WARRINGAH COUNCIL

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING

TUESDAY 22 MARCH 2016

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Warringah Council Policy

DCS-POL 140

Assessment of Applications for Development ~~- Handling of Unclear, Non-Conforming, Insufficient and Amended Applications~~

1 Purpose of Policy

To facilitate the efficient assessment of applications for development by communicating the ~~practices~~ principles Council will undertake to manage applications, ~~that are either non-compliant, contain insufficient information, are unclear, illegible or require substantial amendments~~

Poorly presented applications, or proposals that require amendments have a multiplier effect on slowing down processing times for all applications before Council and can cause uncertainty within the community as to what is being proposed.

This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, insufficient and amended applications.

Warringah Council is committed to an efficient, consistent and effective application service which benefits the majority of applicants that submit complete and appropriate applications for under Part Four of the Environmental Planning and Assessment Act 1979. (EP&A Act)

2 Principles

Delivery of a consistent development application service ~~within reasonable timeframes~~ is only possible when applications are submitted with appropriate information within requested timeframes so an informed, proper and timely assessment can be made of the application.

- Discuss with Council your application prior to lodgement, get it right and a speedy assessment will follow.
- Council will assess and determine what is submitted in the original application.
- ~~Poorly presented applications, or proposals that require amendments have a multiplier effect on slowing down processing times for all applications before Council and can cause uncertainty within the community as to what is being proposed.~~
- Council will not place on hold an application waiting for information or amendments.
- Applicants will be encouraged to withdraw their unclear, illegible, grossly non-compliant and insufficient applications with a refund of fees offered (based on Council's costs expended to that point)
- Failing to withdraw the application Council will determine the application based on the proposal as originally submitted. Applicants have the benefit of a review of determination under Section 82A of the EP&A Act.

3 Assistance

Comment [AT1]: Does not make sense.

Comment [CS2]: Comment from Rob Barbuto – is this suitable wording?

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Comment [AT3]: This is no longer achieved by this Policy, especially due to the deletion of section 3(b), as the policy now describes how we encourage "good" applications. Suggest deletion or rewording. Can be addressed through adding in below (see AT10)

Comment [AT4]: Superfluous as "timely assessment" is at the end of this sentence

Comment [AT5]: Decide on first person/third person tense and then make consistent throughout policy

Comment [AT6]: is this suitable wording?

Comment [CS7]: Comment from Rob Barbuto – is this suitable wording? Speedy is not really measurable

Comment [AT8]: This implies that there will be no acceptance of modifications of additional information. Suggest rewording

Comment [AT9]: Decide on first person/third person tense and then make consistent throughout policy

Comment [AT10]: Addressing the "purpose of the policy" above (see AT3)

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Policy No. DCS-POL 140 ~~PDS-POL 140~~

a) Services associated with Development Assessment

i) Providing the services of a Duty Planner to discuss proposals and to confirm that a proposed project is permitted.

~~i)~~(ii) Providing ~~applicant~~ checklists for applicants to complete before lodging their application (provides details to applicants on what information is required for Council to undertake an assessment). Staff may ~~not accept~~reject an application if it is inadequate in information or fees.

~~ii)~~(iii) Providing a Pre-~~DA~~ Lodgement ~~meeting~~ Meeting with ~~senior~~ staff to give the applicant written advice regarding how the proposed development fits with the relevant development standards ~~etc~~etc. and advise on improvements such as setbacks, design issues, landscaping and parking ~~etc~~etc.

~~iii)~~(iv) Ensuring the Warringah Local Environmental Plan and Development Control Plan ~~is~~ are freely available on Council's website and ensuring that~~e~~ printed copies are available.

~~iv)~~(v) ~~Publicising the standard "Model Conditions" that all developments can expect as part of the conditions of consent~~

~~v)~~(vi) Providing information on Council's website regarding the development assessment process

~~vi)~~(vii) Providing brochures at Council's Customer Service Centre????

~~vii)~~(viii) A voluntary mediation services is available to resolve disputes arising from the notification of Development Applications

~~b) Processing of Development Applications, Modifications and Review of Determinations~~

~~Applications will be processed in accordance with the Environmental Planning and Assessment Act and Regulations, Warringah Local Environmental Plan and other appropriate planning requirements. Internal and external referrals are required for some applications and the assessing officer will take the comments received into consideration when determining the application.~~

~~For development applications requiring notification, Council will adhere to the notification protocols stated in Warringah Development Control Plan (DCP) and notify surrounding landowners of the development application. A copy of DCP is available from Council's Customer Service Centre~~

~~i) Requests for further information~~

~~Clause 54 of the Environmental Planning and Assessment Regulation 2000 allows the Council to request additional information about the proposed development to allow for the proper consideration of the application. Council will require any additional information to be provided within 28 days.~~

~~Council will apply 'stop the clock' provisions where appropriate until;~~

- ~~All necessary information is received, or~~
- ~~The applicant notifies Council the information will not be provided, or~~
- ~~The application is determined~~

~~If the requested information has not been received at Council within 28 days of the original letter and no request for extension has been received a further letter will be~~

Comment [CS11]: Comment from Rob Barbuto – yes but technically not possible under the act

Comment [AT12]: Not always senior staff in attendance

Comment [CS13]: Comment from Rob Barbuto – add "specific drainage design issues" and also policies

Comment [AT14]: Where?

~~sent to the applicant advising that if all information is not provided within a further 14 days the development application will be determined on the information available and may be formally refused.~~

~~The Council will only agree to a further extension of time if it is satisfied that genuine extenuating circumstances have prevented the provision of additional information. For this to occur the applicant is required to submit in writing their reasons for seeking a further extension and stipulate a possible timeframe. Under those circumstances the applicant may be provided with a further extension of time. The extension of time will be considered by a senior staff member. Should the additional information not be provided after the expiry of that period, the application will then be determined on the information available and on the merit of the case?~~

~~ii) Illegible or Unclear Development Applications~~

~~Clause 51 of the Environmental Planning and Assessment Regulation 2000 provides that Council may reject a development application within 7 days after receiving it if the application is illegible or unclear as to the development consent sought.~~

~~Where a development application is illegible or unclear, the applicant will be notified in writing within 7 days of lodgement of the development application and advised the application is rejected. An application that is rejected is taken to have never been made, and Council will refund to the applicant all fees in relation to the application.~~

~~c) Development Applications Not Conforming with the Planning Controls~~

~~For development applications and modifications of consent that significantly breach the planning controls, a senior officer shall consider issuing a letter advising that should the application be withdrawn within seven (7) days, a full refund shall be issued (less administration fee).~~

~~If the application is not withdrawn the proposal will be notified.~~

~~At completion of the notification period Council will assess the development application on merit, taking into account the non-compliant nature of the application and any submissions received. This may result in a refusal.~~

~~d) Accepting Amended Applications~~

~~Should an amended application be received prior to determination, Council will consider whether the changes are substantial in relation to the original application. Should the amended application involve substantial change, Council may reject the amended application and determine the original proposal.~~

3 Authorisation

This Policy was adopted by Council on 11 December 2007

It is effective from 11 December 2007

It is due for review on 11 December 2009

4 Amendments

This Policy was last amended on [insert date].

5 Who is responsible for implementing this Policy?

Manager Development Assessment

6 Document owner

Policy No. DCS-POL 140 ~~PDS-POL 140~~

~~Director Planning and Development~~Deputy General Manager Environment and/or Group Manager Development & Compliance Services

Comment [AT15]: Can you have more than one owner??

7 Related Council Policies & Documents

a) Warringah Council Mediation Policy – GOV PL135]

b) Warringah Local Environmental Plan.

c) Warringah Development Control Plan

~~d) Booklet "Lodging a Development Application in Warringah".~~

8 Legislation and references

a) Local Government Act 1993.

b) Environmental Planning and Assessment Act 1979.

c) Environmental Planning and Assessment Regulation 2000~~list]~~

9 Definitions

Development is defined as per Section 4 of the EPA Act 1979 to mean;

- The use of land and
- The subdivision of land and
- The erection of a building and
- The carrying out of work and
- The demolition of a building or work and
- Any other act or matter or thing referred to in section 26 of the EPA Act that is controlled by an environmental planning instrument but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

Development Application means an application for consent under Part 4 of the EPA Act 1979 to carry out development, but does not include an application for a complying development certificate.

Mediation is a voluntary process of assisted negotiation between disputing parties, conducted by an impartial person or persons.

Warringah Council

Warringah Council Policy

PDS-POL 140

Applications for Development - Handling of Unclear, Non-Conforming, Insufficent and Amended Applications

1 Purpose of Policy

To facilitate the assessment of applications for development by communicating the procedures Council will undertake to assess development applications that are either non-compliant, contain insufficient information, are unclear, illegible or substantially amended

Warringah Council is committed to an efficient and effective development application service to achieve a built environment that reflects the desired character for Warringah.

Warringah Council aims to deliver a consistent development application service within reasonable timeframes, based on the provisions of Part Four of the Environmental Planning and Assessment Act 1979.

Warringah Council assesses development applications on merit in accordance with provisions of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan and Development Control Plan (DCP), and any other relevant environmental planning instruments.

2 Principles

Delivery of a consistent development application service within reasonable timeframes is only possible when applicants furnish appropriate information within requested timeframes so an informed, proper and timely assessment can be made of the application.

a) Services associated with Development Assessment

i) Providing applicant checklists for applicants to complete before lodging the application (provides details to applicants on what information is required for Council to undertake an assessment). Staff may not accept an application if it is inadequate in information or fees.

ii) Providing a Pre-DA Lodgement meeting with senior staff to give the applicant written advice regarding how the proposed development fits with the relevant development standards etc and advise on improvements such as setbacks, design issues, landscaping and parking etc

iii) Ensuring the Warringah Local Environmental Plan is freely available on Council's website and ensuring the printed copies are available

iv) Publicising the standard "Model Conditions" that all developments can expect as part of the conditions of consent

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Council will apply 'stop the clock' provisions where appropriate until;

- All necessary information is received, or
- The applicant notifies Council the information will not be provided, or
- The application is determined

If the requested information has not been received at Council within 28 days of the original letter and no request for extension has been received a further letter will be sent to the applicant advising that if all information is not provided within a further 14 days the development application will be determined on the information available and may be formally refused.

The Council will only agree to a further extension of time if it is satisfied that genuine extenuating circumstances have prevented the provision of additional information. For this to occur the applicant is required to submit in writing their reasons for seeking a further extension and stipulate a possible timeframe. Under those circumstances the applicant may be provided with a further extension of time. The extension of time will be considered by a senior staff member. Should the additional information not be provided after the expiry of that period, the application will then be determined on the information available and on the merit of the case?

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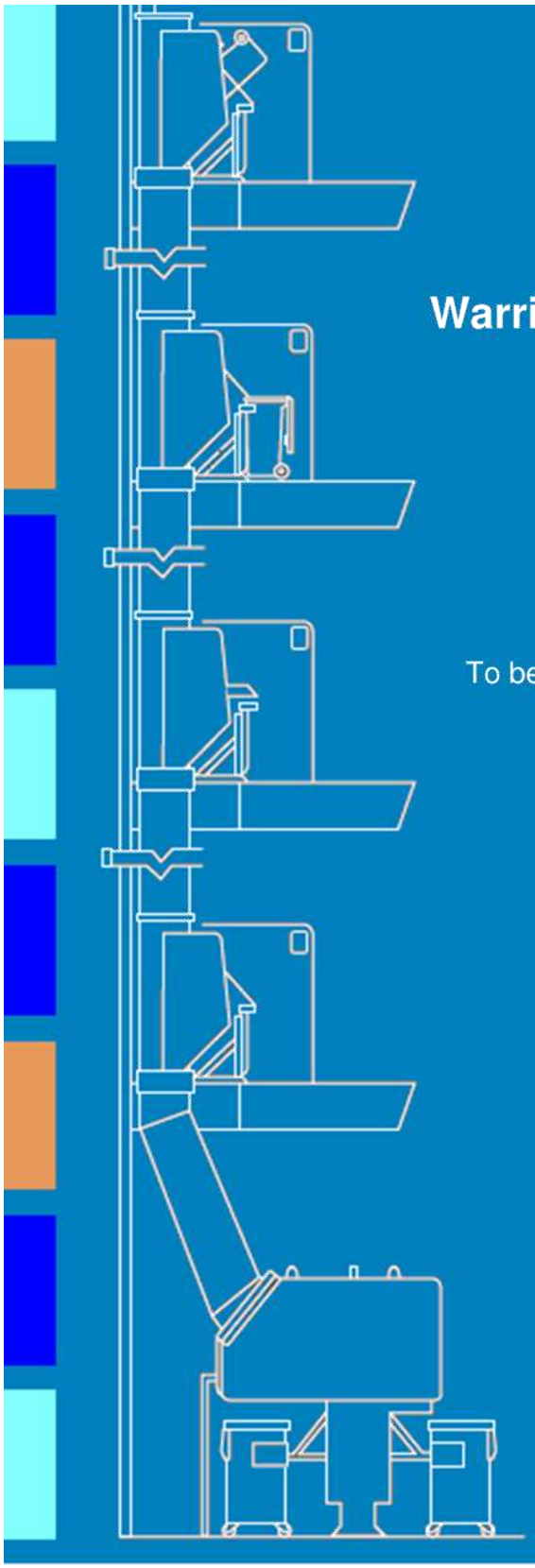


Warringah Waste Management Plan

2010

To be completed in accordance with Council's Waste Management Policy

Warringah Council

Section 1 – Ongoing Waste Management

Waste Management Plan Section 1 - Ongoing management

This Section is to be lodged with all Development Applications ***excluding*** those for

- Alterations and additions to residential accommodation including attached dwellings, dwelling houses, dual occupancies, secondary dwellings, semi-detached dwellings and shop top housing (with one or two dwellings).
- New residential accommodation including attached dwellings, dwelling houses, dual occupancies, secondary dwellings, semi-detached dwellings and shop top housing (with one or two dwellings).
- Demolitions only.

Refer to Council's Waste Management Policy for specific objectives and requirements.

Applicant and Project Details (All Developments)			
Applicant Details			
Development Application No. (office use only)			
Name			
Applicant Address			
Phone number(s)			
Email			
Project Details			
Subject Property Legal Description	Lot:	DP:	
Street Address	Unit No. Suburb:	House No. Postcode:	Street.
Description of proposed development			
This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project.			
Name			
Signature			
Date			

Section 1 – Ongoing Waste Management

1.1 Details for ongoing operation for residential accommodation including boarding houses, group homes, hostels, multi dwelling housing, residential flat buildings, seniors housing, shop top housing (with 3 or more dwellings)

Refer to Council's Waste Management Policy for objectives and requirements that relate to the particular development.

Requirements	Example	Answer	Coun Tick
No of Dwellings	20		
No and type of bins required (refer to Appendix 1)	16 x 240 Litre Bins		
No of Waste and Recycling Storage Rooms or Areas	2		
Dimensions and Floor area (m2) of Waste and Recycling Storage Rooms or Areas	Rm 1 – 3.2 x 3 = 9.6m2 Rm 2 – 3.2 x 3 = 9.6m2		
Distance from Waste and Recycling Storage Rooms or Areas to collection point or service area	6.5 metres		
Minimum distance between the waste storage rooms or areas to the nearest opening within a dwelling	6 metres		
Does this development propose any equipment such as garbage chutes or compaction equipment? If yes, please describe.	• 1 garbage chute • 1 garbage compactor – compaction rate 2:1		
Who will be responsible for transferring waste from any service rooms to the waste and recycling storage room or area?	• Tenants		
Describe how waste/recycling storage rooms and equipment will be cleaned and maintained, and how tenants and cleaners will be made aware of the obligations	• A Private Waste Management Service will be contracted to clean and maintain rooms • Signage will outline responsibilities		
Describe measures taken to ensure waste storage areas are aesthetically consistent with the rest of the development.	• External finishes consistent with those of the main building • The entrance of the room will be screened by landscaping		

Section 1 – Ongoing Waste Management

1.2 Non-Residential Development – Details for Ongoing Operation

Refer to Council's Waste Management Policy for objectives and requirements that relate to the particular development.

Requirements	Example		Coun Tick
Ongoing use of the premises	Take away food shop		
No of Units/Tenancies	5		
Designated Floor Area per use (m2)	500		
Daily Waste Generation (L)*	400		
Daily Recyclable Material Generation (L) *	400		
Number of operating days per week	6		
Proposed Frequency of Collections per week	2		
No of Waste and Recycling Containers	10		
Capacity of Individual Waste and Recycling Containers (L)	240		
Dimensions (height x width x depth) of Waste and Recycling Containers	1060 mm x 585mm x 730mm		
No of Waste and Recycling Storage Rooms or Areas	1		
Dimensions and Floor area (m2) of Waste and Recycling Storage Rooms or Areas	4 x 3 = 12m2		
Distance from Waste and Recycling Storage Rooms or Areas to collection point or service areas	6.5 metres		
Minimum distance between the waste storage rooms or areas to the nearest opening within a dwelling	6 metres		
Does this development propose any equipment such as garbage chutes or compaction equipment? If yes, please describe.	• 1 garbage chute • 1 garbage compactor		
If applicable, what reduction will be achieved from the compacting equipment?	2:1		
Who will be responsible for transferring waste from any service rooms to the waste and recycling storage room or area?	A Private Waste Management Service		
Describe how waste/recycling storage rooms and equipment will be cleaned and maintained, and how tenants and cleaners will be made aware of the obligations	• A Private Waste Management Service will be contracted to clean and maintain rooms • Signage will outline responsibilities • Tenants will retain a copy of the private waste management service contract		
Describe measures taken to ensure waste storage areas are aesthetically	• External finishes consistent with		

WARRINGAH COUNCIL

Section 1 – Ongoing Waste Management

Requirements	Example		Coun Tick
consistent with the rest of the development.	those of the main building • The entrance of the room will be screened by landscaping		
Describe arrangements for ensuring bins are adequately labelled ensuring tenants are aware of how to use the waste management system correctly	• Management of this will form part of the Private Waste Management Service contract		
Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.			

* In the absence of project specific information the waste/recycling generation rates shown in Table 1 can be used.

