

COUNCIL MEETING

MINUTES

15 February 2016

Meeting commenced at 6.30pm

held at Mona Vale Memorial Hall,
Mona Vale

M J Ferguson
General Manager



ATTENDANCE

Members

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

Officers

Ferguson, M (General Manager)
Hewitt, M (DGM, Environmental Planning & Community)
Taylor, B (DGM, Urban & Environmental Assets)
Pigott, A (Manager, Planning and Assessment)
Williams, A (Principal Development Officer)
Edmonds, M (Principal Development Officer)
Henty, A (Manager, Commercial Property & Projects)
Pang, J (Manager, Catchment Management & Climate Change)
Jones, M (Chief Financial Officer)
Griffith, N (Manager, Place Management)
Gallery, S (Principal Officer, Governance)
Tasker, P (Administration Officer/ Minute Secretary)

Council Meeting

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Council Meeting

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Notes:

1. The Council Meeting commenced at 6.30pm and adjourned at 7.25pm, recommenced at 9.47pm and concluded at 9.49pm.
2. The Sustainable Towns and Villages Committee Meeting commenced at 7.26pm and concluded at 9.14pm.
3. The Leading and Learning Committee Meeting commenced at 9.15pm and concluded at 9.46pm.

Council Meeting

1.0 Public Forum

Nil.

2.0 Resident Questions

Question: Mr Maurice Loomes (President, Peninsula Bridge Club)

The Peninsula Bridge Club was established in 1966 and will celebrate 50 years in September. It currently meets at the Nelson Heather Centre at Warriewood. In relation to the proposed new buildings at Nelson Heather Centre, Council's 2015-2019 Delivery Program and Budget shows the following items:-

- 2016/2017 – Community Facility Warriewood Valley - \$293,873 from S94 Funds
- 2017/2018 – Southern Community Facility - \$7,389.371 (S94 \$2,389.371 – Grants \$5m)

As we interpret the 2016/2017 budget allocation to be for planning, design and preliminary costs, we assume this project is on track.

How can the Peninsula Bridge Club assist Council in seeking the \$5m grant funding from the Government?

Will Council convene a working group of stakeholders, users and Councillors to prepare a brief for the provision of this new facility?

Response from the General Manager:

Thank you. Firstly let me congratulate the Peninsula Bridge Club on their almost 50 years of activities.

Council has over the last two (2) years been exploring a number of options for both providing additional facilities for the new residents of Warriewood Valley and also the possible need to replace in the medium term the existing ageing community facility assets along Jacksons Road, namely the Nelson Heather Centre and the Ted Blackwood Hall.

At this stage staff have been investigating the potential feasibility of various options. The next step is for the Council to consider the concept plans, options and preliminary feasibility analysis and decide whether to proceed.

Council is not actively seeking grant funds at the present time as it does not have an agreed project.

Should Council proceed it is likely than an extensive community consultation would occur regarding the various options. The Council would consider establishing a working party at that time.

Thank you again.

3.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Cr Griffith and Cr Grace and leave of absence be granted from the Council Meeting held on 15 February 2016.

(Cr Hegarty / Cr Ferguson)

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

Cr Young declared a less than significant non pecuniary interest in Item C11.3 – Road Reserve Closure and Sale – 1 Sybil Street Newport. Cr Young declared that the conflict did not require any further action and elected to remain in the meeting and participate in discussion and voting on this matter. The reason provided by Cr Young was:

“Friends live in Sybil Street but it will not affect my decision.”

5.0 Confirmation of Minutes

COUNCIL DECISION

That the Minutes of the Council Meeting held on 1 February, 2016, 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 White)

6.0 Public Addresses

C10.1 - Notice of Motion – Pittwater Park / Parking – (Motion submitted by Cr Grace) – with the leave of the Council Ms Virginia Christensen addressed the meeting speaking in support of the motion.

