



PITTWATER COUNCIL

Pittwater Council Minutes

Council Meeting

held at Mona Vale Memorial Hall, Mona Vale
on

7 November 2011

Commencing at 6.36pm

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)
Reid, P (Manager, Corporate Strategy & Commercial)
Pigott, A (Principal Officer, Strategic Planning)
Tite, M (Senior Strategic Planner)
Wilkinson, K (Strategic Planner)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Notes:

1. The Council Meeting commenced at 6.36pm and adjourned at 8.51pm, recommenced at 9.06pm and concluded at 9.09pm.
2. The Natural Environment Committee Meeting commenced at 8.52pm and concluded at 9.05pm.

Council Meeting

1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Grace and leave of absence be granted from the Council Meeting held on 7 December 2011.

(Cr Hegarty / Cr Townsend)

Tape Recording of Meeting:-

COUNCIL DECISION

That Council authorise the recording of proceedings in relation to Item C7.1, R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment, in accordance with Section 273 of Pittwater Council's Code of Meeting Practice.

(Cr Rose / Cr Townsend)

Note:

Cr Grace joined the meeting at 6.42pm.

Procedural Motion (COUNCIL DECISION)

That the leave of absence on behalf of Councillor Grace be rescinded.

(Cr Hegarty / Cr Giles)

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

1. Cr Hegarty declared a significant non-pecuniary interest in Item C7.1, R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment, and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:-

"I sit as one of Pittwater Council's nominated representatives on the Joint Regional Planning Panel and I have previously declared a precautionary conflict of interest in any matter before the Council associated with this site. The Code of Conduct for the JRPP states that we may not receive any information not available to every member. It is my understanding that any future DA that may be lodged and assessed for this site will come before the JRPP. I want to ensure there is no opportunity for criticism and to give me the be chance of fairly assessing the application for my community."

2. Cr James declared a significant non-pecuniary interest in Item C7.1, R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment, and took no part in discussion and voting on this item. The reason provided by Cr James was:-

"Following my election by Pittwater Council as delegate to the JRPP, I exercise a precautionary decision to remove myself from discussion and debate on Item C7.1."

3.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 17 October 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 Townsend)

4.0 Public Addresses

Proceedings in Brief

C7.1 - R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment - with the leave of the Council Mr Kyle Hill (on behalf of the Newport Residents Association), Mr David Catchlove (on behalf of Newport v Woolies Community Group) addressed the meeting speaking against this item. Mr Richard Armitage (Development Manager, Woolworths Pty Ltd) and Mr John Black addressed the meeting speaking in support of this item.

Notes:

1. Cr Hegarty left the meeting at 6.45pm and did not return, having declared a significant non-pecuniary interest in Item C7.1, R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment. The reason provided by Cr Hegarty was:-

"I sit as one of Pittwater Council's nominated representatives on the Joint Regional Planning Panel and I have previously declared a precautionary conflict of interest in any matter before the Council associated with this site. The Code of Conduct for the JRPP states that we may not receive any information not available to every member. It is my understanding that any future DA that may be lodged and assessed for this site will come before the JRPP. I want to ensure there is no opportunity for criticism and to give me the be chance of fairly assessing the application for my community."

2. Cr James left the meeting at 6.45pm and returned at 8.51pm, having declared a significant non-pecuniary interest in Item C7.1, R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant's Assessment. The reason provided by Cr James was:-

"Following my election by Pittwater Council as delegate to the JRPP, I exercise a precautionary decision to remove myself from discussion and debate on Item C7.1."

5.0	Mayoral Minutes - Nil
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6.0	Business by Exception (All items on the Agenda)
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COUNCIL DECISION

That Items C7.2 and C8.1 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hock / Cr Giles)

7.0	Council Meeting Business
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C7.1	R0001/09 - 17 & 25-27 Foamcrest Avenue Newport - Cover Report to Consultant s Assessment
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COUNCIL DECISION

That Council:

- (a) once again reinforces that the Newport Masterplan is the guiding document for future zoning and redevelopment of the subject land and 23 Foamcrest Avenue;
- (b) adopts the exhibited Planning Proposal (which is at Appendix 4) and forward it to the Director General of the Department of Planning and Infrastructure with a request that the Department undertake a final assessment, and if supported proceed to prepare and make the legal instrument that will rezone the land.
- (c) formally advises all persons who have made a submission of Council's decision.