Section 1 – Ongoing Waste Management

1.3 Details Required on Plans (all developments)

The applicant must submit plans which highlight the information required below:

	Applicant Tick Yes	Council Tick Yes
The nominated service area or collection point and dimensions including height*	☐	☐
Any access driveways and internal roads	☐	☐
Clearance, geometric design and strength of internal access driveways and roads*	☐	☐
Direction of traffic flow for internal access driveways and roads	☐	☐
The location of any waste/recycling storage rooms or areas and dimensions	☐	☐
Access route(s), doors and openings for residents/tenants to deposit waste in the waste/recycling storage rooms or areas showing minimum clearances, proposed surface and gradients	☐	☐
Access route(s), doors and openings from the waste/recycling storage rooms or areas to the collection point or service area showing minimum clearances, proposed surfaces and bin carting grades	☐	☐
Dimensions and volume of proposed waste/recycling storage containers	☐	☐
The number and layout of bins to be stored in the waste/recycling storage rooms including access aisles	☐	☐
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	☐	☐
The location of any garbage chute(s) and service rooms	☐	☐
Construction details of any service rooms	☐	☐
The location of any waste compaction equipment	☐	☐
Any storage rooms for temporary storage of bulky items awaiting removal and dimensions including height (residential development only)	☐	☐
Signage – types and locations. Signage will be required on bins and outside waste/recycling storage rooms (non-residential development only)	☐	☐

* Refer to Council's Design Specifications 'Auspec 1' and the Australian Standard AS 2890.2-2002 'Parking Facilities – off-street commercial vehicle facilities'.

Section 1 – Ongoing Waste Management

Table 1 - Waste/recycling generation rates for ongoing operation

PREMISES TYPE	WASTE GENERATION	RECYCLABLE MATERIAL GENERATION
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space week
Food premises:		
Butcher	80L/100m² floor area/day	Variable
Delicatessen	80L/100m² floor area/day	Variable
Fish Shop	80L/100m² floor area/day	Variable
Greengrocer	240L/100m² floor area/day	120L/100m² floor area/day
Restaurant, Café	10L/1.5m² floor area/day	2L/1.5m² floor area/day
Supermarket	240L/100m² floor area/day	240L/100m² floor area/day
Takeaway food shop	80L/100m² floor area/day	Variable
Hairdresser, Beauty Salon	60L/100m2 floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m² bar area/day 10L/1.5m² dining area/day	1L/bed space/day 50L/100m² bar area/day 50L/100m² dining area/day
Offices	10L/100m² floor area/day	10L/100m² floor area/day
Shop less than 100m² floor area	50L/100m² floor area/day	25L/100m² floor area/day
Shop greater than 100m² floor area	50L/100m² floor area/day	50L/100m² floor area/day
Showroom	40L/100m² floor area/day	10L/100m² floor area/day

Source: Model Waste Not DCP Chapter – A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans, NSW Department of Environment and Climate Change (July, 2008)

References

Model Waste Not DCP Chapter – A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans, NSW Department of Environment and Climate Change (July, 2008)

Waste Planning Guide for Development Applications, Inner Sydney Waste Board, 1998

Section 2 – Demolition and Construction Waste

Waste Management Plan Section 2 - Demolition and Construction

This Section is to be lodged with all Development Applications which involve any demolition and construction works.

Note this section of the DCP must be completed by a qualified builder or waste contractor.

Applicant and Project Details (All Developments)			
Applicant Details			
Development Application No.			
Construction Certificate No. (office use only)			
Applicant Name			
Applicant Address			
Phone number(s)			
Email			
Project Details			
Subject Property Legal Description	Lot:	DP:	
Street Address	Unit No. Suburb:	House No. Postcode:	Street.
Existing buildings and other structures currently on the site			
Description of proposed development			
This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.			
Name of Builder/Waste Services Provider who completed the form			
Building License No. or Business ABN			
Signature			
Date			

Section 2 – Demolition and Construction Waste

Sustainable waste management during demolition and construction

To facilitate waste management and reduction, Council requires on-site sorting and storage of waste products pending re-use or collection. Completing this part of the WMP will assist you to identify the type of waste that will be generated during demolition and construction and will advise Council how you intend to reuse, recycle or dispose of the waste.

Following is some advisory notes to assist in waste management during demolition and construction. These can be read in addition to the objectives and the requirements (Section 3.2.1) of Council's Waste Management Policy.

Demolition

1. Pursue adaptive reuse opportunities of buildings/structures.
2. Identify all waste likely to result from the demolition and identify any opportunities for reuse of materials (See table 2).
3. Facilitate reuse/recycling by using the process of "deconstruction", where various materials are carefully dismantled and sorted.
4. Reuse or recycle salvaged materials onsite where possible.
5. Provide separate collection bins or areas for the storage of residual waste.
6. Clearly 'signpost' the purpose and content of the bins and storage areas.
7. Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
8. Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small scale building projects see Table 3.
9. Identify potential reuse/recycling opportunities of excess construction materials.
10. Incorporate the use of prefabricated components and recycled materials.
11. Arrange for the delivery of materials so that materials are delivered "as needed" to prevent the degradation of materials through weathering and moisture damage.
12. Consider organising to return excess materials to the supplier or manufacturer.
13. Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.

When implementing the Waste Management Plan the applicant must ensure:

14. Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
15. Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*.
16. Waste is only transported to a place that can lawfully be used as a waste facility.
17. Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
18. Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

Section 2 – Demolition and Construction Waste

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. **Table 2** provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Table 2 - Reuse and Recycling Potential of some materials

MATERIALS	PROCESS		END USE	POTENTIAL
Concrete	crushed	recycled	fill, levelling, road base	100%
Surplus pour	use up	pavers,slabs		high
Bricks	cleaned crushed	reused recycled	construction landscaping, driveways, drains	100% 100%
Roof tiles	cleaned crushed	reused recycled	roofing, landscaping landscaping, driveways, drains	100% 100%
Plasterboard (clean)	reprocessed	recycled	new plasterboard	100%
Hardwood beams denailed	reuse		flooring, furniture, fencing, craft	100%
Other timber	cleaned ground	reuse	formwork, bridging, propping, landscaping, woodflour (oil spills)	high 100%
Doors, windows	cleaned	reuse	second hand market	market driven
Fittings	cleaned up	reuse	second hand market	market driven
Glass unbroken	crushed	recycled reuse	aggregate for concrete products repairs, glazing, glass houses	100% 100%
Carpet - wool		reuse	mulch, landscaping	
Underfelt - natural	reuse		compost cover, mulch, landscaping	high
Synthetic rubber (as in underlay)	shredded	recycled	safety barriers, speed humps	new markets
Trees	relocated	reuse	landscaping on or off-site	100%
Greenwaste	shredded	recycled	compost, mulch, fertiliser	100%
Soil	screened	reuse	topsoil	100%
Metals; aluminium, copper lead, zinc, steel	scrap metal	recycled	new metal products	100%
Packaging: Cardboard		recycled	new packaging	100%
Plastic/steel drums	cleaned		reused	
Metal strapping	reused		return to supplier	high
Paint tins		recycled	tine extracted	100%

Source: Waste Planning Guide for Development Applications, Inner Sydney Waste Board, 1998

Section 2 – Demolition and Construction Waste

Details required on plans

Refer to Council's Waste Management Policy for specific objectives and measures.

Do the site plans detail/indicate:

	Applicant Tick	Council Tick	NA
Existing buildings on site to be demolished	☐	☐	☐
Size and location(s) of waste storage area(s)	☐	☐	☐
Access for waste collection vehicles	☐	☐	☐
Areas to be excavated	☐	☐	☐
Types (including volumes and dimensions) and numbers of storage bins likely to be required	☐	☐	☐
Location of signage required to facilitate correct use of storage facilities	☐	☐	☐

Table 3 - Waste/recycling generation rates for Construction

Material	% Waste of Material Ordered *
Timber	5-7%
Plasterboard	5-20%
Concrete	3-5%
Bricks	5-10%
Tiles	2-5%

*'Rule of Thumb' for renovations and small home buildings

Source: Waste Planning Guide for Development Applications, Inner Sydney Waste Board, 1998

Section 2 – Demolition and Construction Waste

2.1 Demolition Stage

Materials on-site	Waste Estimate - Volume (m3) or Area (m2)	On-Site Reuse Specify proposed reuse or on-site recycling methods	Off-Site Recycling Specify contractor and recycling outlet	Off-Site Disposal Specify contractor and landfill site
		Most favourable	⇦	Least favourable
Example: Bricks	**5m3**	**Clean and reuse some for footings and as fill behind retaining walls**	**Remainder sent by XYZ Demolishers to ABC Recycling Company**	**Nil to Landfil**
Excavation material				
Timber (specify)				
Concrete				
Bricks/Pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and Fittings				
Floor Coverings				
Packaging (used pallets, pallet wrap)				
Garden Organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste eg asbestos (specify)				
Plasterboard				
Furniture				

Section 2 – Demolition and Construction Waste

Other – please specify				

Resource NSW: Better Practice Guide for Waste Management in Multi-Unit Dwellings, 2002

2.1 Construction Stage

Type of Material	Waste Estimate - Volume (m3) or Area (m2)	On-Site Reuse Specify proposed reuse or on-site recycling methods	Off-Site Recycling Specify contractor and recycling outlet	Off-Site Disposal Specify contractor and landfill site
		Most favourable	⇦	**Least favourable**
EXAMPLE **Bricks**	**1m3**	**Any whole bricks retained on-site to build BBQ**	**Remainder sent by <u>XYZ</u> Construction company to <u>ABC</u> recycling facility**	**Nil to landfill**
Excavation material				
Timber (specify type)				
Concrete				
Bricks/Pavers				
Tiles				
Metal (specify type)				
Glass				
Plasterboard (offcuts)				
Fixtures and Fittings				
Floor Coverings				
Packaging (used pallets, pallet wrap)				
Garden Organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste eg asbestos				

Section 2 – Demolition and Construction Waste

(specify)				
Other – please specify				

References

Model Waste Not DCP Chapter – A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans, NSW Department of Environment and Climate Change (July, 2008)

Waste Planning Guide for Development Applications, Inner Sydney Waste Board, 1998

Appendix 1 – Number of waste/recycling containers for residential premises

The following table outlines the number of bins to be allocated for residential development according to the number of dwellings. This table is to be used to determine the area required for the storage of waste/recycling containers. In the event that the exact amount of residential dwellings have not yet been determined (e.g. for Stage 1 developments), Council will require storage areas to be large enough to accommodate the maximum amount of residential dwellings applicable.

Waste storage requirements - Domestic waste in residential buildings

SCHEDULE OF BINS REQUIRED

Number of dwellings	240 litre bins to be accommodated	Number of dwellings	240 litre bins to be accommodated
1	3 x 120 L & 1 x 240 L	51	39
2	6 x 120 L & 2 x 240 L	52	40
3	3	53	41
4	4	54	41
5	5	55	41
6	5	56	44
7	5	57	44
8	7	58	44
9	7	59	45
10	8	60	46
11	9	61	47
12	10	62	48
13	11	63	48
14	12	64	48
15	12	65	51
16	12	66	51
17	15	67	51
18	15	68	52
19	15	69	52
20	16	70	54
21	16	71	54
22	18	72	54
23	19	73	55
24	19	74	56
25	19	75	57
26	20	76	58
27	21	77	59
28	22	78	59
29	23	79	59
30	23	80	62
31	24	81	62

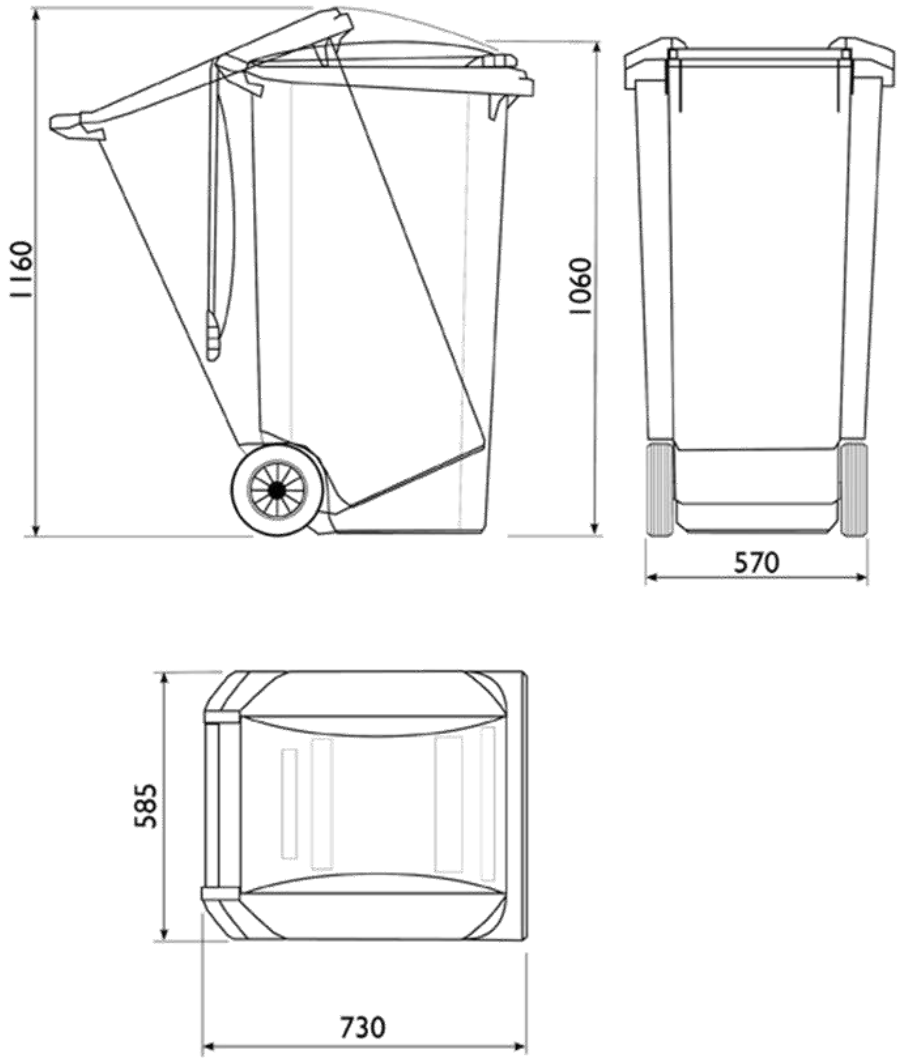
Appendix 1 – Number of waste/recycling containers for residential premises

Waste storage requirements - Domestic waste in residential buildings

SCHEDULE OF BINS REQUIRED

Number of dwellings	240 litre bins to be accommodated	Number of dwellings	240 litre bins to be accommodated
32	26	82	62
33	26	83	63
34	27	84	64
35	27	85	65
36	28	86	66
37	29	87	66
38	30	88	66
39	30	89	67
40	30	90	68
41	33	91	69
42	33	92	70
43	33	93	70
44	34	94	72
45	34	95	73
46	34	96	73
47	35	97	74
48	36	98	75
49	37	99	75
50	38	100	76

Appendix 1 – Number of waste/recycling containers for residential premises



Dimension details of 240 litre wheelie bin (height 1060mm, width 585mm, depth 730mm)

Appendix 2 – Garbage Chute and Service Room Design

The following provisions apply to Garbage Chute and Service Room Design.

Garbage Chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Access to the Garbage Chute is provided by an inlet hopper which must be located within designated Service Rooms. The Service Room must also provide interim disposal facilities for the temporary storage of recyclables. Ongoing management of these waste storage and collection facilities must be detailed in Section 2 of the Waste Management Plan.

Applies to Land

For more information, refer to the Better Practice Guide for Waste Management in Multi-Unit Dwellings (Department of Environment and Climate Change, 2008).

Garbage Chutes

Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

Chutes, service openings and charging devices must be constructed of material (such as metal) which is smooth, durable, impervious and non-corrosive.

Chutes must be cylindrical and should have a diameter of at least 500mm.

There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.

Internal overlaps in the chute must follow the direction of waste flow.

Chutes must deposit rubbish directly into a bin or compactor located within a designated Waste/Recycling Storage Room.

A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.

The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.

The charging device for each service opening must be self closing and must not project into the main chute.

Branches connecting service openings to the main chute are to be no more than 1m long.

Service room design

Service Rooms must be ventilated to external air by natural or mechanical means complying with the relevant Australian Standard. Mechanical ventilation systems servicing Waste/Recycling Storage Rooms must be isolated from mechanical ventilation systems servicing any other part of the building.

Notes

Australian Standard AS 1668.2-2002 'The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control' applied at the time this DCP was adopted.

Appendix 2 – Garbage Chute and Service Room Design

The internal walls of the Service Rooms must be cement rendered or tiled with glazed tiles fixed in accordance with the relevant Australian Standard, and coved at the floor/wall intersection.

Notes

Australian Standard AS 3958.1-2007 'Ceramic tiles - Guide to the installation of ceramic tiles' applied at the time this DCP was adopted.

The floor of any Service Rooms:

(a) is to be graded and appropriately drained to a Sydney Water approved drainage connection located upon the site;

(b) must have an impervious, non slip and non abrasive finish with no protrusions that would prevent easy cleaning or manoeuvring of bins.

Service Rooms must be serviced by a cold water tap. The hose cock must be protected from the waste containers and must be located in a position which is easily accessible when the area is filled with waste containers. The tap must not obstruct aisles and access ways.

No other service infrastructure or services bays are to be located in the Service Rooms. This includes and is not limited to air conditioning ducts, pipes gas or water meters, swimming pool pumps or electrical installations.

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Waste Management Guidelines

Introduction

Effective Date XXXX

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i. Purpose of the Waste Management Guidelines

All developments with on-going residential waste service requirements must integrate with Warringah Council's (Council) waste collection service. This will allow Council to provide a waste service that is cost effective, efficient and of a high standard.

These Waste Management Guidelines (Guidelines) advise Council, town planners, architects, engineers and developers on how to incorporate suitable provisions for waste handling, storage and collection in the design of all developments.

ii. Objectives of the Waste Management Guidelines

The objectives of these Guidelines are to:

a) Define and outline the minimum requirements for the effective and efficient management of wastes in developments.
b) Contribute to NSW state targets for construction and demolition waste.
c) Encourage the principles of ecological sustainable development (ESD).
d) Encourage accountability, transparency and appropriate management of demolition and construction waste generated on development sites.
e) Minimise any negative impacts associated with the storage and collection of waste on public health and the natural and built environment.

iii. Application and use of the Waste Management Guidelines

A Development Application (DA) is a formal request for permission to carry out development. Where Council is the consenting authority, the applicant must read these Guidelines and complete a Waste Management Plan (WMP) that must be submitted with the DA.

To assist applicants to complete the mandatory Waste Management Plan (WMP) for all developments, Council has prepared a WMP template that must be used.

The Principal Certifying Authority (PCA) is responsible for ensuring applicants comply with the Council's conditions of consent regarding the WMP. Council will, at its discretion, audit development sites to ensure compliance with the approved WMP.

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iv. Pre-lodgement Service

Council offers a pre-lodgement service where applicants can discuss any issues or concerns before submitting their DA.

For developments over 100 dwellings, Council requires applicants to contact Council's Waste Services on 02 9942 2111 before the pre-lodgement meeting to discuss on-going waste management arrangements.

v. Structure of the Waste Management Guidelines

These Guidelines are divided into Chapters that describe the specific waste management requirements for different development types.

Applicants are required to read the relevant Chapters that apply to their development. For example, if the development includes demolition of an existing structure and construction of a single dwelling, the relevant Chapters would be 1, 2 and 3.

