



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

4 April 2011

Commencing at 6.30pm.

ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Evans, S (Director, Environmental Planning & Community)
Hunt, C (Director, Urban & Environmental Assets)
Lawrence, W (Manager, Administration & Governance)
Pigott, A (Principal Officer, Strategic Planning)
Munn, L (Manager, Reserves, Recreation & Building Services)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 6.57pm, recommenced at 7.21pm and concluded at 7.26pm.
2. The Community, Recreation & Economic Development Committee Meeting commenced at 6.58pm and concluded at 7.14pm.
3. The Natural Environment Committee Meeting commenced at 7.15pm and concluded at 7.20pm.
4. The Council moved into Closed Session at 7.23pm and back into Open Session at 7.24pm.

Council Meeting

1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr James and Cr Townsend, and leave of absence be granted from the Council Meeting held on 4 April 2011

(Cr Townsend / Cr Giles)

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

Cr Hegarty declared a significant non-pecuniary interest in Item C7.1 - Planning Proposal for 17 & 25-27 Foamcrest Avenue Newport and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:-

"I sit on the JRPP and any future application on this site will be assessed by that body and I wish to reserve my position on this body unaffected."

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 21 March 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 Giles / Cr Hegarty)

4.0	Business by Exception (All items on the Agenda) - Nil
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5.0	Public Addresses
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Proceedings in Brief

C7.1 - Planning Proposal for 17 & 25-27 Foamcrest Avenue Newport - Mr Kyle Hill (President of the Newport Residents Association) and Mr David Catchlove with the leave of the Council addressed the meeting speaking in support of this item.

C8.2 - Pittwater's Most Scenic Streets Register - Mr Ron Davies and Mr Bryce Ross-Jones (Palm Beach & Whale Beach Association Inc) with the leave of the Council addressed the meeting speaking in support of this item.

6.0	Mayoral Minutes - Nil
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7.0	Council Meeting Business
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C7.1	Planning Proposal for 17 & 25-27 Foamcrest Avenue Newport
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COUNCIL DECISION

1. That a public hearing in accordance with Section 57(6) of the EP&A Act be conducted and that public notice of 21 days be provided.
2. That a suitably qualified person or company, independent of the process to date, be appointed to facilitate a public hearing into the merits of the Planning Proposal.

(Cr Giles / Cr White)

Note:

Cr Hegarty left the meeting at 6.52pm and returned at 6.57pm, having declared a significant non-pecuniary interest in this item. The reason provided by Cr Hegarty was:

"I sit on the JRPP and any future application on this site will be assessed by that body and I wish to reserve my position on this body unaffected."

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Community, Recreation & Economic Development Committee Meeting now commence.

(Cr Hegarty / Cr Giles)

Notes:

1. The Council Meeting adjourned at 6.57pm and the Community, Recreation & Economic Development Committee Meeting commenced at 6.58pm.
 2. Cr Rose remained in the Chair.
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Community, Recreation and Economic Development Committee

8.0 Community, Recreation and Economic Development Committee Business

C8.1 Council Consideration of Aquatic Facility Development - Market Demand and Cost of Provision

COMMITTEE RECOMMENDATION

That this item be deferred until the Council Meeting to be held on 18 April 2011.

(Cr Dunbar / Cr White)

C8.2 Pittwater's Most Scenic Streets Register

COMMITTEE RECOMMENDATION

1. That the promotional material, Nominations for Pittwater's Most Scenic Streets, be placed on public exhibition for six (6) weeks.
2. That following the exhibition period, a list of streets be compiled and the draft register presented to Council for consideration together with an implementation strategy.

(Cr Giles / Cr Grace)

C8.3	Minutes of the Community, Recreation & Economic Development Reference Group Meeting held on 2 February 2011
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COMMITTEE RECOMMENDATION

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 2 February 2011 be noted.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

That the Community, Recreation & Economic Development Committee Meeting be adjourned and the Natural Environment Committee Meeting now commence.

(Cr Grace / Cr White)

Notes:

1. The Community, Recreation & Economic Development Committee Meeting adjourned at 7.14pm and the Natural Environment Committee Meeting commenced at 7.15pm.
2. Cr Rose remained in the Chair.

Natural Environment Committee

9.0	Natural Environment Committee Business
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C9.1	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 17 February 2011
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COMMITTEE RECOMMENDATION

That the minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) Meeting held at Pittwater Council on 17 February 2011 be noted.

(Cr Grace / Cr Giles)

C9.2	Minutes of the Natural Environment Reference Group Meeting held on 9 February 2011
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COMMITTEE RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 9 February 2011 that relate, in part, to a review of a subset topic on:

“Stormwater Quality Improvement Devices (SQIDs) in Pittwater”

and the Actions and Progress to date, along with further initiatives and reference points to strengthen future water quality management be noted and this information be taken into consideration as part of Council's Strategic Plan and Management Plan processes.

(Cr Grace / Cr Rose)

Procedural Motion (COUNCIL DECISION)

That the Natural Environment Committee Meeting be adjourned and the Council Meeting now recommence.

(Cr Grace / Cr Hegarty)

Note:

The Natural Environment Committee Meeting adjourned at 7.20pm and the Council Meeting recommenced at 7.21pm.

Council Meeting

10.0	Adoption of Community, Recreation and Economic Development Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Community, Recreation and Economic Development Committee comprising all Council members be, and are hereby, adopted.

(Cr White / Cr Dunbar)

11.0	Adoption of Natural Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations of the Natural Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr White / Cr Hegarty)

12.0	Councillor Questions - Nil
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13.0	Confidential Item – Matter of an Urgent Nature
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COUNCIL DECISION

That the late report in relation to confidential legal advice be considered at this meeting as a matter of great urgency.

(Cr Giles / Cr Hock)

Note:

The Mayor ruled that the matter to be considered was a matter of great urgency.

Procedural Motion (COUNCIL DECISION)

That Council resolve into Closed Session and that in the public interest and in accordance with Section 10A(2)(g) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C13.1. Section 10A(2)(g) permits the Council to close the meeting to consider:

- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

(Cr Hegarty / Cr Giles)

Note:

The General Manager advised the meeting that he had received no written submissions from the public seeking to address the Council on whether the meeting should be closed to consider Item C13.1. The Chairperson invited those in attendance to make verbal representations to the Council on whether the meeting should be closed to consider Item C13.1. There were no requests to make a verbal representation.

Report of Closed Session - 4 April 2011

At 7.23pm the Council resolved into Closed Session, with the press and public excluded to consider the report on Item C13.1. Upon resumption into Open Council the General Manager reported that the following recommendation had been formulated by the Council in Closed Session.

Procedural Motion (COUNCIL DECISION)

That the Closed Session of Council now conclude and the Council Meeting now move into Open Session.

(Cr Hegarty / Cr Giles)

Note:

The Closed Session of Council concluded at 7.24pm and the Council moved into Open Session at 7.25pm.

C13.1	Confidential Legal Advice - 23-27 Warriewood Road and 2 Macpherson Street, Warriewood
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COUNCIL DECISION

- 1) That the report and legal advice be noted.
- 2) That the General Manager write to the Minister and Department of Planning in the terms of the advice.
- 3) That action be taken in the Land and Environment Court as per Section 4 of this report if appropriate.

(Cr Giles / Cr Hock)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 7.26PM
ON MONDAY 4 APRIL 2011**