(Cr Rose / Cr Giles)

Division:

A division was duly taken resulting in the following voting:

Aye (For)

Cr Dunbar
Cr Giles
Cr Hock
Cr Rose
Cr White

No (Against)

Cr Grace
Cr Townsend

Note:

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

- "1. That Council notes the report and the submissions made to the public hearing as summarised in Annexure A to the report of SJB Planning.
- 2. That Council takes no further action in relation to the exhibited Planning Proposal at this time.
- 3. That Council, with the assistance of SJB Planning, conduct a review to consider whether it is necessary to strengthen the current provisions of the Newport Masterplan / DCP in order to provide greater certainty and more site specific guidelines for the future development of the lands contained in Lots 10, 11, 14 and 15 in DP 6248 and known as 17, 25 and 27 Foamcrest Avenue Newport.
- 4. That SJB Planning create a working group to conduct the review consisting of Council's Strategic Planning officers, the authors of the original Newport Masterplan, and representatives drawn from the community's planning, architectural and urban design talent to assist with and guide this review.

5. *That the Department of Planning and Infrastructure be informed of Council's decision.*
6. *That the groups and individuals who appeared and made submissions to the public hearing be thanked for their contribution and assistance with Council's consideration of the Planning Proposal and that they be formally advised of Council's decision."*

Division:

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Grace	Cr Dunbar
Cr Townsend	Cr Giles
	Cr Hock
	Cr Rose
	Cr White

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Townsend)

Note:

The following unsuccessful further amendment was moved by Cr Grace and seconded by Cr Townsend:-

"That due to the perceived conflict of interest of Council that this matter be deferred for further consideration of the conflict of interest."

Division:

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Grace	Cr Dunbar
Cr Townsend	Cr Giles
	Cr Hock
	Cr Rose
	Cr White

Procedural Motion (COUNCIL DECISION)

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

(Cr Rose / Cr Townsend)

Notes:

1. Mr Stuart Gordon (Associate) and Mr Stuart McDonald (Director) of SJB Planning attended the meeting in order to answer questions on this item.
2. Cr Townsend raised a Point of Order in relation to a question asked by Cr Rose of the General Manager on this matter. The Mayor put the Point of Order to Council which supported his ruling that his question was not out of order.

C7.2	2010/2011 Annual Report
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COUNCIL DECISION (By Exception)

That the 2010/2011 Annual Report for the financial year ending 30 June 2011 (as tabled) be noted.

(Cr Hock / Cr Giles)

Community, Recreation and Economic Development Committee

8.0	Community, Recreation and Economic Development Committee Business
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C8.1	Appointment of 2011/2012 Elanora Heights Community Centre Management Committee
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COUNCIL DECISION (By Exception)

That Council appoint the nominated members and executive of the Elanora Heights Community Centre Management Committee for 2011/2012 as listed below:

Chairperson:	Mr Bill Akhurst
Treasurer:	Mr John Ward
Secretary:	Ms Patricia Corthorn
Committee Members:	Ms Katherine Ward Mrs Mavis Bickerton Ms Deidre Peters Mrs Carol Gibbons

(Cr Hock / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Hock / Cr Giles)

Notes:

1. The Council Meeting adjourned at 8.51pm and the Natural Environment Committee Meeting commenced at 8.52pm.
2. Cr White assumed the Chair.
3. Cr Grace left the meeting at 8.52pm and did not return.
4. Cr Townsend left the meeting at 8.57pm and did not return.

Natural Environment Committee

9.0 Natural Environment Committee Business

C9.1 Land Classification - Escarpment Land acquired by Council from the Uniting Church in Australia

COMMITTEE RECOMMENDATION

1. That public land at Elanora Heights, acquired by Pittwater Council from the Uniting Church in Australia, be classified in accordance with section 31(2) of the *Local Government Act 1993* as follows:
 - Community Land - Lots 1 and 4 in DP 1163689.
 - Operational Land - Lot 3 in DP 1163689.
2. That the land classifications resolved by Council for these parcels of public land be recorded in Council's Property Register.

(Cr Giles / Cr James)

C9.2	Minutes of the Sydney Coastal Councils Group Annual General Meeting of 10 September 2011
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COMMITTEE RECOMMENDATION

That the Minutes of the SCCG Annual General Meeting of 10 September 2011 be noted.

(Cr Rose / Cr Giles)

Procedural Motion (COUNCIL DECISION)

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

(Cr Giles / Cr Dunbar)

Notes:

1. The Natural Environment Committee Meeting concluded at 9.05pm and the Council Meeting recommenced at 9.06pm.
2. Cr Rose resumed the Chair.

Council Meeting

10.0	Adoption of Community, Recreation and Economic Development Committee Recommendations - Nil
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11.0	Adoption of Natural Environment Committee Recommendations
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COUNCIL DECISION

That the recommendations on Items C9.1 and C9.2 of the Natural Environment Committee comprising all Council members be, and are hereby, adopted.

(Cr Giles / Cr Dunbar)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.09PM
ON MONDAY, 7 NOVEMBER, 2011**