Chapter	Development types
Chapter 1 - Demolition	All
Chapter 2 - Construction	All
Chapter 3 – On-going waste management for one or two dwellings	One or two dwellings
Chapter 4 – On-going waste management for three or more dwellings	Three or more dwellings
Chapter 5 – On-going waste management for commercial developments	Commercial buildings
Chapter 6 – On-going waste management for mixed-use developments	Mixed-use buildings
Chapter 7 –Private roadway developments	Sub-division and private roadway

Note: The definitions of the development types are provided in Chapter vi.

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vi. Terminology for the different development types

Developments referred to in the Guidelines have been categorised as follows:

Development type^	Development description	
One or two dwellings	A development containing one or two dwellings. This can include but is not limited to:	
	• Single dwellings	• Semi-detached dwellings
	• Dual occupancy dwellings	Mixed-use developments (containing one or two dwellings)
	• Secondary dwellings (granny flats)	
Three or more dwellings	A development containing three or more dwellings. This can include but is not limited to:	
	• Boarding houses	• Mixed-use developments (containing three or more dwellings)
	• Group homes	• Residential flat buildings
	• Low cost housing	• Seniors housing
	• Hostels	
	• Developments containing three or more dwellings located on private or community title roadways that cannot be accessed by Council's waste vehicles.	
Commercial buildings	A development used for trade and business purposes. This can include but is not limited to:	
	• Offices	• Hotel or motel accommodation
	• Retail outlets	• Industrial
	• Wholesale trade	• Manufacturing
	• Cafes and restaurants	
Mixed-use buildings	A development used for both residential and commercial purposes.	
Private roadway	A development to sub-divide and/or construct a private roadway. This can include but is not limited to:	

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	• Subdivisions	• Community title roadways
	• Private roadways	
Council buildings	A development located on public land including but not limited to:	
	• Childcare centres	• Council owned sport fields
	• Libraries	• Other Council buildings
	• Community buildings	
	Applicants proposing development on public land must contact Council's Waste Services on 9942 2111.	

^The above building definitions have been predominately defined in accordance with the Better Practice Guide for Waste Management in Multi-Unit Dwellings and the Warringah Local Environment Plan 2011.

vii. Glossary

Caretaker	Person or party appointed by the managing agent to be responsible for the management of waste at a development. A caretaker could be a resident of the development or a third party.
Clean-up waste	Bulky household goods such as small furniture, white goods, appliances and mattresses.
Commercial waste	Refuse or waste material arising from any trade or industry but excluding liquid waste, demolition waste, contaminated waste, green waste or recyclable waste.
Collection Point	The point on the nearest trafficable kerbside where the content of the containers is transferred into the waste collection vehicle.
Chute	Duct in which deposited material falls from one level to another within the building due to gravity.
Dwelling	A habitable building (i.e. dwelling house) or area within a building (i.e. an apartment within a residential flat building).
Garbage	Refuse or waste material other than trade waste, effluent, compostable material, green waste or recyclable material.
Demolition and construction site plan	Plans which detail management of waste during demolition and construction.
Recycling	Materials collected separately for recycling. These include: paper and cardboard; and co-mingled containers such as glass, PET plastic, aluminium and steel cans.
Refrigerated Garbage Room	Garbage room that is refrigerated by a cooling system.
Service Point	The point on the property reserved for the waste collection vehicle to remain stationary while the content of the containers are transferred into it.
Service opening	Opening provided in a wall of a service compartment in which the chute-loading hopper is fitted.
Vegetation Waste	Vegetative matter including trees, branches, shrubs, cuttings, law clipping, and untreated timber and wood products.

Waste	All other household garbage that cannot be placed in the recycling and vegetation bins. Sawdust, dust, ash, and etc must be sealed in a bag or container.
Waste and recycling containers	MGBs and bulk bins.
Waste storage area	An area for the storage of waste receptacles within the property boundary.
Wheel in wheel out service.	Where the waste collection operator will wheel bins between the waste storage area and collection point/service point and back again.

viii. Abbreviations

L	Litres
mm	Millimetres
m^2	Squared metres
m^3	Cubic metres
AS	Australian Standard
BCA	Building Code of Australia
DECCW	Department of Environment, Climate Change and Water
EPA	Environment Protection Authority
LGA	Local Government Area
MGB	Mobile Garbage Bin
PCA	Principal Certifying Authority
WMP	Waste Management Plan

ix. Appendices

Appendices to the Guidelines are separate documents that the Chapters may refer to. To ensure the WMP complies with these Guidelines, the applicant may be required to read and complete a number of these appendices.

Appendix A	Waste Storage Area Requirements And Council MGB Specifications
Appendix B	Collection Vehicle Specifications
Appendix C	Waste Garbage Chute Requirements
Appendix D	Community Management Statement
Appendix E	Positive Covenant For Council And Contract Indemnity
Appendix F	Positive Covenant For Lot Burdened With Waste Storage Area
Appendix G	Positive Covenant For Resident Access to Waste Storage Area
Appendix H	Positive Covenant for Waste Storage Area Maintenance

x. Council authorisation

The Waste and Cleansing team own this document.

The Guidelines were adopted by Council on XXXX.

The Guidelines are effective from XXXX and are due for review on XXXX.

The Guidelines were last amended on XXXX.

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xi. Related Council policies

[None]

xii. Relevant legislation

Listed below is the legislation that applies to these Guidelines as at XXXX. It is the responsibility of the applicant to ensure they are referring to the most up to date version of the legislation in their application.

- Building Code of Australia
- Warringah Local Environment Plan 2011
- The Waste and Avoidance and Resource Recovery Act 2001
- Protection of the Environment Operations Act 1997
- Environment Planning and Assessment Act 1979
- The Food Act 1989
- The Food Regulations 2001
- The ANZ Food Standards Code
- Work Health and Safety Regulation 2011
- The Australian Standard (AS) 2601-2001 'Demolition of Structures'
- Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC:2—2 (2005)], Australian Government, National Occupational Health and Safety Commission
- Australian Standard (AS) 3958.1-2007 'Ceramic tiles – Guide to the installation of ceramic tiles'
- Australian Standard (AS) 1668.2-2002 'The use of ventilation and air-condition in buildings – Ventilation design for indoor air contaminant control'
- Minimise the potential for excessive noise from waste management activities giving rise to "offensive noise" as defined in the Protection of the Environment Act 1997
- Australian Standard (AS) 2890.2-2002 'Parking Facilities – off-street commercial vehicle facilities'
- Australian Standard (AS) 4123 'Mobile Waste Containers'
- Australian Standard (AS) 4674-2004 'Construction and fit-out of food premises'
- NSW Health Waste Management Guidelines for Health Care Facilities 1998
- Environmental Guidelines: Assessment and classification of liquid and non-liquid waste 1999

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Waste Management Guidelines

for Proposed Developments

Chapter 1 – Demolition

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Demolition is the development stage with the greatest potential for waste minimisation. To maximise re-use and recycling of waste materials resulting from the demolition works, Council is seeking a change from a straight demolition to a process of selected deconstruction. For example, instead of putting all the waste into the same bin, the materials can be separated into different bins for re-use and recycling. This process can save the applicant money on the overall cost of the project.

Applicants must complete 'Section 1 – Demolition' of the Waste Management Plan in accordance with this Chapter. Applicants must be able to demonstrate evidence of compliance if audited.

1.1. Requirements

Applicants must demonstrate project management that seeks to:

a) Incorporate the waste hierarchy principle of avoidance, resource recovery and disposal.

b) Minimise the waste sent for disposal.
c) Minimise the impact and disturbance on surrounding amenity, public safety, roadways and natural and built environment.
d) Adhere to any relevant legislation not limited to hazardous waste, storage and transportation regulations.
e) Send waste materials to a suitably licensed facility.
f) Identify suitable locations on the site for sorting and storing of materials for re-use, recycling and disposal. Factors to consider include slopes, drainage and personnel and vehicular access.
g) Maintain valid tipping dockets and receipts on site for inspection.

1.2. Re-use and recycling opportunities

The table below provides guidance on re-use and recycling opportunities:

Material	Re-use and recycling opportunities
Excavated materials	Re-use for filling or levelling
Concrete	Re-use for filling, levelling or road base
Bricks / Pavers	Re-use or crush for landscaping and driveways
Roof Tiles	Re-use or crush for landscaping and driveways
Untreated Timber	Re-use as floorboards, fencing, furniture, mulch or send to second -hand timber suppliers
Treated Timber	Re-use as formwork, bridging, blocking and propping and send to second -hand timber suppliers
Doors / Windows / Fittings	Send to second- hand suppliers, or recycle.
Metals	Re-use or recycle
Green Waste	Mulch or compost
Plasterboard	Re-use for landscaping, recycle or return to supplier
Carpet	Recycle or re-use in landscaping
Plastics / Rubber	Re-use or recycle

The closest waste and recycling facility to Warringah is Kimbriki Resource Recovery Centre located in Terrey Hills, see website http://www.kimbriki.com.au/

Another comprehensive database resource is Planet Ark's Business Recycling hotline 1300 763 768 or website http://businessrecycling.com.au/

1.3. Estimating demolition waste

The table below provides estimates of likely construction waste for several different development types.

	Estimated Demolition Waste Quantities (per dwelling)			Estimated Demolition Waste Quantities (per 1000m^3)		
Material	**One Bedroom Brick and Fibre board House**	**Three Bedroom Brick House**	**Three Bedroom Weatherboard House**	**Residential Flats**	**Industrial Factory**	**Office Block**

Brick	3 to 5 m^3	10 to 15 m^3	N/A	504 m^3	158 m^3	1142 m^3
Concrete	4 m^3	4 m^3	20 to 30 m^3	739 m^3	407 m^3	6736 m^3
Timber	5 to 10 m^3	12 to 15 m^3	7 to 15 m^3	10 m^3	2 m^3	56 m^3
Metal	1 to 2 m^3	N/A	20 to 25 m^3	14 m^3	35 m^3	45 m^3
Plasterboard	N/A	10 to 15 m^3	4 to 6 m^3	15 m^3	3 m^3	83 m^3
General Waste	10 to 15 m^3	N/A	N/A	26 m^3	18 m^3	155 m^3
Roof Tiles	N/A	7 to 9 m^3	N/A	25 m^3	N/A	N/A
Asbestos	Variable m^3	N/A	N/A	N/A	N/A	N/A

1.4. Waste conversion factors

The conversion factors outlined below will act as a guide to help estimate waste quantities.

Material	Conversion Factor (Tonnes per m^3)	Conversion Factor (m^3 per tonne)
Bricks	1.3 t = 1m^3	0.8 m^3 =1t
Concrete	1.1 t = 1m^3	0.9 m^3 =1t
General	1 t = 1m^3	1 m^3 =1t
Green Waste	1 t = 1m^3	1 m^3 =1t
Plasterboard	0.75 t = 1m^3	1.3 m^3 =1t
Steel	0.65 t = 1m^3	1.5 m^3 =1t
Tiles	1.3 t = 1m^3	0.8 m^3 =1t
Timber	1.1 t = 1m^3	0.9 m^3 =1t

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Chapter 2 – Construction

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2.4. Conversion table 4

The construction stage has the potential to reduce the amount of waste generated if building materials are better estimated. Applicants should also consider whether it is possible to re-use and recycle waste resulting from the construction works. This process can save the applicant money on the overall cost of the project.

Applicants must complete 'Section 2 – Construction' of the Waste Management Plan in accordance with this Chapter. Applicants must be able to demonstrate evidence of compliance if audited.

2.1. Requirements

Applicants must demonstrate project management that aims to:

a) Incorporate the waste hierarchy principle

b) Minimise the waste sent for disposal
c) Minimise the impact and disturbance it has on surrounding amenity, public safety, roadways and natural and built environment
d) Comply with relevant legislation (refer to the Introduction xii)
e) Send waste materials to a suitably licensed facility
f) Identify suitable locations on the site for sorting and storing of materials for re-use, recycling and disposal. (Factors to consider include slopes, drainage and personnel and vehicular access)
g) Maintain valid tipping dockets and receipts on site for inspection

2.2. Re-use and recycling opportunities

The table below provides guidance on re-use and recycling opportunities:

Material	Re-use and recycling opportunities
Excavated materials	Re-use for filling or levelling
Concrete	Re-use for filling, levelling or road base
Bricks / Pavers	Re-use or crush for landscaping and driveways
Roof Tiles	Re-use or crush for landscaping and driveways
Untreated Timber	Re-use as floorboards, fencing, furniture, mulch or send to second -hand timber suppliers
Treated Timber	Re-use as formwork, bridging, blocking and propping and send to second -hand timber suppliers
Doors / Windows / Fittings	Send to second- hand suppliers, or recycle.
Metals	Re-use or recycle
Green Waste	Mulch or compost
Plasterboard	Re-use for landscaping, recycle or return to supplier
Carpet	Recycle or re-use in landscaping
Plastics / Rubber	Re-use or recycle

The closest waste and recycling facility to Warringah is Kimbriki Resource Recovery Centre located in Terrey Hills, see website http://www.kimbriki.com.au/

Another comprehensive database resource is Planet Ark's Business Recycling hotline 1300 763 768 or website http://businessrecycling.com.au/

2.3. Estimating construction waste

The table below provides estimates of likely construction waste for several different development types.

	Estimated Construction Waste Quantities (per dwelling)			Estimated Construction Waste Quantities (per 100m^3)
Material	**Residential One Storey Dwelling**	**Residential Two Storey Dwelling**	**Multi Unit Dwellings** (Five to six units and less than four storey's high.	**Industrial / Factory**

Bricks	1 to 3 m^3	2.5 to 4.5 m^3	3 to 4 m^3	1 to 2 m^3
Tiles	0.5 to 2.5 m^3	1 to 2.5 m^3		N/A
Concrete	0 to 0.5 m^3	0 to 0.5 m^3	6 to 7 m^3	2 to 3 m^3
Plasterboard	0.5 to 1.5 m^3	0.5 to 1.5 m^3	1 to 2 m^3	N/A
Timber	0.5 to 3 m^3	1 to 3 m^3	1 to 2 m^3	1 to 3 m^3
Metal	N/A	N/A	1 to 2 m^3	2 to 3 m^3
Roof Sheeting	N/A	N/A	N/A	3 m^3
Other Waste	0.5 to 3 m^3	1 to 3 m^3	10 to 15 m^3	10 m^3

Source: McGregor Environmental Services (2000) Predicting C&D waste quantities in the Inner Sydney Waste Board

2.4. Conversion table

The table below may assist in converting quantities estimated in table 1.4 into tonnes for disposal purposes.

Material	Conversion Factor (Tonnes per m^3)	Conversion Factor (m^3 per tonne)
Bricks	1.3 t = 1m^3	0.8 m^3 =1t
Concrete	1.1 t = 1m^3	0.9 m^3 =1t
General	1 t = 1m^3	1 m^3 =1t
Green Waste	1 t = 1m^3	1 m^3 =1t
Plasterboard	0.75 t = 1m^3	1.3 m^3 =1t
Steel	0.65 t = 1m^3	1.5 m^3 =1t
Tiles	1.3 t = 1m^3	0.8 m^3 =1t
Timber	1.1 t = 1m^3	0.9 m^3 =1t

Source: The Hills Council's Waste Management Plan

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Waste Management Guidelines

Chapter 3 – On-going waste management for one or two dwellings

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This Chapter covers the on-going waste management requirements for proposed developments of one or two dwellings.

Applicants must complete 'Section 3 – On-going waste management for one or two dwellings' of the Waste Management Plan in accordance with this Chapter.

3.1. Outline of dwelling types

In Warringah, a development with only one or two dwellings can include but is not limited to:

- Single dwellings
- Group homes with up to 10 bedrooms (more than 10 bedrooms, see Chapter 4)
- Dual occupancy dwellings
- Semi-detached dwellings
- Mixed-use developments (containing one or two dwellings)

3.2. Waste Storage Area design requirements

The design of the Waste Storage Area will:

a) Be a designated area to accommodate Council's allocated number of waste and recycling containers.
b) Be practical and free of obstructions.
c) Have a minimum area for 4 containers per dwelling. The dimensions for each container are:
    - Depth: 750mm
    - Width: 650mm
    - Height: 1600mm.

    Note: Group homes with 5 - 10 bedrooms will be considered as two dwellings.
d) Be in accordance with the BCA, relevant AS and legislation detailed in Chapter xii of Waste Management Guidelines

3.3. Waste Storage Area location requirements

The location of the Waste Storage Area will:

a) Permit easy, direct and convenient access for the residents.
b) Be incorporated entirely within the site boundary and not visible to the public.
c) Be no closer than 3m from any dwelling openings.

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d) Be clear of any stormwater system and prevent waste water from entering the stormwater system.

3.4. Example of an appropriate Waste Storage Area

Below is an example of a Waste Storage Area for a single dwelling, including the collection point at the kerbside. Bins are to be presented at the collection point prior to collection (in accordance with Council's Waste & Recycling Calendar) and returned as soon as practical after collection to the Waste Storage Area.

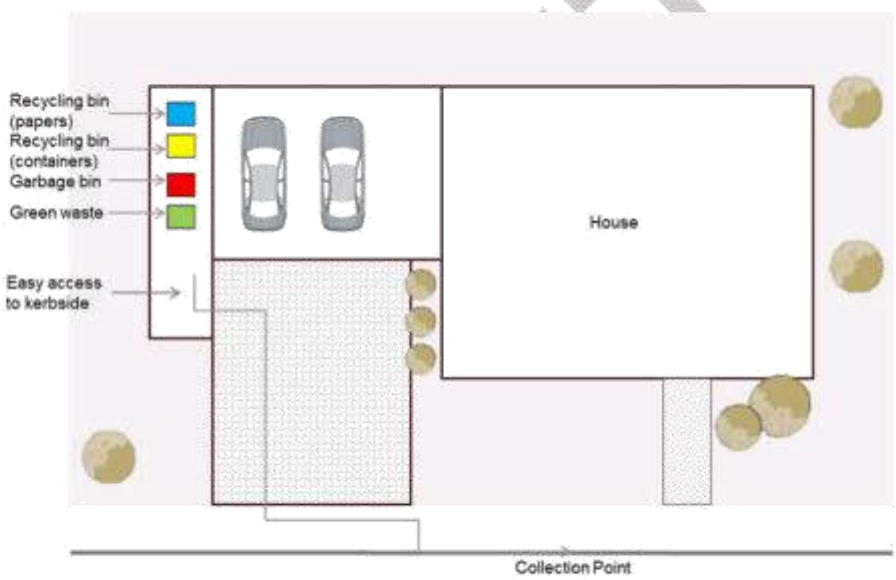

Figure 1. Example of an appropriate Waste Storage Area

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Waste Management Guidelines

Chapter 4 – On-going waste management for three or more dwellings

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This Chapter covers the on-going waste management requirements for proposed developments of three or more occupancy.

