strategic Review Addendum Report.

(Cr Grace / Cr Ferguson)

**Notes:**

1. Cr Hegarty left the meeting at 8.56pm and returned at 9.08pm, having declared a significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“My mother is a landowner in the Warriewood Valley area.”*

5. Cr Millar had declared a less than significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report, and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:

*“I live in Warriewood Valley which does not preclude me from debate.”*

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<b>C12.1</b>	<b>N0322/14 - 2-4 Jenkins Street &amp; 1679 Pittwater Road - Council Update on JRPP Matter</b>
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**COMMITTEE RECOMMENDATION**

That the report outlining Development Application N0322/14 and the assessment process prior to determination by the JRPP be noted.

(Cr Millar / Cr Ferguson)

**Notes:**

1. Cr Townsend left the meeting at 9.04pm and returned at 9.08pm, having declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter - and took no part in discussion or voting. The reason provided by Cr Townsend was:

*“I am Council delegate sitting on the JRPP that will preside over this matter.”*

2. Cr Hegarty left the meeting at 8.56pm and returned at 9.08pm, having declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter – and took no part in discussion or voting. The reason provided by Cr Hegarty was:

*“I sit as Council’s delegate on the JRPP who will be the determining authority.”*

3. A division was duly taken resulting in the following voting:

**Aye (For)**

Cr Ferguson  
Cr Griffith  
Cr Grace  
Cr Millar  
Cr Young

**No (Against)**

Nil

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**C12.2 Draft Youth and Families Paper****COMMITTEE RECOMMENDATION**

That Council adopt the Draft Youth and Families Paper as the second emerging issues paper of 'Pittwater Social Plan 2012-2016 Live, Connect, Participate'.

(Cr Townsend / Cr Ferguson)

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**C12.4 Submission to Your Future Central Coast****COMMITTEE RECOMMENDATION**

That Council endorses the submission outlined in **Attachment 1**.

(Cr Ferguson / Cr Grace)

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**C12.5 Amendments to the Pittwater Local Environmental Plan (LEP) 2014****COUNCIL DECISION (By Exception)**

1. That Council endorse the Planning Proposal to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse the commencement of the statutory process to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 and endorse sending the Planning Proposal to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination.
3. That, following receipt of a Gateway Determination, a statutory public exhibition be undertaken.

(Cr Hegarty / Cr Griffith)

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**C12.7 Minutes of the Ingleside Community Reference Group Meeting held on 8 October 2014****COMMITTEE RECOMMENDATION**

That the Minutes of the Ingleside Community Reference Group meeting of 8 October 2014 be noted.

(Cr Townsend / Cr Hegarty)

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

That the Sustainable Towns & Villages Committee Meeting be adjourned and the Leading & Learning Committee Meeting now recommence.

(Cr Millar / Cr Ferguson)

#### **Notes:**

1. The Sustainable Towns and Villages Committee Meeting concluded at 9.24pm and the Leading & Learning Committee Meeting recommenced at 9.25pm.
  2. Cr Townsend resumed the Chair.
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## **11.0 Leading and Learning Committee Business**

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### **C11.1 Quarterly Budget Review Statement for the Quarter Ending 30 September 2014**

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

1. That the financial results for the period ending 30 September 2014 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Hegarty / Cr Griffith)

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### **C11.2 Investment Balances as at 31 October 2014**

#### **COUNCIL MEETING (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Griffith)

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### **C11.4 Floodplain Management Association National Conference 19-22 May 2015**

#### **COMMITTEE RECOMMENDATION**

That Council ask both Cr White and Cr McTaggart if either would be interested to act as the elected member delegate to attend the 55th Floodplain Management Association Conference at Brisbane from 19-22 May 2015.

(Cr Townsend / Cr Grace)



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<b>C11.5</b>	<b>Tender T05/14 - Provision of Construction, Electrical, Painting and Plumbing Services</b>
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**COUNCIL DECISION (By Exception)**

1. That pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the Tenders for categories 1, 2 and 4 as listed below for a two (2) year term with one (1) optional extension of one (1) year.

**Category 1 – Construction Services**

- a) Bayteck Pty Ltd
- b) Moore Building & Consulting Services Pty Ltd
- c) Argent Building Group

**Category 2 – Electrical Services**

- a) Stacey Electrical Pty Ltd
- b) LPD Electrical Pty Ltd
- c) Innuku Electrical Pty Ltd
- d) Alectrics Electrical Services Pty Ltd
- e) Algraz Pty Ltd

**Category 4 – Plumbing Services**

- a) Skilled Plumbing Drainage and Gasfitting Pty Ltd
- b) R E Smith Plumbing Pty Ltd
- c) Brad Palmer Plumbing Pty Ltd
- d) Northside Plumbing Pty Ltd
- e) Paul Innes Plumbing Pty Ltd

2. That pursuant to clause 178 (1) (b) of the Local Government (General) Regulation 2005 Council decline to accept any of the tenders for **Category 3 – Painting Services**
3. That pursuant to s178 (3) (e), Council enter into negotiations with Programmed Group Corporate, Coular Mate and Pro Asset as: (a) they are all companies which Council has used in the past and are satisfied that they can undertake the works specified in the future, and (b) they are competitive and there is no benefit to Council in calling for fresh tenders.
4. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.
5. That the General Manager and Mayor be authorised to execute contracts.

(Cr Hegarty / Cr Griffith)

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<b>C11.6</b>	<b>Council Meeting Dates for 2015</b>
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**COMMITTEE RECOMMENDATION**

That the attached 2015 Council meeting schedule be confirmed excepting that in April and October two meetings be held in the month.