C12.1 – N0449/15 – 19 Calvert Parade Newport – Alterations and additions to the existing dwelling – with the leave of the Council Mr Greg Boston (Consultant Planner) addressed the meeting speaking in support of recommendation on this item.

C12.3 – N0085/14 – 39 Cabbage Tree Road Bayview – Construction of 2 dwellings under SEPP Housing for Seniors or People with a Disability 2004 and strata subdivision into two lots – with the leave of the Council Mr Andrew Tiede addressed the meeting speaking in support of the recommendation on this item. Mr Jason Crawford (Applicant) addressed the meeting speaking against the recommendation on this item.

7.0 Councillor Questions with Notice

Nil.

8.0 Mayoral Minutes

Nil.

9.0 Business by Exception

COUNCIL DECISION

That Items C11.2, C11.4, C11.6, C11.8, C12.2, C12.8 be dealt with by exception and the recommendations contained in the reports for these items be adopted.

(Cr Hegarty / Cr Ferguson)

10.0 Council Meeting Business

C10.1 Notice of Motion - Pittwater Park / Parking - (Motion submitted by Cr Grace)

COUNCIL DECISION

That Council undertake a Demand Management Study for the Pittwater Park and surrounding area and that this matter be considered in conjunction with the 2016-2017 Budget.

(Cr Townsend / Cr Ferguson)

Note:

The following unsuccessful motion was moved by Cr McTaggart and seconded by Cr Hegarty:

- 1. That a report be provided regarding the options available to Council in relation to Pittwater Park addressing inter alia the present parking existing, parking for offshore people, parking for people using the Basin, Central Coast residents, any businesses operating in Pittwater Park and local shop owners.*
- 2. Such report be reported to Council within 6 weeks.*

Procedural Motion (COUNCIL DECISION)

That the Council Meeting be adjourned and the Sustainable Towns and Villages Committee Meeting now commence.

(Cr Ferguson / Cr White)

Notes:

- The Council Meeting adjourned at 7.25pm and the Sustainable Towns and Villages Committee Meeting commenced at 7.26pm.
- Cr Townsend remained in the Chair.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1 N0449/15 - 19 Calvert Parade Newport - Alterations and additions to the existing dwelling

COMMITTEE RECOMMENDATION

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0449/15 for Alterations and additions to an existing dwelling house at 19 Calvert Parade Newport NSW 2106 subject to the draft conditions of consent and the following amended condition of consent:

Amended Condition of Consent B1

The following amendments must be made to the approved plans:

- (a) The single storey addition to the northern side of the dwelling must be amended such that the western protruding portion is removed, that it does not protrude further forward than the existing garage door of the dwelling, the planter box above is deleted and the planter box forward of the building line and associated wall be deleted as outlined in red on the plans.
- (b) Windows W21, W22, W23, W24 and W25 shall either be amended to be high level windows with a lower sill height of no less than 1.7 metres, fitted with obscured glass or fitted with fixed external louvres which prevent southerly views.
- (c) Planter boxes to be included to the deck from bedroom 2. A minimum planter depth of 600mm is to be achieved.
- (d) Planter and walling is to be permitted back from the front building alignment adjacent to bedroom 2.

(Cr McTaggart / Cr White)

Notes:

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

Aye (For)	No (Against)
Cr Hegarty	Cr Young
Cr McTaggart	Cr Ferguson
Cr Townsend	Cr Millar
Cr White	

2. The following unsuccessful amendment was moved by Cr Young and seconded by Cr Ferguson:

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0449/15 for Alterations and additions to an existing dwelling house at 19 Calvert Parade Newport NSW 2106 subject to the draft conditions of consent and the following amended condition of consent:

Amended Condition of Consent B1

The following amendments must be made to the approved plans:

- (a) *The single storey addition to the northern side of the dwelling is to be deleted.*
- (b) *Windows W21, W22, W23, W24 and W25 shall either be amended to be high level windows with a lower sill height of no less than 1.7 metres, fitted with obscured glass or fitted with fixed external louvres which prevent southerly views.*
- (c) *Planter boxes to be included to the deck from bedroom 2. A minimum planter depth of 600mm is to be achieved.*