Applicants must complete 'Section 4 – On-going waste management for three or more dwellings of the Waste Management Plan in accordance with this Chapter.

4.1. Outline of dwelling types

In Warringah, a development containing three or more dwellings can include:

- Boarding houses
- Group homes with more than 10 bedrooms
- Low cost housing
- Hostels
- Residential flat buildings
- Seniors housing
- Mixed-use developments (three or more dwellings)
- Developments containing three or more dwellings located on private or community title roadways that cannot be accessed by Council's waste vehicles

These dwelling types will be provided with shared waste and recycling containers and wheel in and out service.

Development proposals between 3 and 80 dwellings must comply with 4.2., 4.3., 4.4., 4.5. and 4.6 below.

Development proposals over 80 dwellings must comply with 4.2., 4.3., 4.4., 4.5. and 4.7.

For developments over 100 dwellings, Council requires applicants to contact Council's Waste Services on 02 9942 2111 before the pre-lodgement meeting to discuss on-going waste management arrangements.

4.2. Waste Storage Area design requirements

All Waste Storage Areas will:

a) Be a designated area to accommodate Council's allocated number of waste and recycling containers.
b) Have a practical layout, be free of obstructions and have only 90 degree angle corners.
c) Have a floor area capable of storing the number of bins outlined in Appendix A.

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d) Accommodate 1 x 240L vegetation bin for every 200m^2 of landscaped open space on the site.
e) Be graded and drained to a Sydney Water approved drainage system.
f) Be serviced by an easily accessible water tap. The tap must not obstruct aisles, access ways and placement of bins.
g) Be cement rendered and coved (smooth rounded corners) at the floor and wall intersections.
h) Be clear of any service and utilities infrastructure and related activities.
i) Be capable of being kept clean and tidy at all times.
j) Be in accordance with the BCA, relevant AS and legislation detailed in Chapter xii of the Waste Management Guidelines.

4.2.1. Additional requirements for chute systems and mechanical compaction

Where chute systems are proposed, they must meet the minimum requirements outlined in Appendix C.

4.2.2. Additional requirements for external Waste Storage Areas

Where Waste Storage Areas are external to the building, they must :

a) Have a minimum wall height of 1600mm.
b) Be roofed with a minimum ceiling height of 2100mm throughout and clear of any obstructions.

4.3. Waste Storage Area location requirements

The Waste Storage Area must be:

a) At street level and permit easy, direct and convenient access for the residents, Council and Council's waste contractors.
b) Clear of any obstructions and security devices.
c) Incorporated entirely within the site boundary and, if it is an external structure, be designed to reduce visual impact and clutter.
d) No closer than 3m from any dwelling openings.
e) Clear of any entry points to stormwater systems and prevent waste water from entering any stormwater system.

4.4. Pathway, access and door requirements

The pathway and access between the Waste Storage Area and Collection Point or Service Point will be:

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a) Solid, concrete, continuous, non-slip and clear of any obstructions and steps.
b) A maximum ramp gradient of 1 in 8.
c) Hazard free and not via a pathway with vehicular traffic.
d) A minimum width of 1200mm.

Any doors fitted on the Waste Storage Area, pathway and access will be:

e) A minimum width of 1200mm.
f) Able to be latched in an open position.
g) Unobstructed by any locks and security devices.
h) Openable in an outward direction.

4.5. Bulky goods waste storage area requirements

To assist with the storage of goods for Council clean-ups, where the development exceeds 10 dwellings, a bulky goods waste storage area must be provided that will be:

a) A minimum of 4m³ per 10 dwellings fit for the purpose of storing bulky goods.
b) A room or caged area separate from the Waste Storage Area.
c) Incorporated entirely within the site boundary and not visible to the public

4.6. Kerbside (on-street) waste collection requirements

For developments with 3 – 80 dwellings, the pathway and access between the Waste Storage Area and property boundary must be a maximum distance of 6.5m.

4.7. On-site (off-street) waste collection requirements

For developments with more than 80 dwellings, the pathway and access between the Waste Storage Area and the Service Point must be a maximum distance of 6.5m.

The design of the vehicle access will:

a) Support a minimum traffic volume of 60,000 ESA in accordance with Council's Auspec design specification.
b) Support a minimum wheel loading of 8 tonnes, if suspended concrete pavements are being proposed.
c) Have a minimum 180mm reinforced concrete with SL82 mesh 80mm below top of concrete with 150mm compacted road-base for any vehicular crossings.
d) Have a minimum clearance height of 4.5m throughout and clear of any obstructions.

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e) Ensure Council's waste vehicles can enter and exit the development in a forward direction using a maximum of a 3 point turn. The use of a turn table is not acceptable.

4.8. Indemnity Requirements

The applicant will need to indemnify Council and its contractor/s from and against all claims, actions, costs, expenses, loss or damage while providing the waste service. See Appendix E for Indemnity templates (Positive Covenant). The template/s that must be completed will be included as a condition of consent in the approved DA.

4.8. Examples of an appropriate Waste Storage Areas

Below are two examples of appropriate Waste Storage Areas for multi dwelling developments.

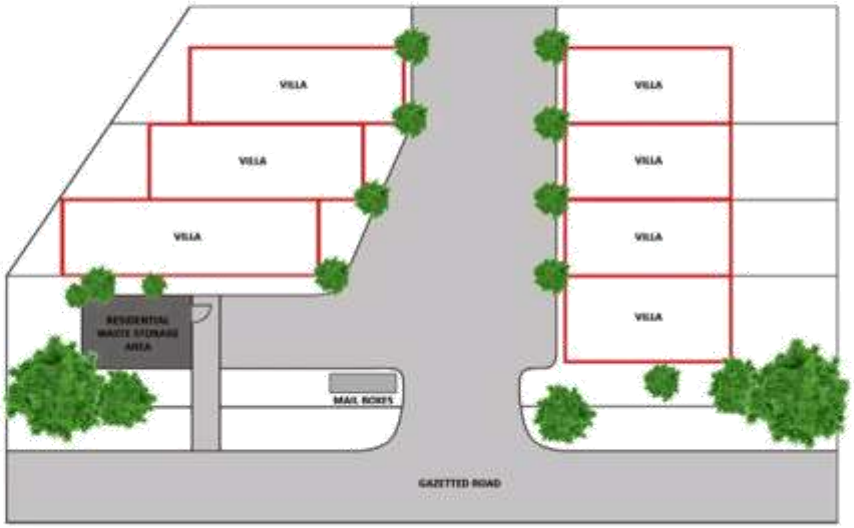

Figure 1: Example of a kerbside (on-street) Waste Collection Area

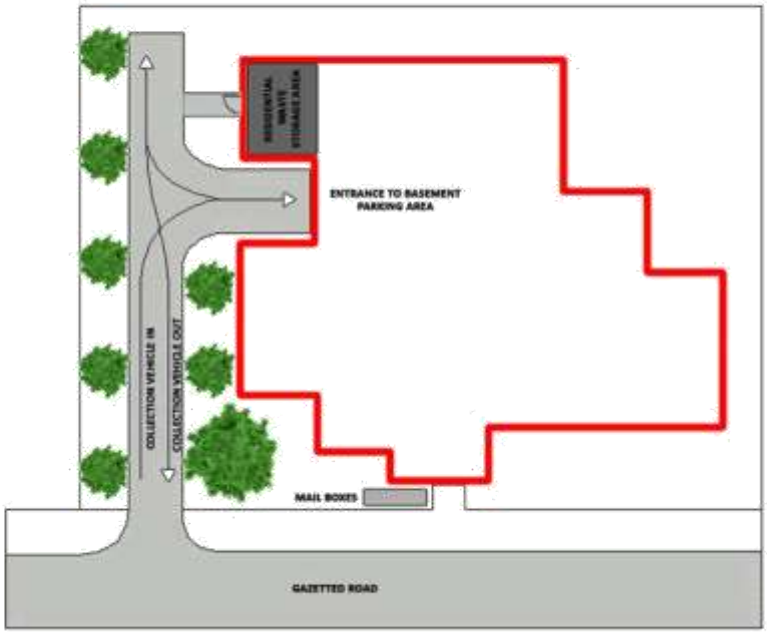

Figure 2: Example of an on-site (off-street) Waste Collection Area

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Waste Management Guidelines

Chapter 5 – On-going waste management for non-residential developments

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This Chapter covers the on-going waste management requirements for proposed non-residential developments.

Applicants must complete 'Section 5 – On-going Stage waste management for non-residential developments' of the Waste Management Plan in accordance with this Chapter.

5.1. Outline of non-residential development types

In Warringah, non-residential development includes but is not limited to:

- Commercial premises (e.g. restaurants, shops, offices, businesses)
- Industry (e.g. manufacturing, light industries, warehouses)
- Tourist and visitor accommodation.

Note: See the Warringah LEP 2011 for definitions of the above development types.

5.2. Waste Storage Area design requirements

The applicant must ensure the design of the Waste Storage Area will be:

a) A designated area to accommodate waste, recycling containers, crates, pallets and other reusable items.
b) A minimum floor space capable of managing the proposed commercial development's waste generation rate. See Chapter 5.4 for non-residential waste generation rates.
c) In accordance with the BCA, relevant AS and other legislation detailed in Chapter xii of the Introduction to the Waste Management Guidelines.
d) Graded and drained to a Sydney Water approved drainage system.
e) Easily kept clean and tidy at all times.

5.2.1. Liquid Waste Storage Area design requirements

Where liquid waste will be generated, the applicant must also ensure the design will be:

a) A designated and separate area, bunded and drained to a grease tap in accordance with Sydney Water requirements.

The applicant must ensure that the liquid waste from grease traps is removed by licensed waste contractors approved by Sydney Water and the NSW Office of Environment and Heritage.

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5.2.2. Refrigeration requirements

Where waste generated contains either 20% by weight or volume of seafood, poultry or meat, or generates 50L of seafood, poultry or meat in total per day, the applicant must ensure the waste is collected daily or refrigerated until it is collected.

5.3. Waste Storage Area location requirements

The applicant must ensure the location of the Waste Storage Area will be:

a) Incorporated entirely within the site boundary, not visible to the public and landscaped to reduce visual impact and clutter.
b) No closer than 3m from any dwelling openings.
c) Clear of any stormwater system and prevent waste water from entering the system.

5.4. Estimating non-residential waste generation rates

The table below provides estimates of likely waste generation rates for non-residential development types.

Type of premises	Garbage generation rate	Recycling generation rate
Assembly Rooms		
• **Social**	50L/100m² floor area/day	10L/100m² floor area/day
• **Recreational**	50L/100m² floor area/day	10L/100m² floor area/day
• **Religious**	50L/100m² floor area/day	10L/100m² floor area/day
• **Entertainment**	0.25L/100m² floor area/day	0.05L/100m² floor area/day
Automotive repair and service	3350L/100m² floor area/day (combined garbage and recycling)	
Backpackers accommodation	6L/100m² floor area/day	3L/100m² floor area/day
Banks	5L/100m² floor area/day	25L/100m² floor area/day
Boarding houses		
Book shop	40L/100m² floor area/day	20L/100m² floor area/day
Building societies	5L/100m² floor area/day	25L/100m² floor area/day
Camera shop	130L/100m² floor area/day (combined garbage and recycling)	
Car parks	2L/100m² floor area/day	0L/100m² floor area/day

Chemist	50L/100m² floor area/day	10L/100m² floor area/day
Childcare	250L/100m² floor area/day	120L/100m² floor area/day
Clothing	50L/100m² floor area/day	10L/100m² floor area/day
Community centres	300L/100m² floor area/day	240L/100m² floor area/day
Department stores	100L/100m² floor area/day	20L/100m² floor area/day
Domestic appliance retailing	50L/100m² floor area/day (combined garbage and recycling)	
Domestic hardware and houseware	40L/100m² floor area/day (combined garbage and recycling)	
Dry cleaners	70L/100m² floor area/day	20L/100m² floor area/day
Electrical goods shop	50L/100m² floor area/day	10L/100m² floor area/day
Fabric & other soft goods retailing	40L/100m² floor area/day (combined garbage and recycling)	
Factories	40L/100m² floor area/day	20L/100m² floor area/day
Florist – Plant shop	1170L/100m² floor area/day (combined garbage and recycling)	
Food		
• **Butcher**	80L/100m² floor area/day	50L/100m² floor area/day
• **Cafe**	300L/100m² floor area/day	200L/100m² floor area/day
• **Delicatessen**	80L/100m² floor area/day	50L/100m² floor area/day
• **Fish and chip shop**	80L/100m² floor area/day	50L/100m² floor area/day
• **Greengrocer**	240L/100m² floor area/day	120L/100m² floor area/day
• **Restaurants**	660L/100m² floor area/day	200L/100m² floor area/day
• **Takeaway shop**	150L/100m² floor area/day	150L/100m² floor area/day
Guest houses	9L/100m² floor area/day	3L/100m² floor area/day
Hairdresser	60 L/100m² floor area/day	60 L/100m² floor area/day
Hotels/Motels	5L/bed/per day	5L/bed/per day
Licensed club	50L/100m² floor area/day	50L/100m² floor area/day
Newsagent	80L/100m² floor area/day (combined garbage and recycling)	
Office	10L/100m² floor area/day	10L/100m² floor area/day
Retail store (food trading)	20L/100m² floor area/day	0L/100m² floor area/day

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Retail store (non-food)	50L/100m² floor area/day	50L/100m² floor area/day
Supermarkets	660L/100m² floor area/day	240L/100m² floor area/day
Theatres	25L/seats/screening	5L/seats/screening
Warehouses	30L/100m² floor area/day	30L/100m² floor area/day

The above information has been sourced from Randwick City Council's Waste Management Plan Guidelines,City of Melbourne Council's Commercial Waste Generation Rate and NSW DECC Better Practice Guide for Waste Management in Multi-unit Dwellings.

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Waste Management Guidelines

Chapter 6 – On-going waste management for mixed-use developments

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6.3. Residential components of mixed-use developments 2
6.4. Examples of acceptable Waste Storage Areas 2

This Chapter covers the on-going waste management requirements for mixed-use developments.

6.1. Outline of mixed use development types

In Warringah, mixed-use developments consist of both residential and commercial premises. This can include but is not limited to combinations of development types outlined in:

- Chapter 3 – On-going waste management for one or two dwellings
- Chapter 4 - On-going waste management for three or more dwellings
- Chapter 5 – On-going waste management for non-residential developments

Applicants proposing these types of developments must ensure the commercial and residential Waste Storage Areas are separated.

6.2. Non-residential components of mixed-use developments

For the non-residential components of the development, applicants must refer to 'Chapter 5 – On-going waste management for non-residential developments' and complete section 5 of the Waste Management Plan.

6.3. Residential components of mixed-use developments

For the residential components of the development, applicants must refer to 'Chapter 3 On-going waste management for one or two dwellings,' or, 'Chapter 4 - On-going waste management for three or more dwellings' and complete section 3 or 4 of the Waste Management Plan.

6.4. Examples of acceptable Waste Storage Areas

Below are two examples of appropriate Waste Storage Areas for mixed-use developments.

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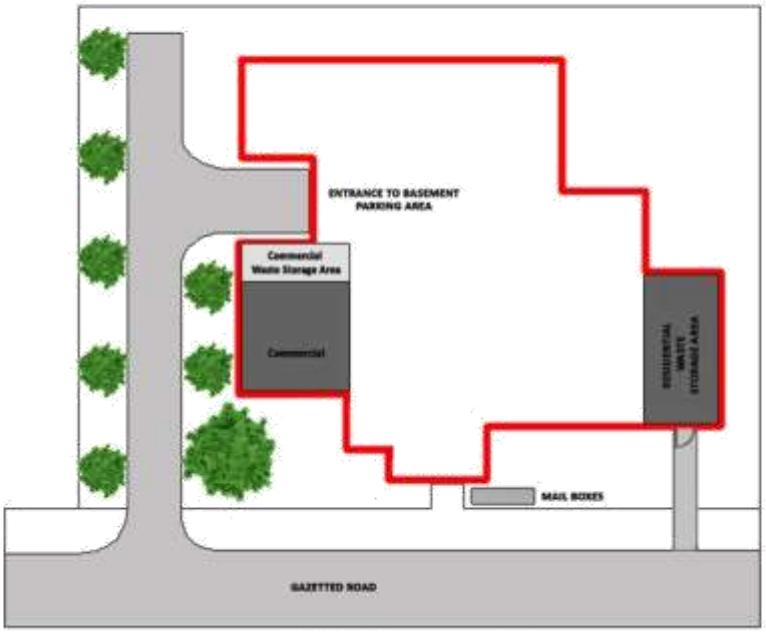

Figure 1: Example of an acceptable kerbside (on-street) Waste Storage Area

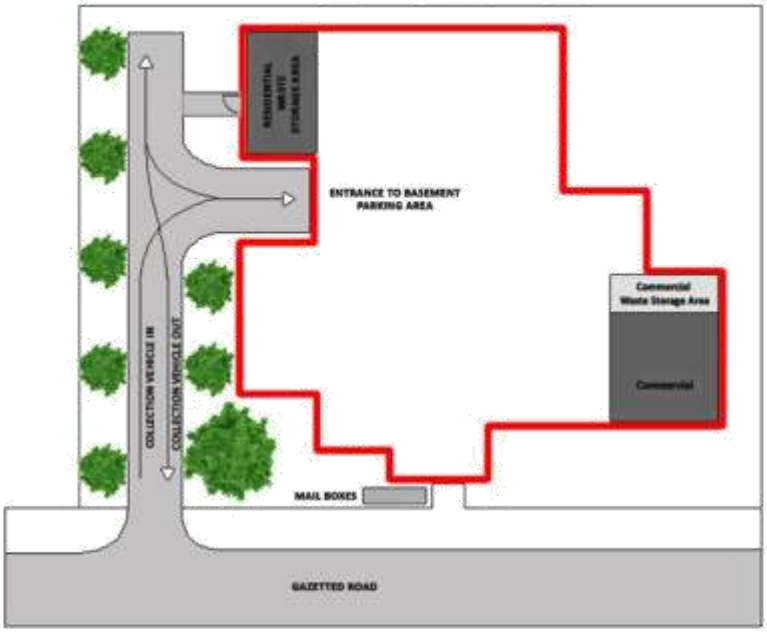

Figure 2: Example of an acceptable on-site (off-street) Waste Storage Area

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Waste Management Guidelines

Chapter 7 – Private roadway developments

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This Chapter covers the requirements for any proposed sub-divisions, community title and/or private roadway developments.

Applicants must complete 'Section 6 – Private roadway developments' of the Waste Management Plan in accordance with this Chapter.

7.1. Outline of development types

In Warringah, private roadway developments include but are not limited to:

- Sub-divisions
- Community title roadways
- Private roadways

A private road is one that is at least 6m wide. Where a sub-division does not include a private road, the applicant must provide a Waste Storage Area. The Waste Storage Area must comply with 'Chapter 4 – On-going waste management for three or more dwellings' of the Waste Management Guidelines.