(Cr Young / Cr Grace)

**Note:**

The following unsuccessful amendment was moved by Cr Ferguson and seconded by Cr Townsend:

*That the attached 2015 Council meeting schedule be confirmed.*

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<b>C11.7</b>	<b>Report on the Walk21 International Conference on Walking and Liveable Communities - 21-23 October 2014</b>
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**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Griffith)

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<b>C11.8</b>	<b>Minutes of the Avalon to Palm Beach Floodplain Risk Management Study &amp; Plan Working Group Meeting on 30 October 2014</b>
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**COUNCIL DECISION (By Exception)**

That the information provided in the report be noted.

(Cr Hegarty / Cr Griffith)

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**Procedural Motion (COUNCIL DECISION)**

1. That the Leading & Learning Committee Meeting be concluded and Council resolve into Committee of the Whole.
2. 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 – Mayoral Minute – Re-appointment to the Position of General Manager.. Section 10A(2)(a) permits the Committee to close the meeting to consider:

(a) personnel matters concerning particular individuals

(Cr Griffith / Cr Millar)

**Notes:**

1. The Leading & Learning Committee Meeting concluded at 9.35pm and the Council resolved into Committee of the Whole at 9.36pm.
2. Cr Townsend remained in the Chair.
3. 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.
4. All staff left the meeting at 9.36pm excepting for the Manager - Corporate Development and the Minutes Secretary.

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## **Committee of the Whole**

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### ***Report of Closed Session -***

At 9.36pm the Council resolved into Committee of the Whole, with the press and public excluded to consider the report on item C15.1. Upon resumption into Open Council the Mayor 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 Mayoral Minute - Re-appointment to the Position of General Manager**

#### **COMMITTEE RECOMMENDATION**

1. That Council has considered, decided and accepted the request by Mark Ferguson for re-appointment as General Manager for a period of five (5) years with a total remuneration package of \$372,158.03 plus the 1 July 2015 Statutory and Other Officers Remuneration Tribunal increase.
2. That Council in making its decision has had regard to the previous performance reviews conducted under his current contract.

3. That Council notes a performance review of Mark Ferguson was concluded 1 September 2014 with a new performance agreement agreed and noted by the Council.
4. That Mark Ferguson is advised of the governing body of Council's decision by the Mayor.
5. That the details of the decision be reported in open Council meeting.

(Cr Townsend / Cr Grace)

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

That the Committee of the Whole Meeting conclude and the Council Meeting now recommence.

(Cr Millar / Cr Ferguson)

#### **Notes:**

1. The Committee of the Whole Meeting concluded at 9.57pm and the Council Meeting recommenced at 9.58pm.
2. Cr Townsend remained in the Chair.
3. With the exception of the General Manager, staff present prior to consideration of the confidential report rejoined the meeting at 9.57pm.

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## **Council Meeting**

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### **13.0 Adoption of Leading and Learning Committee Recommendations**

#### **COUNCIL DECISION**

That the recommendations of the Leading and Learning Committee on Items C11.3, C11.4 and C11.6 comprising all Council members be and are hereby adopted.

(Cr Hegarty / Cr Griffith)

#### **Notes:**

1. Cr Millar had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:

*"I own a dog which does not preclude me from entering into debate."*

2. Cr Young had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Young was:

*“Relatives belong to Pittwater Unleashed – make independent decisions.”*

3. Cr Grace had declared a less than significant non-pecuniary interest in Item C11.3 – Response to Pittwater Unleashed – and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Grace was:

*“Own a dog – I have had dogs off and on in my career in local government but I don’t believe it would affect my decision.”*

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<b>14.0</b>	<b>Adoption of Sustainable Towns and Villages Committee Recommendations</b>
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#### **COUNCIL DECISION**

That the recommendations of the Sustainable Towns and Villages Committee on Items C12.2, C12.3, C12.4 and C12.7 comprising all Council members be, and are hereby, adopted.

(Cr Hegarty / Cr Griffith)

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#### **FURTHER COUNCIL DECISION**

That the recommendation of the Sustainable Towns and Villages Committee on Item C12.6 comprising all Council members excepting for Cr Hegarty, be and is hereby, adopted.

(Cr Young / Cr Ferguson)

#### **Notes:**

1. Cr Hegarty left the meeting at 9.57pm and returned at 10.00pm, having declared a significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

*“My mother is a landowner in the Warriewood Valley area.”*

5. Cr Millar had declared a less than significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report, and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:

*“I live in Warriewood Valley which does not preclude me from debate.”*

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### FURTHER COUNCIL DECISION

That the recommendation of the Sustainable Towns and Villages Committee on Item C12.1 comprising all Council members excepting for Cr Townsend and Cr Hegarty, be and is hereby adopted.

(Cr Griffith / Cr Young)

#### **Notes:**

1. Cr Townsend left the meeting at 9.58pm and returned at 10.00pm, having declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter - and took no part in discussion or voting. The reason provided by Cr Townsend was:

*“I am Council delegate sitting on the JRPP that will preside over this matter.”*

2. Cr Hegarty left the meeting at 9.57pm and returned at 10.00pm, having declared a significant non-pecuniary interest in Item C12.1, N0322/14 – 2-4 Jenkins Street & 1679 Pittwater Road – Council Update on JRPP Matter – and took no part in discussion or voting. The reason provided by Cr Hegarty was:

*“I sit as Council’s delegate on the JRPP who will be the determining authority.”*

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<b>16.0      Adoption of the Committee of the Whole Recommendation</b>
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### COUNCIL DECISION

That the recommendation of the Committee of the Whole on Item C15.1 comprising all Council members be and is hereby adopted.

(Cr Hegarty / Cr Ferguson)

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 10.02PM ON  
MONDAY 17 NOVEMBER 2014**