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

Aye (For)

Cr Ferguson
Cr Young
Cr Millar

No (Against)

Cr Hegarty
Cr McTaggart
Cr Townsend
Cr White

C12.2	N0325/15 - 9 Dress Circle Road Avalon Beach - Alterations and additions to existing dwelling and construction of a new swimming pool
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COUNCIL DECISION (By Exception)

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0325/15 for Alterations and additions to existing dwelling and construction of a new swimming pool at 9 Dress Circle Road, Avalon Beach NSW 2107 subject to the draft conditions of consent, amended Notice to Applicant of Determination of a Development Application and condition of consent as follows:

Decision:

The Development Application has been determined by the granting consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with:

- Architectural drawings 1749-1 through to 1749-9, all Revision B, all dated 29 December 2015, prepared by J.D Evans and Company;
- Landscape Plans Site Plan, JB 15-816-01, Front Garden JB 15-816-03 and Planting Palette JB 15-816-04, all dated 04 August 2015, prepared by Site Design Studios;
- Geotechnical Risk Management Report Ref: J0533, dated 03 August 2015, prepared by White Geotechnical Group;
- Arboricultural Assessment Report, dated 05 November 2015, prepared by RainTree Consulting.

As amended in red (shown clouded) or as modified by any conditions of this consent.

Amended Condition C6

Prior to the issue of a Construction Certificate, the architectural drawings and Landscape Plan are to be amended to reflect the following:

- No works to the south-west of the dwelling are permitted under this development consent. The swimming pool, BBQ and Alfresco area, any landscaping, earthworks, retaining walls, excavation and landfill, terracing and decking within the rear yard is to be deleted.
- A minimum of two (2) additional canopy trees are to be provided in the front yard in accordance with condition B11.

(Cr Hegarty / Cr Ferguson)

Note:

A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Hegarty	
Cr McTaggart	
Cr Millar	
Cr Townsend	
Cr White	
Cr Young	

C12.3	N0085/14 - 39 Cabbage Tree Road Bayview - Construction of 2 dwellings under SEPP Housing for Seniors or People with a Disability 2004 and strata subdivision into two lots
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COMMITTEE RECOMMENDATION

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 refuse Development Application N0085/14 for construction of 2 dwellings under SEPP Housing for Seniors or People with a Disability 2004 and strata-subdivision into two lots at 39 Cabbage Tree Road Bayview NSW 2104 for the reasons outlined in the draft refusal notice attached.

(Cr Townsend / Cr McTaggart)

Notes:

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

Aye (For)	No (Against)
Cr Hegarty	Cr White
Cr McTaggart	Cr Millar
Cr Townsend	
Cr Ferguson	
Cr Young	

2. The following unsuccessful amendment was moved by Cr Millar and seconded by Cr Young:

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 approve Development Application N0085/14 for construction of 2 dwellings under SEPP Housing for Seniors or People with a Disability 2004 and strata-subdivision into two lots at 39 Cabbage Tree Road Bayview NSW 2104 subject to Conditions of Consent to be authorised by the Deputy General Manager, Environmental Planning & Community.

3. A division was taken on the amendment and resulted in the following voting:

Aye (For)

Cr Millar
Cr White

No (Against)

Cr Hegarty
Cr McTaggart
Cr Townsend
Cr Ferguson
Cr Young

C12.4 Enliven Pittwater Progress Report

COMMITTEE RECOMMENDATION

That Council note the progress the Enliven Pittwater strategy has achieved over the past six months.

(Cr Townsend / Cr Ferguson)

C12.5 Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds Discussion Paper

COMMITTEE RECOMMENDATION

1. That Council note the submission prepared by Planning staff in relation to the Discussion Paper *'Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds'*.
2. That the Residents Committee of the permanent section at the Lakeside Holiday Park be advised of this submission and be provided with a copy of the report.