7.2. Road design requirements for waste vehicles

The applicant must ensure access and bin placement comply with the following:

a) Collection vehicles must be able to enter and leave the property in a forward direction. The use of a turn table is not acceptable.
b) Council's waste vehicles should only be expected to make a three-point turn to complete a U-turn.
c) The shape of a cul-de-sac head is to be either a bowl, 'T' or 'Y' shaped arrangement to allow collection vehicles (Heavy Rigid Vehicle) to turn.
d) Security estates must provide unhindered access to Council and its contractors for the collection of waste.
e) The nature strip (including the footpath, if there is one) must be a minimum of 1.5m wide and higher than the road level to allow space for residents to put their bins out.
f) Roadways must be free from obstructions such as street furniture, vegetation and poles,
g) A minimum working clearance of 4.5m above the road pavement must be provided for aerial cabling, street lightning, etc.
h) An area for the presentation of waste and recycling containers for collection must be provided above the kerb outside each dwelling.

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i) Adequate space behind the kerb must be provided for the occupant of each of the premises to present the allocated number of bins and other waste materials to be collected by Council.

The applicant must ensure roadways and turning circles comply with the following:

a) A maximum desirable gradient of 10% for turning heads.
b) A maximum longitudinal road gradient of 16%.
c) A minimum kerb radius of 9m at the outside of turn where there is to be no kerbside collection.
d) A minimum kerb radius of 10m at outside of turn if there is to be a kerbside collection.
e) The road must be wide enough to allow a minimum 6m wide carriageway that is clear at all times of on-street parking or any other obstructions.
f) The pavement design for a private access road must be designed on a minimum traffic volume of 60,000 ESA in accordance with Councils' Auspec design specification
g) Any suspended concrete pavement is to be designed for a minimum wheel loading of 8 tonnes in order to accommodate waste collection trucks.
h) Vehicular crossings (driveway entry on public land) are to be a minimum 180mm thick reinforced concrete with SL82 mesh 80mm below top of concrete with 150mm thick compacted road base (DGB 20).

7.3. Waste Storage Area requirements

Where the proposed waste and recycling containers are not to be serviced from a private road, the applicant must provide a Waste Storage Area. The Waste Storage Area must comply with 'Chapter 4 – On-going waste management for three or more dwellings of the Waste Management Guidelines.

7.4. Indemnity Requirements

The applicant will need to indemnify Council and its contractor/s from and against all claims, actions, costs, expenses, loss or damage while providing the waste service. See appendix for Indemnity templates (Positive Covenant). The template/s that must be completed will be included as a condition of consent in the approved DA.

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APPENDIX A

Waste Storage Area Requirements

No of dwellings	Once per week (240L)	Twice per week (240L)	Twice per week (660L)
1	1 x 120 & 3 x 240	N/A	N/A
2	2 x 120 & 6 x 240	N/A	N/A
3	4	N/A	N/A
4	4	N/A	N/A
5	6	N/A	N/A
6	6	N/A	N/A
7	7	N/A	N/A
8	8	N/A	N/A
9	9	N/A	N/A
10	9	N/A	N/A
11	11	N/A	N/A
12	11	N/A	N/A
13	13	N/A	N/A
14	13	N/A	N/A
15	15	N/A	N/A
16	15	N/A	N/A
17	16	N/A	N/A
18	17	N/A	N/A
19	18	N/A	N/A
20	19	N/A	N/A
21	20	N/A	N/A
22	20	N/A	N/A
23	22	N/A	N/A
24	22	N/A	N/A
25	24	N/A	N/A
26	24	N/A	N/A
27	26	N/A	N/A
28	26	N/A	N/A
29	27	N/A	N/A
30	28	N/A	N/A
31	N/A	15	N/A
32	N/A	15	N/A
33	N/A	16	N/A
34	N/A	16	N/A
35	N/A	17	N/A
36	N/A	17	N/A
37	N/A	18	N/A
38	N/A	18	N/A

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39	N/A	19	N/A
40	N/A	19	N/A
41	N/A	19	N/A
42	N/A	20	N/A
43	N/A	20	N/A
44	N/A	21	N/A
45	N/A	21	N/A
46	N/A	21	N/A
47	N/A	22	N/A
48	N/A	22	N/A
49	N/A	23	N/A
50	N/A	23	N/A
51	N/A	24	N/A
52	N/A	24	N/A
53	N/A	25	N/A
54	N/A	26	N/A
55	N/A	26	N/A
56	N/A	26	N/A
57	N/A	27	N/A
58	N/A	27	N/A
59	N/A	28	N/A
60	N/A	28	N/A
61	N/A	N/A	11
62	N/A	N/A	11
63	N/A	N/A	11
64	N/A	N/A	11
65	N/A	N/A	11
66	N/A	N/A	11
67	N/A	N/A	11
68	N/A	N/A	11
69	N/A	N/A	13
70	N/A	N/A	13
71	N/A	N/A	13
72	N/A	N/A	13
73	N/A	N/A	13
74	N/A	N/A	13
75	N/A	N/A	13
76	N/A	N/A	13
77	N/A	N/A	13
78	N/A	N/A	13
79	N/A	N/A	13
80	N/A	N/A	14
81	N/A	N/A	14
82	N/A	N/A	15
83	N/A	N/A	15
84	N/A	N/A	15

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85	N/A	N/A	15
86	N/A	N/A	15
87	N/A	N/A	15
88	N/A	N/A	15
89	N/A	N/A	15
90	N/A	N/A	15
91	N/A	N/A	16
92	N/A	N/A	16
93	N/A	N/A	16
94	N/A	N/A	16
95	N/A	N/A	17
96	N/A	N/A	17
97	N/A	N/A	17
98	N/A	N/A	17
99	N/A	N/A	17
100	N/A	N/A	17

Council MGB Specifications

Design of a 120L or 240L bin. Shape and colour may vary

Design of a 660L bin. Shape and colour may vary

Bin Type	120L	240L	660L
Height	940mm	1080mm	1250mm
Depth	560mm	735mm	850mm
Width	485mm	580mm	1370mm

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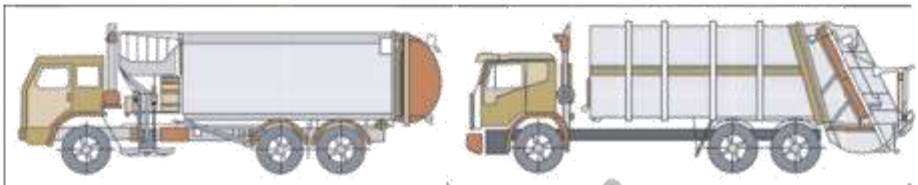
APPENDIX B

Collection Vehicle Specifications



Heavy rigid side arm compaction vehicle	Heavy rigid rear loader compaction vehicle

Photo sourced: from: Better Practice Guide for Waste Management in Multi-Unit Dwellings, Department of Environment and Climate Change NSW 2008.

Vehicle	Length	Width	Service height	Travel height	Weight	Turning Circle
Council's waste vehicle	9.7m	2.5m	4.5m	[illegible]	22.5t	19m

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APPENDIX C

Waste Garbage Chute Requirements

Council does not recommend the use of waste chutes. Considerations will be given on a case by case basis and must be discussed at a pre-lodgment meeting. Detailed information and specification regarding waste chutes is contained below, however, manufacturers specifications should always take precedence:

a) Garbage Chutes are not permitted for recyclable materials and must be clearly labelled to discourage improper use.

b) Access to the Waste Garbage Chute must be provided by an inlet hopper (or service opening) which must be located within designated Waste Service Rooms. The Waste Service Room must also provide interim disposal areas for the temporary storage of recyclables.

c) Chutes, charging devices and service openings must be constructed of fire resistant material which is additionally smooth, durable, impervious and non-corrosive.

d) Garbage Chutes must be constructed in accordance with the requirements of the Building Code of Australia.

e) Chutes must be designed to reduce noise impact.

f) Chutes, service openings and charging devices must be constructed of material (such as metal) which is smooth, durable, impervious and non-corrosive.

g) Chutes must be cylindrical and should have a diameter of at least 500mm.

h) There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.

i) Internal overlaps in the chute must follow the direction of waste flow.

j) Chutes must deposit rubbish directly into a bin or compactor located within a designated Waste Storage Area.

k) A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.

l) Any charging device required for each service opening must be self-closing and must not project waste into the main chute.

m) Any required charging devices are to:

n) Effectively close the service opening in the chute when the device is open for loading;

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o) Permit free transfer of waste into the chute;

p) Not project into the chute;

q) Return to the closed position after use automatically;

r) Permit easy cleaning of the device and the connection between the service opening and the chute.

s) The chute, charging device and service opening must be designed to enable easy cleaning.

t) Chutes must be ventilated to ensure that air does not flow from the chute through any service opening.

u) Branches connecting service openings to the main chute are to be no more than 1m long.

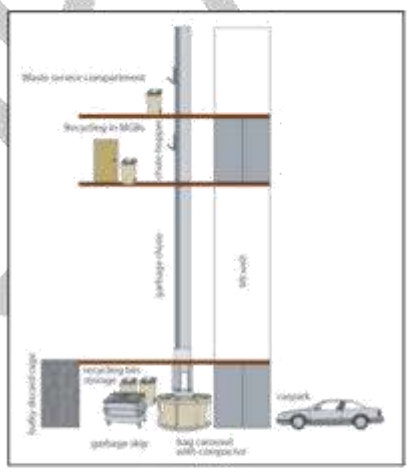
v) Any mechanical compaction device within the building shall comply with the following requirements

   i. maximum compaction rate of 2:1;

   ii. designed to accommodate general household garbage only; and

   iii. not be used to compact recyclables.

An example of a chute and service lift system in a high-rise development is provided in below.



Source: Better Practice Guide for Waste Management in Multi-unit Dwellings, Department of Environment and Climate Change NSW 2005

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APPENDIX D

Community Management Statement

1.0 Council Waste Collection

1.1 Each registered proprietor and occupier of a lot must sort and store domestic waste, materials (not of a kind prohibited under any State or Federal statute) which shall include garbage, recyclables, general clean up, vegetation clean up and any other domestic waste materials which Warringah Council (hereinafter referred to as "Council") has arranged to collect (hereinafter referred to as "Waste"), according to:

(a) Council's requirements, and

(b) the Community Association requirements

Council's requirements prevail if there is a conflict in these requirements.

1.2 A registered proprietor and occupier of a lot must keep any Waste container and Waste secure so that:

(a) there is no hazard or danger to the public;

(b) it does not emit odours; and

(c) it is hidden from view from outside the lot and from lot 1.

1.3 The registered proprietor and occupier of a lot must ensure that Waste in his/her Waste container as required by Council on or from the lot is made available for collection and removal by the Council in accordance with the Council's requirements as in force from time to time relating to the disposal, collection and removal of Waste. Waste containers are not to be placed for collection other than for a reasonable time before and after the times set aside for Waste collection and removal.

1.4 The Community Association and the registered proprietor of each lot permit Council and every person authorised by it and its Waste contractor to do all things reasonably necessary and to enter, go, pass and re-pass land in the Community Plan for the purpose of exercising the following functions, namely, the collection and removal of Waste, with or without vehicles or both, and remaining upon the subject land for a reasonable time for the purpose of such collection and removal as well as for the purpose of the delivery, removal, inspection and repair of Waste containers.

1.5 The registered proprietor of each lot as well as the Community Association:

(a) acknowledge that the collection of the Waste is on the basis that the Council and every person authorised by it and its Waste contractor will not be liable for any damage or loss (including damage or loss to any fixture, flora, kerb, gutting, underground pipe, drain and infrastructure located above or beneath the surface of the subject land where such damage or loss is suffered by the registered proprietor, the Community Association or any other person) arising from the exercise by Council or its Waste contractors of the functions referred to in By-law 1.4, except to the extent that such damage or loss is as a result of the negligence of Council or its Waste contractor as the case may be;

(b) jointly and severally indemnify Council and every person authorised by it and its Waste contractors in respect of all such damage and loss except to the extent that such damage or loss is as a result of the negligence of Council or its Waste contractor as the case may be; and

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(c) if required by Council, shall as a precondition and prerequisite to Council and its Waste contractor entering upon the subject land, with or without vehicles, for the purpose of the collection and removal of Waste from the subject land and for certain associated and other ancillary purposes, enter into and execute a positive covenant, or enter into such additional or other agreement or arrangement as may be deemed necessary or appropriate by Council, in such form and on such terms as are acceptable to Council, to reflect the terms of this By-Law in terms in a manner satisfactory to Council.

1.6 The registered proprietor and occupier of each lot and the Community Association must ensure that the access way for collection of Waste is not obstructed in any way by vehicles or any structures which may inhibit the collection of Waste.

1.7 Council may, in its absolute discretion, terminate the collection and removal of Waste within the property and direct that collection and removal of Waste be at the kerbside of the nearest public road.

1.8 The indemnities given by each registered proprietor in By-law 1.5 apply only to the extent that the event the subject of the indemnity relates to the proprietor's own lot.

1.9 For the purpose of this By-law and anything done for the purpose of giving effect to it, the Community Association has the power to enter into an agreement or arrangement with Council for the execution and imposition of a positive covenant in favour of Council as the prescribed authority, as well as the power to enter into any additional or other agreement or arrangement with Council as may be deemed necessary or appropriate by Council, pursuant to which or whereby access onto and over the Community Association land may be granted to Council and its Waste contractor for the collection and removal of Waste and for ancillary functions, and the Community Association shall cooperate with Council in relation to the registration at Land and Property Information NSW of any positive covenant, agreement, or arrangement may extend to releasing and/or indemnifying Council and its Waste contractor from any liability for any damage or loss of the kinds referred to in this By-law. As soon as practical after the making to Council of a request of the kind referred to in By-law 1.5(c), the Community Association, as well as the registered proprietor of any lot (if so required by Council), must enter into and execute the positive covenant, or enter into such additional or other agreement or arrangement required by Council, as the case may be, in the terms contemplated in By-law 1.5(c).

1.10 The By-law may not be amended or revoked without the formal prior consent of Council.

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APPENDIX E

Positive Covenant For Council and Contractor Indemnity

This Positive Covenant is imposed by Warringah Council upon the land described in certificate of title folio identifier by instrument dated the _____.

1. In this Covenant the expressions defined in this clause shall have the meanings ascribed to them unless the context otherwise requires:

    a. **Community Scheme** means any community, strata, precinct or neighbourhood scheme registered under the Strata Schemes (Freehold Development) Act 1973 (NSW), Strata Schemes (Leasehold Development) Act 1986 (NSW) or Community Land Development Act 1989 (NSW) or if any such Act is repealed, under any replacement Act.

    b. **Contractor** means any entity engaged by the Prescribed Authority to remove waste from the Land Burdened and any sub-contractor, officer, employee or agent of that entity and includes any officer, employee or agent of the Prescribed Authority.

    c. **Land Burdened** means the land described in Certificate of Title Folio identifier

    d. **Prescribed Authority** means Warringah Council and any local government council with which that Council may merge and any other Prescribed Authority within the meaning of Section 88E of the Conveyancing Act 1919 (NSW) which may be responsible for the removal of waste from the Land Burdened.

    e. **Owners corporation** means an owners corporation as defined in the Strata Schemes Management Act 1996 (NSW) or a community association, neighbourhood association or precinct association as defined in the Community Land Management Act 1989 (NSW), as the case may be.

    f. **Waste** includes any garbage, recyclables, vegetable or other materials which the registered proprietor or any user or occupier of the Land Burdened (or where such proprietor is the owners corporation of a Community Scheme, the registered proprietor of any lot in that Community Scheme) leaves out for collection (whether in bins or otherwise) for collection by the Prescribed Authority or the Contractor.

2. The registered proprietor and any user or occupier of the Land Burdened must permit the Prescribed Authority and the Contractor to enter upon the Land Burdened with or without vehicles for

    a. the purpose of the removal of Waste from such land and to remain upon such land for a reasonable time for the purpose of such removal;

    b. the delivery, removal, inspection and repair of Waste containers.

3. The registered proprietor and any user or occupier of the Land Burdened cannot make any claim against the Prescribed Authority or the Contractor for any repairs or damage caused to the Land Burdened as a result of the Prescribed Authority or the Contractor exercising the rights set out in clause 2. "Repairs and damage caused to the Land Burdened" in this clause 3 shall include repairs of, and damage to, any fixture, flora, kerb, gutter, underground pipe, drain and/or infrastructure located above or beneath the surface of the Land Burdened.

4. The registered proprietor of the Land Burdened must indemnify the Prescribed Authority and the Contractor against any future claim for damage or loss arising from the exercise by the

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Prescribed Authority or the Contractor of the rights set out in clause 2 except to the extent that such damage or loss is a result of the negligence of the Prescribed Authority or the Contractor as the case may be. "Damage or loss" in this clause 4 shall include damage or loss to any fixture, flora, kerb, gutting, underground pipe, drain and infrastructure located above or beneath the surface of the Land Burdened where such damage or loss is suffered by the said registered proprietor or any other person.

5. The registered proprietor of the Land Burdened and any user or occupier of such land must not park any vehicle or place any goods or materials on the Land Burdened which will impede the exercise by the Prescribed Authority or the Contractor in exercising the rights available to them set out in clause 2.

6. Nothing in this Covenant shall oblige the Prescribed Authority or the Contractor to exercise any of the rights set out in clause 2.

7. The registered proprietor of the Land Burdened must use its best endeavours to obtain the consent of any mortgagee and/or caveator of the Land Burdened to this covenant and its registration at Land and Property Information New South Wales ("LPI") including obtaining the production of the Certificate of Title of the Land Burdened at LPI to enable registration at such office of this covenant.

8. The Prescribed Authority and the registered proprietor of the Land Burdened will each pay their respective legal costs and out of pocket expenses in relation to the preparation execution and registration of this covenant including the obtaining of any mortgagee's or caveator's consent to such covenant.

Registered proprietor	Authorised Officer of the Prescribed Authority

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APPENDIX F

Positive Covenant For Lot Burdened With Waste Storage Area

Terms of easement, profit á pendre, restriction or positive covenant numbered '……' in the plan.

1. In this Covenant the expressions defined in this clause shall have the meanings ascribed to them unless the context otherwise requires:

   a) **Land Burdened** means the land described in Certificate of Title Folio Identifier.

   b) **Prescribed Authority** means Warringah Council and any local government council with which that Council may merge and any other Prescribed Authority within the meaning of Section 88E of the Conveyancing Act 1919 (NSW) which may be responsible for the removal of waste from the Land Burdened.

   c) **Registered Proprietor** means the proprietors of the land mentioned above. It shall include the registered proprietor of the land from time to time and all his heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land the terms of this covenant shall bind all those registered proprietors jointly and severally.

   d) **The Structure** means the garbage and recycling receptacle storage enclosure.

2. The registered proprietor of the land burdened with respect to the structure denoted '……' shall:

   a) not carry out, or allow to be carried out any alterations to the structure outside those normally required for formation, maintenance and proper function of the structure.

   b) not allow any obstruction or interference of any kind to be erected, placed, created or permitted so as to inhibit the function of the structure;

   c) except in accordance with Warringah Council approved plan, not remove the shelter nor allow any building, erection or structure to be constructed, or allow to remain constructed or placed on that part of the land denoted '….' on the abovementioned plan.

   d) not prevent any owner or occupier of the land hereby benefited from accessing the bin storage facility for the purpose of depositing garbage and recyclable materials.

3. Only the prescribed authority is authorised to release, vary or modify the terms of the land denoted '……'

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Registered proprietor

Authorised Officer of the Prescribed Authority

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APPENDIX G

Positive Covenant For Resident Access to Waste Storage Area

Terms of easement, profit à prendre, restriction or positive covenant numbered '……' in the plan.

4. In this Covenant the expressions defined in this clause shall have the meanings ascribed to them unless the context otherwise requires:

   a) **Land Burdened** means the land described in Certificate of Title Folio Identifier.

   b) **Prescribed Authority** means Warringah Council and any local government council with which that Council may merge and any other Prescribed Authority within the meaning of Section 88E of the Conveyancing Act 1919 (NSW) which may be responsible for the removal of waste from the Land Burdened.

   c) **Registered Proprietor** means the proprietors of the land mentioned above. It shall include the registered proprietor of the land from time to time and all his heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land, the terms of this covenant shall bind all those registered proprietors jointly and severally.

   d) **The Structure** means the garbage and recycling receptacle storage enclosure.

5. The registered proprietor of the lot benefited must:

   a) by any reasonable means pass across the lot burdened for the purposes of transporting residential garbage and recycling materials

   b) place all waste and recyclable material within the bins provided by Warringah Council.

   c) ensure that the garbage and recycling bins provided by Warringah Council must remain within the bin storage facility at all times.

   d) When they exercise their rights under this easement, the owner or occupier of the lot benefited must:

   e) (a) cause as little inconvenience as practicable to the owner or occupier of the lot burdened;

   f) (b) cause as little damage as is practicable to the lot burdened and any improvements on it;

   g) repair damage which they cause to the easement site or the lot burdened;

   h) immediately remove anything they spill on the easement site, deposit any uncontained residential garbage on the easement site and in the event of a spill, clean the affected area;

   i) notify the owner or occupier of the lot burdened of any damage

6. Only the prescribed authority is authorised to release, vary or modify the terms of the land denoted '…..'.

Registered proprietor

Authorised Officer of the Prescribed Authority

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APPENDIX H

Positive Covenant For Waste Storage Area Maintenance

Terms of easement, profit á pendre, restriction or positive covenant numbered '….' in the plan.

7. In this Covenant the expressions defined in this clause shall have the meanings ascribed to them unless the context otherwise requires:

   a) **Land Burdened** means the land described in Certificate of Title Folio Identifier.

   b) **Prescribed Authority** means Warringah Council and any local government council with which that Council may merge and any other Prescribed Authority within the meaning of Section 88E of the Conveyancing Act 1919 (NSW) which may be responsible for the removal of waste from the Land Burdened.

   c) **Registered Proprietor** means the proprietors of the land mentioned above. It shall include the registered proprietor of the land from time to time and all his heirs, executors, assigns and successors in title to the land and where there are two or more registered proprietors of the land, the terms of this covenant shall bind all those registered proprietors jointly and severally.

   d) **The Act** means the Conveyancing Act 1919.

   e) **The Structure** means the garbage and recycling receptacle storage enclosure.

8. The registered proprietor of the land burdened with respect to the structure denoted '……' shall:

   a. keep the structure clean and free from rubbish and debris

   b. maintain and repair at the sole expense of the registered proprietors of the lots burdened the whole of the structure so that it functions in a safe and efficient manner.

9. For the purpose of ensuring observance of the covenant the prescribed authority or its representative may at any reasonable time of the day enter the land and view the condition of the land and the state of construction maintenance or repair of the structure on the land.

10. The registered proprietors shall indemnify the prescribed authority and any adjoining land owners against any claims for damages arising from the failure of any component of the structure, or failure to clean, maintain and repair the structure.

11. By verbal or written notice the prescribed authority may require the registered proprietors to attend to any matters and to carry out such works within such time as the prescribed authority may require to ensure the proper and efficient performance of the structure.

12. This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

Registered proprietor	Authorised Officer of the Prescribed Authority

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Waste Management Plan

This plan is to be completed in accordance with Council's **Waste Management Guidelines**

Effective Date XXXX

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Section 4 – On-going waste management for three or more dwellings 10
Section 5 – On-going waste management for non-residential developments 11
Section 6 – Private roadway developments 12

Purpose of the Waste Management Plan

This *Waste Management Plan (WMP)* will detail the arrangements for waste management during all stages of development and occupation.

The WMP must be completed in accordance with the Waste Management Guidelines (Guidelines).

A completed WMP is a mandatory requirement for any Development Application (DA). DAs that are submitted without a completed WMP will be rejected or refused by Council.

Structure of the Waste Management Plan

All applicants are required to complete the 'Applicant and Project Details' part of the WMP and include it with the relevant Sections that apply to their proposed development.

The WMP is divided into Sections and applicants are only required to complete the relevant Sections in accordance with the Guidelines. The table below identifies which Sections are relevant to which development types.

For example, if the proposed development was to include demolition of an existing structure and construction of a single dwelling, the relevant Sections would be Sections 1, 2 and 3.

Section	Development Type^
Section 1 – Demolition	All
Section 2 – Construction	All
Section 3 – On-going waste management for one or two dwellings	One or two dwelling developments Mixed-use developments containing one or two dwellings
Section 4 – On-going waste management for three or more dwellings	Three or more dwelling developments Mixed-use developments containing three or more dwellings
Section 5 – On-going waste management for commercial developments	Commercial developments Mixed-use developments
Section 6 – Private roadway developments	Private roadways

^Note: the definitions of the development types are provided in Chapter vi of the Guidelines

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Section 1 – Demolition

Applicant and Project Details

Complete this page and the relevant Sections that apply to your proposed development.

Applicants' Details

Name: (must be the same as the DA form)	
Address: (must be the same as the DA form)	
Phone Number:	
Email Address:	

Property Details

Lot No: Deposited Plan (DP) No: or Strata Plan (SP) No:	
Unit No: House No: Street: Suburb: Postcode:	

Project Details

Description of proposed development:	
Structures to be demolished:	

Applicant Declaration

I declare that:

1. This plan has been completed in accordance with the Waste Management Guidelines
2. To the best of my knowledge, the details on this form are accurate and correct

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3. I understand that all records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, NSW Environment Protection Authority or WorkCover NSW.

Signature of Applicant: _____ Date: _____

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Section 1 – Demolition

This section must be completed in accordance with 'Chapter 1 – Demolition' of the Waste Management Guidelines

MATERIALS ON SITE	**DESTINATION** *Evidence such as weighbridge dockets and invoices for waste disposal or recycling must be retained on site for inspection*					
	REUSE AND RECYCLING (MOST FAVOURABLE)				**DISPOSAL (LEAST FAVOURABLE)**	
Types of Waste Material	Estimated Volume (m^3) or Weight (t)	**ONSITE RE-USE** ✓ Specify how material will be reused on site	**OFFSITE RECYCLING** ✓ Recycling Outlet (RO) ✓ Waste Transport Contractor (WTC)		**OFFSITE DISPOSAL** ✓ Specify landfill site (LS) ✓ Specify Waste Transport Contractor (WTC)	
			WTC	RO	WTC	LS
Excavated Material						
Garden Organics						
Bricks					OPTION NOT AVAILABLE: These materials must be re-used or separated on or off site and sent for recycling.	
Tiles						
Concrete						
Timber						
Plasterboard						
Metals						
Asbestos						
Other waste (please specify)						
Estimated Total % Recovered						

Refer to the estimation tables in 'Chapter 1 – Demolition' of the Guidelines for assistance in completing this table.

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Section 1 – Demolition

The applicant must submit a Site Plan showing the structures to be demolished and storage areas for waste and construction materials (if the development also includes construction).

WMP Checklist

Have you included the following:	Applicant Tick
A site plan showing: • The structures to be demolished. • Storage areas for waste to be reused, recycled, or disposed of. • Materials storage (if the development also includes construction)	☐
The table on the previous page, completed in accordance with 'Chapter 1 – Demolition' in the guidelines.	☐

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Section 2 – Construction

This section must be completed in accordance with 'Chapter 2 – Construction' of the Waste Management Guidelines

MATERIALS ON SITE	**DESTINATION** *Evidence such as weighbridge dockets and invoices for waste disposal or recycling must be retained on site for inspection*					
	REUSE AND RECYCLING (MOST FAVOURABLE)				**DISPOSAL (LEAST FAVOURABLE)**	
Types of Waste Material	Estimated Volume (m^3) or Weight (t)	**ONSITE RE-USE** ✓ Specify how material will be reused on site	**OFFSITE RECYCLING** ✓ Specify recycling outlet (RO) ✓ Specify Waste Transport Contractor (WTC)		**OFFSITE DISPOSAL** ✓ Specify landfill site (LS) ✓ Specify Waste Transport Contractor (WTC)	
* Please specify			WTC	RO	WTC	LS
Excavated Material						
Garden Organics						
Bricks					OPTION NOT AVAILABLE: These materials must be re-used or separated on or off site and sent for recycling.	
Tiles						
Concrete						
Timber*						
Plasterboard						
Metals*						
Asbestos						
Other waste*						
Estimated Total % Recovered						

Refer to the estimation tables in 'Chapter 2 – Construction' of the Guidelines for assistance in completing this table.

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The applicant must submit a Site Plan showing the structures to be demolished and storage areas for waste and construction materials (if the development also includes construction).

WMP Checklist

Have you included the following:	Applicant Tick
A site plan showing: • The structures to be demolished. • Potential storage areas for waste to be reused, recycled, or disposed of. • Materials storage	☐
The table on the previous page, completed in accordance with 'Chapter 2 – Construction' in the guidelines.	☐

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Section 3 – On-going waste management for one or two dwellings

This section is to be completed in accordance with 'Chapter 3 – On-going waste management for one or two dwellings' of the Waste Management Guidelines.

Type of development: _____

Number of dwellings: _____

WMP Checklist

Do your architectural and landscape plans include the following:	Applicant Tick
Waste Storage Area design requirements (Chapter 3.2.)	☐
Waste Storage Area location requirements (Chapter 3.3.)	☐

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Section 4 – On-going waste management for three or more dwellings

This section is to be completed in accordance with 'Chapter 4 – On-going waste management for three or more dwellings' of the Waste Management Guidelines.

Type of development: _____

Number of dwellings: _____

WMP Checklist and Applicant Declaration

Do your architectural/landscape plans include the following:	Applicant Tick	N/A
Waste Storage Area design requirements (Chapter 4.2.)	☐	-
Waste Storage Area location requirements (Chapter 4.3.)	☐	-
Pathway, access and door requirements (Chapter 4.4.)	☐	-
Clean-up waste requirements (Chapter 4.5.)	☐	☐
Kerbside (on-street) waste collection requirements (Chapter 4.6.)	☐	☐
On-site (off-street) waste collection requirements (Chapter 4.7.)	☐	☐

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Section 5 – On-going waste management for non-residential developments

This section is to be completed in accordance with 'Chapter 5 – On-going waste management for non-residential developments' of the Waste Management Guidelines.

Type of development: _____

Number of commercial premises: _____

Number of Waste Storage Areas: _____

WMP Checklist

Do your architectural/landscape plans include the following:	Applicant Tick	N/A
Waste Storage Area design requirements (Chapter 5.2.)	☐	-
Waste Storage Area location requirements (Chapter 5.3.)	☐	-

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Section 6 – Private roadway developments

This section is to be completed in accordance with 'Chapter 7 – Private roadway developments' of the Waste Management Guidelines.

Type of development: _____

Number of dwellings: _____
(Only applicable for sub-divisions)

WMP Checklist and Applicant Declaration

Do your sub-division plans include the following:	Applicant Tick	N/A
Council's waste vehicle design requirements (Chapter 7.2.)	☐	☐
Waste Storage Area requirements (Chapter 7.3.)	☐	☐

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APPENDIX 8 CURRENT AND AMENDED PARTS C8 AND C9 IN THE WARRINGAH DEVELOPMENT CONTROL PLAN

Current Part C8

C8 Demolition and Construction

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

• To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.
• To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.
• To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan
• To discourage illegal dumping.

~~Requirements~~

~~1. Section 1 of the Waste Management Plan must be satisfactorily completed and submitted.~~
~~2. An area must be allocated for the sorting and storage of materials for use, recycling and disposal. This area should be located in a disturbed area of the site, giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, pedestrian and traffic movement and access and handling requirements.~~
~~3. The timing and frequency, and routes of vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents.~~
~~4. Demolition and construction waste must be legally handled, transported and disposed of.~~

Note

Removal of asbestos must be undertaken in accordance with the following:
The relevant Australian Standard. Australian Standard AS 2601-2001 'Demolition of Structures' applied at the time the DCP was adopted.
Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC:2002(2005)], Australian Government, National Occupational Health and Safety Commission.

~~Requirements~~

~~5. Dedicated safe pedestrian access is, at all times, to be provided around the site.~~
~~6. Demolition and construction waste must be minimised and source separation, reuse and recycling of materials must be maximised.~~
~~7. Demolition and construction sites will be managed to ensure air and water borne pollutants such as noise, dust, odour and liquids and the like are minimised.~~
~~8. Demolition and construction sites will be managed to minimise site disturbance, limiting unnecessary excavation.~~

Note

Initiatives to ensure that site impact is minimised include:
Restricting vehicles to one entry/ exit which is appropriately stabilised with aggregate or the like;
• Provision of a sediment control device at the access point to prevent sediment depositing on roads;
• Managing the number and frequency of vehicular movements to minimise impact on the neighbourhood;
• Minimising air pollution by watering, limiting site disturbance and landscaping at the end of the project;

- *Locating drainage in close proximity to the built area to avoid excavation;*
- *Implementing methods to control stormwater and erosion during construction;*
- *Implement rehabilitation techniques to restore the site for future use; and*
- *Regularly check and maintain devices.*

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Proposed Part C8

C8 Demolition and Construction

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

• To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.
• To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.
• To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan
• To discourage illegal dumping.

Note

Removal of asbestos must be undertaken in accordance with the following:
The relevant Australian Standard. Australian Standard AS 2601-2001 'Demolition of Structures' applied at the time the DCP was adopted.
Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC:2002(2005)], Australian Government, National Occupational Health and Safety Commission.

Note

Initiatives to ensure that site impact is minimised include:
Restricting vehicles to one entry/ exit which is appropriately stabilised with aggregate or the like;
• Provision of a sediment control device at the access point to prevent sediment depositing on roads;
• Managing the number and frequency of vehicular movements to minimise impact on the neighbourhood;
• Minimising air pollution by watering, limiting site disturbance and landscaping at the end of the project;
• Locating drainage in close proximity to the built area to avoid excavation;
• Implementing methods to control stormwater and erosion during construction;
• Implement rehabilitation techniques to restore the site for future use; and
• Regularly check and maintain devices.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Current Part C9 with Contents

C9 Waste Management

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

• To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
• To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
• To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
• To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
• To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
• To minimise any adverse environmental impacts associated with the storage and collection of waste.
• To discourage illegal dumping.

~~**Contents of this section**~~

~~Residential accommodation - one or two dwellings~~

~~Residential accommodation - 3 or more dwellings~~

~~Non-Residential Development~~

~~Mixed Use Premises (Residential/Non-Residential)~~

~~Community Title Subdivisions and/or Residential Development involving Private Roads~~

~~**Residential accommodation - one or two dwellings**~~

~~**Requirements**~~

~~1. Each dwelling must include a designated area to accommodate Council's allocated number of waste/recycling containers for residential premises (as indicated in Appendix 13)~~

~~**Note**~~

~~*For waste/recycling collections, Council's collection point will be kerbside of the nearest trafficable public road.*~~

~~Residential accommodation - 3 or more dwellings~~

~~Requirements~~

~~1. Section 2 of the Waste Management Plan must be satisfactorily completed and submitted, to enable the consent authority to assess the proposed waste management practices for the development.~~
~~2. For waste/recycling collections:~~
~~a) where the number of dwellings/units is 29 or less, Council's collection point will be kerbside of the nearest trafficable public road; or~~
~~b) where the number of dwellings/units is 30 or more, a service area must be nominated on-site. In these instances:~~
~~i. the service area, access driveways and internal roads must be designed in accordance with Council's engineering design specifications 'Auspec 1' and the relevant Australian Standard.~~
~~ii.The service area shall have minimum dimensions equal to the service bay dimensions for vehicle class "HRV" plus 1 metre to length and width dimension, referenced in the relevant Australian Standard~~

~~**Note**~~

~~*As a condition of development consent a positive covenant or other arrangement, in such form and on such terms as are acceptable to Council, shall ordinarily be required by Council. If required, the positive covenant or arrangement shall be entered with Council in relation to the land burdened giving power and authority to Council and its waste contractor to enter the land burdened with or without vehicles for the purpose of the removal of waste and associated services. The positive covenant or arrangement shall also provide an indemnity to Council and its contractor against any future claim for damage or loss. It is recommended that the applicant speak with Council's Waste Services Coordinator in regard to the design of development proposals which involve waste collection vehicles entering the site.*~~
~~*Australian Standard AS 2890.2-2002 'Parking Facilities - off-street commercial vehicle facilities' applied at the time the DCP was adopted.*~~

~~Requirements~~

~~3. Each development must include, or have access to, designated Waste/Recycling Storage Rooms or Areas:~~
~~a) where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway; or~~
~~b) where the number of dwellings/units is 30 or more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.~~

~~4. Waste/Recycling Storage Rooms or Areas must be located no closer than 3 metres from an opening within a dwelling.~~
~~5. External Waste/Recycling Storage Areas require walls and a roof. Walls are to be a minimum of 1.6 metres high, extending to the height of any containers which are kept within. The ceiling must be a minimum of 2.1 metres high throughout with no obstructions.~~
~~6. The Waste/Recycling Storage Rooms or Areas must be of sufficient size to accommodate and manoeuvre Council's allocated number of waste/recycling containers for residential premises (as indicated in Appendix 13), including a minimum aisle width of 1 metre.~~
~~7. The path from the Waste/Recycling Storage Rooms or Areas to the collection point or service area must:~~

~~a) provide a minimum clearance width of 1.2 m and a minimum clearance height of 2.1 m;~~
~~b) not be via a road with vehicular traffic (if applicable, the path must be adjacent);~~
~~c) be continuous with no steps or obstructions;~~
~~d) have a non-slip surface; and~~
~~e) have a maximum gradient of 1V:8H.~~