(Cr Millar / Cr Hegarty)

C12.6	Amendment to the Pittwater Local Environmental Plan (LEP) 2014 (Planning Proposal)
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COMMITTEE RECOMMENDATION

1. That Council withdraw the current Gateway Determination request forwarded to the Department of Planning and Environment (DP&E) on 26 May 2015.
2. That Council endorse the amended Planning Proposal for forwarding to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition period to amend the Pittwater Local Environmental Plan (LEP) 2014.
3. That Council endorse to make a request to the Department of Planning and Environment (DP&E) that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

(Cr White / Cr Ferguson)

C12.7	Expanding Complying Development to Include Two Storey Medium Density Housing Type
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COMMITTEE RECOMMENDATION

That Council receive this report and endorse the staff submission in relation to the Discussion Paper 'Expanding complying development to include two storey medium density housing types', to the Department of Planning and Environment (DP&E).

(Cr Millar / Cr Townsend)

Note:

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

1. *That Council receive this report and endorse the staff submission in relation to the Discussion Paper 'Expanding complying development to include two storey medium density housing types', to the Department of Planning and Environment (DP&E).*
2. *That Council seek clarification from the Minister for Planning on the proposed complying development within R2 and R3 zoned areas.*

C12.8	Outcome of Public Exhibition of Avalon Beach Bowling & Recreation Club, Bowling Green Lane, Avalon - Proposed new consolidated lease for Clubhouse, Green No.2 and Green No.3
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COUNCIL DECISION (By Exception)

1. That Council note the outcomes of the public exhibition of the draft consolidated lease with Avalon Beach Bowling and Recreation Club for Green 3, Green 2 and the Clubhouse at Bowling Green Lane, Avalon.
2. That as per Councils resolution dated 20 April 2015 and pursuant to the Act, Council will undertake the following soon after the completion of the contract for sale:
 - Consolidate Green 3 (Lot 2 DP 517185) and Dunbar Park (Lot 6 D P 1102075).
 - Reclassify Green 3 (Lot 2 DP 517185) from operational land to community land
 - Re-zone Green 3 from R2 Low Density Residential to RE1 Public Recreation.
3. That simultaneously with the Consolidation of lots, Avalon Beach Bowling and Recreation Club will surrender both the Clubhouse Lease and Green 2 Lease and enter into a new consolidated lease for Green 3, Green 2 and the Clubhouse with Council as lessor and Avalon Beach Bowling and Recreation Club as lessee.
4. That the General Manager be authorised to sign any documentation required to finalise the consolidated lease agreement with Avalon Beach Bowling and Recreation Club for Green 3, Green 2 and the Clubhouse, Bowling Green Lane, Avalon and to affix the common seal of Council if required.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

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

(Cr Ferguson / Cr White)

Notes:

1. The Sustainable Towns and Villages Committee Meeting concluded at 9.14pm and the Leading and Learning Committee Meeting commenced at 9.15pm.
2. Cr Hegarty assumed the Chair.

Leading and Learning Committee

11.0 Leading and Learning Committee Business

C11.1 Quarterly Budget Review Statement for the Quarter Ending 31 December 2015

COMMITTEE RECOMMENDATION

1. That the financial results for the period ending 31 December 2015 be noted.
2. That the Projected Budget incorporating all amendments as detailed in this report be adopted.

(Cr Millar / Cr Ferguson)

C11.2 Investment Balances as at 31 January 2016

COUNCIL DECISION (By Exception)

That the information provided in the report be noted.

(Cr Hegarty / Cr Ferguson)

C11.3 Road Reserve Closure and Sale - 1 Sybil Street, Newport

COMMITTEE RECOMMENDATION

1. That the lodgement of the application for road closure with the Department of Primary Industries Lands for a portion of road reserve adjoining property at 1 Sybil Street, Newport, be authorised.
2. That if the application for road closure is successful, Council authorise for the sale of the subject road reserve land to the owner of 1 Sybil Street, Newport, subject to valuation as contained in the confidential report of this Agenda.
3. That the General Manager be authorised to sign any documentation required to finalise the road reserve closure and sale with the adjoining property owner of 1 Sybil Street, Newport, and to affix the common seal of Council if required.