~~8. Waste/Recycling Storage Rooms or Areas must not be located behind lockable security grilles/rollers/doors or gates. All doors/gates must open outwards, be capable of being fixed in the open position, and close fitting.~~
~~9. Waste/Recycling Storage Rooms that are fully enclosed should be ventilated to external air by natural or mechanical means complying with the relevant Australian Standard. Mechanical ventilation systems servicing Waste/Recycling Storage Rooms must be isolated from mechanical ventilation systems servicing any other part of the building.~~

~~**Note**~~

~~*Australian Standard AS 1668.2-2002 'The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control' applied at the time the DCP was adopted.*~~

~~**Requirements**~~

~~10. Waste/Recycling Storage Rooms or Areas must be serviced by a cold water tap. The hose cock must be protected from the waste containers and must be located in a position which is easily accessible when the area is filled with waste containers. The tap must not obstruct aisles and access ways.~~
~~11. No other service infrastructure or services bays are to be located in the Waste/Recycling Storage Rooms or Areas. This includes and is not limited to air conditioning ducts, pipes gas or water meters, swimming pool pumps or electrical installations.~~
~~12. Waste/Recycling Storage Rooms or Areas must prevent polluted waste water runoff from entering the stormwater system (including any On-Site Stormwater Detention Systems).~~
~~13. The internal walls of the Waste/Recycling Storage Rooms or Areas must be cement rendered or tiled with glazed tiles fixed in accordance with the relevant Australian Standard, and coved at the floor/wall intersection.~~

~~**Note**~~

~~*Australian Standard AS 3958.1-2007 'Ceramic tiles - Guide to the installation of ceramic tiles' applied at the time this DCP was adopted.*~~

~~**Objectives**~~

~~14. The floor of any Waste/Recycling Storage Rooms or Areas:~~
~~a) is to be graded and appropriately drained to a Sydney Water approved drainage connection located upon the site;~~
~~b) must have an impervious, non slip and non abrasive finish with no protrusions that would prevent easy cleaning or manoeuvring of bins.~~
~~15. Any garbage chutes must be designed in accordance with the requirements in Appendix 3. Where garbage chutes are proposed, each floor (level) is to be provided with a Service Room for access to the chute and storage of recyclables. The management of recyclables must be detailed in the Waste Management Plan.~~

~~**Note**~~

~~*Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.*~~

~~**Objectives**~~

~~16. Any service rooms must be designed in accordance with the requirements in Appendix 3.~~
~~17. Any mechanical compaction device within the building shall comply with the following requirements:~~
~~a) maximum compaction rate of 2:1;~~
~~b) designed to accommodate general household garbage only; and~~
~~c) not be used to compact recyclables.~~

~~18. For developments which include at least ten dwellings, a dedicated room or caged area of at least 4 cubic metres must be provided for the temporary storage of discarded bulky items which are awaiting removal. For each additional ten dwellings, an additional 4 cubic metres must be provided. The storage area must be adjacent to the Waste/Recycling Storage Rooms or Areas.~~

Non-Residential Development

Requirements

1. Section 2 of the Waste Management Plan must be satisfactorily completed and submitted, to enable the consent authority to assess the proposed waste management practices for the development.
2. Both waste and recycling containers must be provided in areas accessed by the general public.
3. For waste/recycling collections, a service area must be nominated on-site. The service area, access driveways and internal roads must be designed in accordance with Council's engineering design specifications 'Auspec 1', and the relevant Australian Standard.

Note

Australian Standard AS 2890.2-2002 'Parking Facilities - off-street commercial vehicle facilities' applied at the time the DCP was adopted.

Requirements

4. Each development must include, or have access to, designated Waste/Recycling Storage Rooms or Areas. The Waste/Recycling Storage Rooms or Areas be of sufficient size to accommodate and manoeuvre the waste/recycling storage containers specified in the Waste Management Plan, with a minimal aisle width of 1 metre.
5. Waste/Recycling Storage Rooms or Areas must be located no closer than 3 metres from an opening within a dwelling.
6. The path from the Waste/Recycling Storage Room or Area to the service area must:
   a) provide clearance to accommodate the waste/recycling storage containers specified in the Waste Management Plan;
   b) not be via a road with vehicular traffic (if applicable, the path must be adjacent);
   c) be continuous with no steps or obstructions;
   d) have a non-slip surface; and
   e) have a maximum gradient of 1V:8H.
7. Waste/Recycling Storage Rooms that are fully enclosed should be ventilated to external air by natural or mechanical means complying with the relevant Australian Standard. Mechanical ventilation systems servicing Waste/Recycling Storage Rooms must be isolated from mechanical ventilation systems servicing any other part of the building.

Note

Australian Standard AS 1668.2-2002 'The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control' applied at the time the DCP was adopted.

Requirements

8. External Waste/Recycling Storage Areas require walls and a roof. The walls and ceiling must extend above the height of the waste storage containers specified in the Waste Management Plan. The ceiling must be a minimum of 2.1 metres high throughout with no obstructions.
9. Waste/Recycling Storage Rooms or Areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position which is easily accessible when the area is filled with waste containers. The tap must not obstruct aisles and access ways.
10. No other service infrastructure or services bays are to be located in the Waste/Recycling Storage Rooms or Areas. This includes and is not limited to air conditioning ducts, pipes gas or water meters, swimming pool pumps or electrical installations.
11. Waste/Recycling Storage Rooms or Areas must prevent polluted waste water runoff from entering the stormwater system (including any On-Site Stormwater Detention Systems).
12. Waste/Recycling Storage Rooms for food premises must be designed in accordance with the relevant Australian Standard.

~~**Note**~~

~~*Australian Standard AS 4674-2004 'Construction and fit-out of food premises' applied at the time the DCP was adopted.*~~

~~**Requirements**~~

~~13. Waste/Recycling Storage Rooms or Areas for all other uses must be designed in accordance the following specifications:~~
~~a) All internal walls must be cement rendered or tiled with glazed tiles fixed in accordance with the relevant Australian Standard, and coved at the floor/wall intersection.~~
~~b) The floor:~~
~~i. is to be graded and appropriately drained to a Sydney Water approved drainage connection located upon the site;~~
~~ii. must have an impervious, non slip and non abrasive finish with no protrusions that would prevent easy cleaning or manoeuvring of bins.~~

~~**Note**~~

~~*Australian Standard AS 3958.1-2007 'Ceramic tiles - Guide to the installation of ceramic tiles' applied at the time the DCP was adopted.*~~

~~**Requirements**~~

~~14. Any garbage chutes must be designed in accordance with the requirements in Appendix 3. Where garbage chutes are proposed, management of recyclables must be detailed in the Waste Management Plan.~~

~~**Note**~~

~~*Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.*~~

~~**Requirements**~~

~~15. The use of volume reduction equipment may be appropriate and is encouraged. In normal circumstances there is however no allowance given for a smaller waste storage and recycling area based on the use of this equipment. Waste storage and recycling area requirements are to allow for changes to on-site management practices.~~

~~Mixed Use Premises (Residential/Non-Residential)~~

~~Requirements~~

~~a. The residential accommodation waste management requirements apply to the residential component of mixed use development.~~
~~b. The non-residential development waste management requirements apply to the non-residential component of mixed use development.~~
~~c. Waste storage and collection facilities for the residential component and the non-residential component must be separate and self-contained, so that they can efficiently operate without conflict and reduce the potential for adverse amenity impacts from one use upon the other use.~~
~~d. Commercial tenants must be prevented from using the residential waste storage and collection facilities.~~

~~Community Title Subdivisions and/or Residential Development involving Private Roads~~

~~Requirements~~

~~1. Where developments propose an individual waste/recycling storage space for each dwelling, refer to 'C9 - Waste Management - Residential accommodation including attached dwellings, dwelling houses, dual occupancies, secondary dwellings, semi-detached dwellings and shop top housing (with one or two dwellings)'~~

~~2. Where developments propose communal Waste/Recycling Storage Rooms or Areas, refer to 'C9 - Waste Management - Residential accommodation including boarding houses, group homes, hostels, multi dwelling housing, residential flat buildings, seniors housing, shop top housing (with 3 or more dwellings)'~~

~~3. Community title roadways and private roads associated with residential subdivisions must be designed in accordance with Appendix 4.~~

~~**Note**~~

~~*As a condition of development consent a positive covenant or other arrangement, in such form and on such terms as are acceptable to Council, shall ordinarily be required by Council. If required, the positive covenant or arrangement shall be entered with Council in relation to the land burdened giving power and authority to Council and its waste contractor to enter the land burdened with or without vehicles for the purpose of the removal of waste and associated services. The positive covenant or arrangement shall also provide an indemnity to Council and its contractor against any future claim for damage or loss. It is recommended that the applicant speak with Council's Waste Services Coordinator in regard to the design of development proposals which involve waste collection vehicles entering the site.*~~

~~Exceptions~~

~~Reference should be made to Part G for additional, site specific requirements~~

Proposed Part C9

C9 Waste Management

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

Objectives

• To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
• To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
• To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
• To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
• To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
• To minimise any adverse environmental impacts associated with the storage and collection of waste.
• To discourage illegal dumping.

Requirements

1. All developments must comply with the appropriate sections of the Waste Management Guidelines.

Note

The Waste Management Guidelines have been separated into different development types.
Eg: Demolition, Construction, Industrial, Mixed Use, Commercial, etc.

Link: Warringah Council's Waste Management Guidelines

Appendix 3 – To be deleted

Appendix 3 Garbage Chute and Service Room Design

- The following provisions apply to Garbage Chute and Service Room Design.

Garbage Chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Access to the Garbage Chute is provided by an inlet hopper which must be located within designated Service Rooms. The Service Room must also provide interim disposal facilities for the temporary storage of recyclables. Ongoing management of these waste storage and collection facilities must be detailed in Section 2 of the Waste Management Plan.

Applies to Land

For more information, refer to the Better Practice Guide for Waste Management in Multi-Unit Dwellings (Department of Environment and Climate Change, 2008).

Garbage Chutes

Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
Chutes, service openings and charging devices must be constructed of material (such as metal) which is smooth, durable, impervious and non-corrosive.
Chutes must be cylindrical and should have a diameter of at least 500mm.
There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
Internal overlaps in the chute must follow the direction of waste flow.
Chutes must deposit rubbish directly into a bin or compactor located within a designated waste/recycling storage room.
A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
The charging device for each service opening must be self closing and must not project into the main chute.
Branches connecting service openings to the main chute are to be no more than 1m long.

Service room design

Service Rooms must be ventilated to external air by natural or mechanical means complying with the relevant Australian Standard. Mechanical ventilation systems servicing Waste/Recycling Storage Rooms must be isolated from mechanical ventilation systems servicing any other part of the building.

Note

Australian Standard AS 1668.2-2002 'The use of ventilation and airconditioning in buildings - Ventilation design for indoor air contaminant control' applied at the time the DCP was adopted.

The internal walls of the service rooms must be cement rendered or tiled with glazed tiles fixed in accordance with the relevant Australian Standard, and coved at the floor/wall intersection.

Note

Australian Standard AS 3958.1-2007 'Ceramic tiles - Guide to the installation of ceramic tiles' applied at the time the DCP was adopted.

The floor of any Service Rooms:

a) is to be graded and appropriately drained to a Sydney Water approved drainage connection located upon the site

b) must have an impervious, non slip and non abrasive finish with no protrusions that would prevent easy cleaning or manoeuvring of bins.

Service Rooms must be serviced by a cold water tap. The hose cock must be protected from the waste containers and must be located in a position which is easily accessible when the area is filled with waste containers. The tap must not obstruct aisles and access ways.
No other service infrastructure or services bays are to be located in the Service Rooms. This includes and is not limited to air conditioning ducts, pipes gas or water meters, swimming pool pumps or electrical installations.

Appendix 4 – To be deleted

Appendix 4 Waste service vehicle access to community title roadways and private roads associated with residential subdivisions

Where it is proposed that bins associated with new developments are to be serviced from a private road the following minimum requirements are to be met.

Access and turning circle

The service area, access driveways and internal roads must be designed in accordance with Council's engineering design specifications 'Auspec 1', and the relevant Australian Standard.

Note

Australian Standard AS 2890.2-2002 'Parking Facilities - off-street commercial vehicle facilities' applied at the time the DCP was adopted.

The shape of a cul-de-sac head is to be either a bowl, 'T' or 'Y' shaped arrangement to allow collection vehicles to turn and exit the private roadway in a forward direction.
Trucks should only be expected to make a three-point turn to complete a U-turn.

Roadways and turning circles

Roadways must have:
a) A maximum desirable longitudinal gradient of 10% for turning heads; and
b) A maximum longitudinal gradient of 15%.

Kerbs must have:
a) A minimum radius of 9.0m at the outside of turn where there is to be no kerbside collection; or
b) A minimum radius of 10.0m at the outside of turn if there is to be a kerbside collection

Pavements must be:
a) A minimum width of 6.0m where on-street parking bays are provided; or
b) A minimum width of 7.5m where on-street parking bays are not provided; and

Where bin collection points are immediately in front of each allotment

Kerbside waste collection vehicles must be able to access bins at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin.
Adequate space behind the kerb must be provided for the occupant of each of the premises to present the allocated number of standard waste/recycling containers for residential premises (as indicated in Appendix 13).
The location for kerbside presentation must provide a minimum 4 metres overhead clearance for the operation of the collection vehicle (e.g. no trees or transmission lines overhanging the bins).

Note

Consideration must be given to the presence of parked cars on access roads, and collection vehicle overhangs and possible interference with bins, road furniture and landscaping features.

Appendix 13 – To be deleted

Appendix 13 Council's allocated number of waste/recycling containers for residential premises

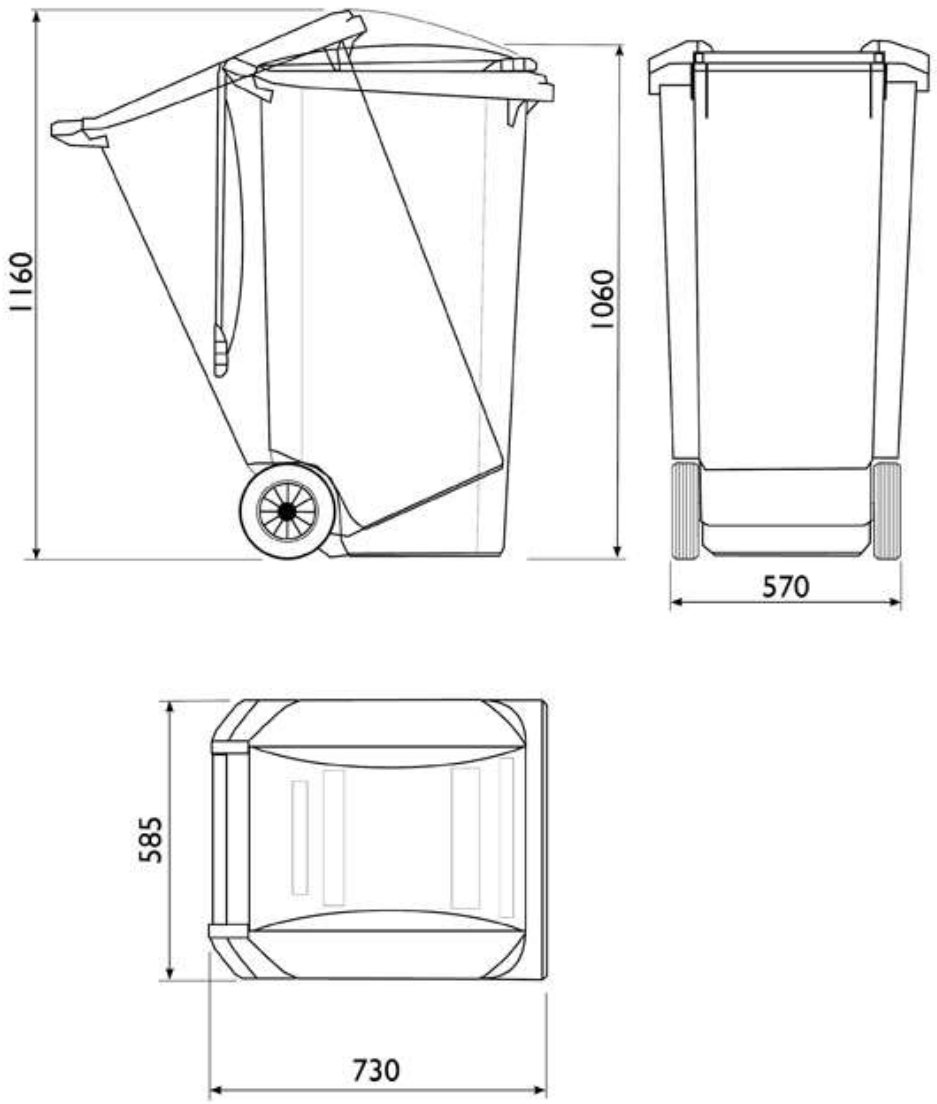
The following table outlines the number of bins to be allocated for residential development according to the number of dwellings. This table is to be used to determine the area required for the storage of waste/recycling containers. In the event that the exact amount of residential dwellings have not yet been determined (e.g. for Stage 1 developments), Council will require storage areas to be large enough to accommodate the maximum amount of residential dwellings applicable.

Waste storage requirements - Domestic waste in residential buildings
SCHEDULE OF BINS REQUIRED

Number of dwellings	240 litre bins to be accommodated	Number of dwellings	240 litre bins to be accommodated
1	3 x 120 L & 1 x 240 L	51	39
2	6 x 120 L & 2 x 240 L	52	40
3	3	53	41
4	4	54	41
5	5	55	41
6	5	56	44
7	5	57	44
8	7	58	44
9	7	59	45
10	8	60	46
11	9	61	47
12	10	62	48
13	11	63	48
14	12	64	48
15	12	65	51
16	12	66	51
17	15	67	51
18	15	68	52
19	15	69	52
20	16	70	54
21	16	71	54
22	18	72	54
23	19	73	55
24	19	74	56
25	19	75	57
26	20	76	58
27	21	77	59
28	22	78	59
29	23	79	59
30	23	80	62
31	24	81	62
32	26	82	62
33	26	83	63
34	27	84	64

Waste storage requirements - Domestic waste in residential buildings
SCHEDULE OF BINS REQUIRED

Number of dwellings	240 litre bins to be accommodated	Number of dwellings	240 litre bins to be accommodated
35	27	85	65
36	28	86	66
37	29	87	66
38	30	88	66
39	30	89	67
40	30	90	68
41	33	91	69
42	33	92	70
43	33	93	70
44	34	94	72
45	34	95	73
46	34	96	73
47	35	97	74
48	36	98	75
49	37	99	75
50	38	100	76



Dimension details of 240 litre wheelie bin (height 1060mm, width 585mm, depth 730mm)

Dated 2015

Karimbla Properties (No.41) Pty Ltd
ACN 160 693 372

Warringah Council
ABN 31 565 068 406

Meriton Properties Pty Ltd
ACN 000 698 626

Deed of Amendment to Planning Agreement

PARTIES:

KARIMBLA PROPERTIES (No.41) PTY LTD (ACN 160 693 372) of Level 11, 528 Kent Street, Sydney NSW 2000 (**Developer**)

and

WARRINGAH COUNCIL (ABN 31 565 068 406) of Civic Centre, 725 Pittwater Road, Dee Why NSW 2099 (**Council**)

and

MERITON PROPERTIES PTY LTD (ACN 000 698 626) of Level 11, 528 Kent Street, Sydney NSW 2000 (**Guarantor**)

INTRODUCTION:

A. The parties have agreed to amend the Planning Agreement on the terms of this Amendment Deed.

B. The purpose of the amendment is to require the Developer to:

a. dedicate relevant land in stratum to Council for road widening purposes; and

b. make a monetary contribution to Council of $300,000.00,

in place of the Developer constructing a bus bay in the area shown as Road Widening on the Dedication Plan.