(Cr Ferguson / Cr White)

Note:

Cr Young declared a less than significant non pecuniary interest in Item C11.3 – Road Reserve Closure and Sale – 1 Sybil Street Newport. Cr Young declared that the conflict did not require any further action and elected to remain in the meeting and participate in discussion and voting on this matter. The reason provided by Cr Young was:

“Friends live in Sybil Street but it will not affect my decision.”

C11.4	897 Barrenjoey Road Palm Beach - Drainage Easement
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COUNCIL DECISION (By Exception)

1. That Council authorise the acquisition of a drainage easement over 897 Barrenjoey Road Palm Beach in favour of Council.
2. That the General Manager is authorised to execute and to attach the Common Seal of Council to any documentation required to finalise the easement.

(Cr Hegarty / Cr Ferguson)

C11.5	Coastal Management Reforms - Our Future on the Coast
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COMMITTEE RECOMMENDATION

1. That the range of legislative and policy arrangements as well as the management support tools announced to date by the NSW Government as a part of the new coastal management reform framework be noted.
2. That the General Manager make a submission on behalf of Council dealing with the proposed coastal management reforms, once all information is released, by the submission due date of 29 February 2016.

(Cr McTaggart / Cr White)

C11.6	Public Exhibition of the McCarrs Creek Mona Vale and Bayview Flood Study
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COUNCIL DECISION (By Exception)

1. That the McCarrs Creek, Mona Vale and Bayview Flood Study Review (Royal HaskoningDHV, December 2015) (tabled at meeting) be placed on public exhibition for a minimum period of 28 days with submissions invited from the community, supported by a program of community engagement.

2. That the Section 149(5) Planning Certificate for the properties identified as flood prone as a result of the Draft McCarrs Creek, Mona Vale and Bayview Flood Study Review be updated as an interim measure to raise awareness of the new flood information.

(Cr Hegarty / Cr Ferguson)

C11.7	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting 3 Dec 2015
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COMMITTEE RECOMMENDATION

1. That the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting of 3 December 2015 be noted.
2. That Council staff make enquiries regarding the future staffing by Cardno of the Narrabeen Lagoon Floodplain Risk Management Project.

(Cr Millar / Cr Ferguson)

C11.8	Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 12 December 2015
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COUNCIL DECISION (By Exception)

That the Minutes of the Sydney Coastal Councils Full Group Ordinary Meeting of 12 December 2015 be noted.

(Cr Hegarty / Cr Ferguson)

Procedural Motion (COUNCIL DECISION)

That the Leading and Learning Committee Meeting be concluded and the Council Meeting now recommence.

(Cr Ferguson / Cr Millar)

Notes:

1. The Leading and Learning Committee Meeting concluded at 9.46pm and the Council Meeting recommenced at 9.47pm.
2. Cr Townsend resumed the Chair.

Council Meeting

13.0 Adoption of Leading and Learning Committee Recommendations

COUNCIL DECISION

That the recommendations of the Leading and Learning Committee on Items C11.1, C11.3, C11.5 and C11.7 comprising all Council members (excepting for Cr Griffith and Cr Grace) be and are hereby adopted.

(Cr White / Cr Ferguson)

14.0 Adoption of Sustainable Towns and Villages Committee Recommendations

COUNCIL DECISION

That the recommendations of the Sustainable Towns and Villages Committee on Items C12.1, C12.3, C12.4, C12.5, C12.6 and C12.7 comprising all Council members (excepting for Cr Griffith and Cr Grace) be and are hereby adopted.

(Cr Ferguson / Cr Hegarty)

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 9.49PM
ON MONDAY 15 FEBRUARY 2016**