AGREED TERMS:

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Amendment Deed, unless the context clearly indicates otherwise:

Amendment Deed means this deed.

Planning Agreement means the agreement dated 12 December 2008 entitled 'Planning Agreement' between the Council, Brookfield Dee Why Pty Ltd ABN 47 112 246 072 and Brookfield Multiplex Developments Australia Pty Ltd ABN 17 109 219 810. The Planning Agreement was assigned to the Developer and Guarantor.

1.2 Interpretation

In this Amendment Deed:

(a) headings are for convenience only and do not affect interpretation; and

(b) unless the context indicates a contrary intention:

(i) a word or expression defined in the Planning Agreement has the same meaning when used in this Amendment Deed;

(ii) a reference to a clause, schedule, or annexure is a reference to a clause, schedule or annexure of the Planning Agreement;

(iii) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;

(iv) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation;

(v) a reference to a document (including this Amendment Deed) is to that document as varied, novated, ratified or replaced from time to time;

(vi) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments, replacements and substitutions;

(vii) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;

(viii) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Amendment Deed, and a reference to this Amendment Deed includes all schedules, exhibits, attachments and annexures to it;

(ix) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;

(x) "includes" in any form is not a word of limitation;

(xi) a reference to "$" or "dollar" is to Australian currency;

(xii) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Amendment Deed; and

(xiii) any capitalised term used, but not defined in this Amendment Deed, will have the meaning ascribed to it under, and by virtue of, the Act.

2. AMENDMENT OF PLANNING AGREEMENT

2.1 Amendments

The parties agree that on and from the date of this Amendment Deed, the Planning Agreement is amended as follows:

(a) Clause 4.1 **Definitions** is amended as follows:

(i) by inserting the following additional definition:

"***Amendment Deed*** *means the first deed of amendment entered into between Council and the Developer.*"

(ii) by deleting the entire definition of ***Bus Setback***;

(iii) by deleting the entire definition of ***Bus Setback Area***";

(iv) by deleting the entire definition of ***Bus Setback Works***;

(v) by inserting the words "*Item 3B and*" before the words "*Item 4*" in the definition of ***Contribution Amount***;

(vi) by deleting the entire definition of ***Contribution Works*** and replacing with the following definition:

"***Contribution Works*** *means collectively and individually, each of the works described in Item 1, Item 2 and Item 3A in table 1 in Schedule 3.*"

(vii) by inserting the following additional definition:

"***Dedication Plan*** *means the plan showing the intent for dedicating land in stratum for the purposes of future Road Widening.*"

(viii) By inserting the following additional definition:

"***Road widening*** means the area identified as Road Widening in the Dedication Plan to be dedicated in stratum for the purpose of a future bus setback area

(b) By inserting the following new Clause 4.3 Development consent condition:

"Clause 4.3 Development consent condition

The Developer has agreed to the imposition of a condition of development consent for the Development requiring the Developer to fulfil all of the obligations under the Planning Agreement, which may be amended from time to time"

(c) Schedule 3 – 'Development Contributions Schedule' is deleted and replaced with the amended 'Schedule 3' as set out in Annexure A to this deed (and in which key changes are shown underlined);

(d) Schedule 5 – 'Development Contributions Timetable' 'Table 1' and 'Table 2' is deleted and replaced with the amended 'Schedule 5' 'Table 1' and 'Table 2' as set out in Annexure B to this deed (and in which key changes are shown underlined); and

(e) Schedule 6 – 'Release and Discharge Terms' is deleted and replaced with the amended 'Schedule 6' as set out in Annexure B to this deed (and in which with key changes shown underlined).

2.2 Confirmation

The parties each ratify and confirm their respective obligations under the Planning Agreement as varied by this Amendment Deed.

2.3 Ratification by Guarantor

The Guarantor separately confirms and ratifies each of its obligations under the guarantee and indemnity contained in Schedule 10 of the Planning Agreement including any obligations as varied by this Amendment Deed.

3. COSTS

(a) The Developer is responsible for the reasonable and justifiable legal and administrative costs and expenses incurred by the Council in relation to the preparation and exhibition of this Amendment Deed.

(b) The Developer is responsible for the registration fee for the registration of this Amendment Deed.

4. FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Amendment Deed and all transactions incidental to it.

5. GOVERNING LAW AND JURISDICTION

This Amendment Deed is governed by the law of New South Wales. The Parties submit to the jurisdiction of the courts of that state.

6. NO FETTER

Nothing in this Amendment Deed will be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and nothing will be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

7. REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Amendment Deed.

8. GST

8.1 Additional amounts for GST

If a party to this Amendment Deed (the "Supplier") makes a supply under or in connection with this Amendment Deed and is liable by law to pay GST on that supply, then the consideration otherwise payable by the recipient of the supply will be increased by an amount equal to the GST paid or payable by the Supplier.

8.2 Reimbursement

If this Amendment Deed requires a party to pay for, or reimburse any expense, loss or outgoing ("reimbursable expense") suffered or incurred by another party, the amount required to be paid, or reimbursed by the first party is the amount of the reimbursable expense net of any input tax credit or reduced input tax credit to which the other party is entitled in respect of the reimbursable expense.

8.3 Provision of Tax Invoices and other documentation for GST

Each party agrees to do all things, including providing tax invoices and other documentation that may be necessary or desirable to enable or assist the other party to claim any input tax credit, set-off, rebate or refund in relation to any amount of GST paid or payable in respect of any supply under this Amendment Deed.

8.4 Amounts GST exclusive

Subject to the operation of this clause, and unless otherwise expressly stated amounts in this Amendment Deed are GST exclusive.

8.5 No merger

This clause will not merge on completion or termination of this Amendment Deed.

9. REGISTRATION ON TITLE

(a) The Developer agrees, at its own cost and in accordance with the requirements of clause 8 of the Planning Agreement (as though that clause relates to the registration of this Amendment Deed), to lodge this deed for registration at the Department of Lands within 20 Business Days from the date of this Amendment Deed.

(b) The Developer will notify the Council following registration of the deed by the Developer and forward a copy of the registered deed to the Council.

EXECUTED as a deed

Signed by Warringah Council)
(ABN 31 565 068 406) by its)
Attorney pursuant to Power of Attorney)
Book 4580 No 889)
)
)
)
)

Signature of Witness	Signature
Name of Witness	Name
Address of Witness	Office

Executed by **Karimbla Properties (No.41) Pty Ltd** (ACN 160 693 372) in accordance with section 127 of the Corporations Act:)
)
)
)
)
)
)
)

Signature of Director	Signature of Director / Secretary
Name of Director	Name of Director / Secretary

Executed by **Meriton Properties Pty Ltd** (ACN 000 698 626) in accordance with section 127 of the Corporations Act::)
)
)
)
)
)
)
)

Signature of Director	Signature of Director / Secretary
Name of Director	Name of Director / Secretary

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Annexure A - replacement 'Schedule 3'

"Schedule 3 – Development Contributions Schedule

1. Development Contributions

The Developer undertakes to make the following Development Contributions:

Column 1	***Column 2***
Development Contribution	***Intended Use / Detail***
Item 1. *Contribution Works* *$1,720,000 (subject to paragraph 2 of Schedule 4 and subject to indexation by R&BCI as provided for in Schedule 5)*	*Provision of Town Square Work on the Town Square Area. The Town Square Works will involve the design, construction and embellishment of the Town Square Area in accordance with Approvals consisting of:* • *paving works to the Town Square Area;* • *associated drainage;* • *lighting;* • *landscaping and street tree planting;* • *outdoor furniture;* • *storm water recycling tanks; and* • *water features.* *In accordance with paragraph 1(d) of Schedule 4, the Developer must grant a right of way and other appropriate rights, providing the public with a non-exclusive right to use the Town Square Area 24 hours a day 7 days a week, subject to the Developer's right to use the Town Square Area for any other purpose associated with the Development (not inconsistent with the public right of way). The easement must contain provisions granting the Council the right to use the Town Square for 30 days (at its selection) per calendar year (subject to reasonable prior notice being given to the Developer) for any community events without any occupancy cost to Council. Council acknowledges that it will accept certain obligations in relation to taking out public liability insurance and keeping the Town Square Area clean and in good repair during its use of the Town Square Area for these purposes.*
Item 2. *Contribution Works* *$471,000 (subject to paragraph 2 of Schedule 4 and subject to indexation by R&BCI as provided for in Schedule 5)*	*Provision of Pedestrian Connection Work on the Pedestrian Connection Area between the Town Square Area and Oaks Avenue with a minimum width of approximately 14m and to be designed such that it will allow for natural light and an 'open to the sky' feel. The Pedestrian Connection Works will involve the design, construction and embellishment of the Pedestrian Connection Area in accordance with Approvals consisting of:* • *paving works to the Pedestrian Connection Area;* • *associated drainage;* • *lighting;* • *street tree planting; and*

Column 1	***Column 2***
Development Contribution	***Intended Use / Detail***
	• *landscaping works.* *In accordance with paragraph 1(e) of Schedule 4, the Developer must grant a right of way and other appropriate rights, providing the public with a non-exclusive right to use the Pedestrian Connection Area 24 hours a day 7 days a week, subject to the Developer's right to use the Pedestrian Connection Area for any other purpose associated with the Development (not inconsistent with the public right of way).*
Item 3A. *Dedication of land in stratum*	*Dedication of land in stratum for Road Widening to a standard footpath finish, for the purpose of a future bus setback area on Pittwater Road, to the requirements of Transport for NSW.* *The Developer will embellish the Road Widening prior to dedication and as required by the Development Consent.*
Item 3B. *Contribution Amount* *$300,000 (subject to indexation by R&BCI as provided for in Schedule 5 which indexation will be calculated as from 12 December 2010 (being the second anniversary of the Planning Agreement))*	*The provision of a monetary contribution for the purpose of civic improvements, to be used consistent with Council's Capital Works Program.*
Item 4. *Contribution Amount* *$500,000 (subject to indexation by R&BCI as provided for in Schedule 5 which indexation will be calculated as from 12 December 2010 (being the second anniversary of the Planning Agreement)).*	*The provision of a monetary contribution for the construction and dedication (by Council) of Church Lane located to the east of the site bordering St Kevin's Church.*

Annexure B - replacement Schedule 5 Development Contributions Timetable Table 1 and Table 2

Table 1

Column 1	***Column 2***	***Column 3***
Development Contribution	***Development Contribution Works***	***Date for Practical Completion of Contribution Works***
Item 1 of the table in Schedule 3	*The Town Square Works*	*Practical Completion of the Town Square Works prior to the earlier of:* *(a) the issue of an Occupation certificate for any ground level component of the Development; or* *(b) the first day that any part of the retail component of the Development is open for trading.*
Item 2 of the table in Schedule 3	*The Pedestrian Connection Works*	*Practical Completion of the Pedestrian connection Works prior to the earlier of:* *(a) the issue of an Occupation Certificate for any ground level component of the Development; or* *(b) the first day that any part of the retail component of the development is open for trading.*
Item 3A of the table in Schedule 3	*Dedication of land in stratum for Road Widening*	*Dedication of land in stratum for Road Widening, for the purpose of a future bus setback area prior to the earlier of:* *(a) the issue of an Occupation Certificate for any ground level component of the Development fronting Pittwater Road; or* *(b) the first day that any part of the retail component of the Development fronting Pittwater Road is open for trading; or* *(c) the issue of a subdivision certificate relating to a strata subdivision for any part of the Land.*

Table 2

Column 1	***Column 2***	***Column 3***
Development Contribution	***Development Contribution Amount***	***Date for payment of Contribution Amounts***
Item 3B of the table in Schedule 3	$300,000 (subject to indexation by R&BCI as provided for in Schedule 5 which indexation will be calculated as from 12 December 2010 (being the second anniversary of the Planning Agreement))	Payment of the $300,000 Contribution Amount prior to the earlier of: (a) The issue of a subdivision certificate relating to a strata subdivision for any part of the Land; or (b) Within 15 business days of the satisfaction of the condition referred to in clause 3.2(b) of the Planning Agreement
Item 4 of the table in Schedule 3	*$500,000 (subject to indexation by R&BCI as provided for in Schedule 5 which indexation will be calculated as from 12 December 2010 (being the second anniversary of the Planning Agreement))*	Payment of the $500,000 Contribution Amount prior to the earlier of: (a) The issue of a subdivision certificate relating to a strata subdivision for any part of the Land; or (b) Within 15 business days of the satisfaction of the condition referred to in clause 3.2(b) of the Planning Agreement

Annexure C - amended 'Schedule 6'

"Schedule 6 Release and Discharge Terms

The Council agrees:

(a) to provide to the Developer a withdrawal of caveat in respect of any caveat the Council has lodged in respect of the whole or any part of the Land, to the extent the Developer has satisfied its obligations under this deed in respect of that part of the Land;

(b) to provide a release and discharge of this deed with respect to any part of the Land (except any part of the Land which contains the Town Square or the Pedestrian Connection of the Bus Setback Area) upon the Developer satisfying all of its obligations under this deed in respect of that part of the Land;

(c) that if the Land is subdivided such that development takes place in more than one stage, the registration of this Agreement will be removed from the title of any allotment of the Land that is subject to a strata scheme under the Strata Schemes (Freehold Development) Act 1973 with the exception of any common property allotment;

(d) to do all things reasonably required by the Developer to have such release and discharge of this deed registered by the Registrar-General in the relevant folio of the Register, or in the General Register of Deeds if this deed relates to land not under the Real Property Act 1900 or if this deed is terminated in accordance with the terms of this deed."

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed draft Amendment Deed to existing Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1 Parties

Warringah Council (Planning Authority)

Karimbla Properties (No.41) Pty Ltd (Developer)

Meriton Properties Pty Ltd (Guarantor)

2 Description of subject land

Dee Why Town Centre "Site B" which comprises 13 individual parcels of land at Pittwater Road, Howard Avenue and Oaks Avenue, Dee Why (Land)

3 Description of proposed change to environmental planning instrument/ development application

None. The Explanatory Statement supports an Amendment Deed to the existing Planning Agreement for the Development.

4 Summary of objectives, nature and effect of the proposed draft Planning Agreement

The purpose of the Amendment Deed is to require the Developer to:

- dedicate relevant land in stratum to Council for road widening purposes; and
- make a monetary contribution to Council of $300,000,

in place of the Developer constructing a bus bay in the area shown as Road Widening on the Dedication Plan

5 Timing of delivery of the public community benefit.

The Contribution Amount is to occur prior to the issue of a subdivision certificate relating to a strata subdivision for any part of the Land; or the issue of the first construction certificate in relation to the development.

The dedication of land in stratum for Road Widening is to occur prior to the issue of an occupation certificate for any ground level component of the development fronting Pittwater Road; or commencement of any retail use on the ground floor of the development fronting Pittwater Road; or the issue of a subdivision certificate relating to a strata subdivision for any part of the Land.

The Town Square Works and The Pedestrian Connection Works is to occur prior to the issue of an occupation certificate for any ground level component of the

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development fronting Pittwater Road; or commencement of any retail use on the ground floor of the development fronting Pittwater Road.

6 The merits of the proposed draft Planning Agreement will be assessed against:

a) *The planning purposes served by the proposed draft Planning Agreement*

The draft Amendment Deed will ensure that there is adequate land and a significant monetary contribution made towards the delivery of Public Benefits contemplated by the original Planning Agreement.

b) *How the proposed draft Planning Agreement promotes the objects of the Environmental Planning and Assessment Act 1979 (EPAA)*

The draft Amendment Deed promotes the following Objects of the EPAA:

- *(ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- *(iv) the provision of land for public purposes,*

The draft Amendment Deed is not inconsistent with other Objects of the EPAA.

c) *How the proposed draft Planning Agreement promotes the public Interest*

The draft Amendment Deed will ensure that adequate land is available for the future provision of new public transport facilities along Pittwater Road once relevant planning is complete by relevant authorities. It also makes a significant monetary contribution to Council for the future provision of such facilities or to provide other material public benefits, consistent with Council's Capital Works Program.

d) *Public Authority – how the proposed draft Planning Agreement promotes the objects (if any) of the Act under which it is constituted*

The draft Amendment Deed is in accordance with section 7 of the *Local Government Act 1979* as it allows Council to carry out activities, appropriate to the current and future needs of the local community and of the wider public.

e) *How the proposed draft Planning Agreement promotes the elements of Council's charter under Section 8 of the Local Government Act 1993*

The draft Amendment Deed promotes Council's Charter under section 8 of the *Local Government Act 1993* by:

- Providing appropriate community facilities by ensuring that adequate land is available for the future provision of new public transport facilities along Pittwater Road, Dee Why
- Engaging in long-term strategic planning on behalf of the local community.

f) *Whether the proposed draft Planning Agreement conforms with Council's capital works program*

The draft Amendment Deed is not inconsistent with Council's Capital Works Program.

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h) *The impact of the proposed draft Planning Agreement on the public or any section of the public*

The proposed Amendment Deed will ensure that there is sufficient land available in the future to provide essential public infrastructure to enhance the provision of public transport. The monetary contribution will support this infrastructure or be used for other public benefit measures, consistent with Council's Capital Works Program.

7 Other Matters

The Explanatory Note is not to be used to assist in construing the Planning Agreement.

Signed and Dated by All Parties

NOTE – Council requires each page of the Amendment Deed and the Explanatory Note to be initialled and witnessed

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FPV Consultants

CURRENT MARKET VALUATION

SITE B

PART OF THE FRONTAGE
884-896 PITTWATER ROAD, DEE WHY

DATE OF VALUATION: 3 NOVEMBER 2015

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VALUATION SUMMARY

PROPERTY: *Part of the frontage 884-896 Pittwater Road, Dee Why*

DESCRIPTION: *"Site B" Development land*

TITLE:

9 Howard Avenue - Lot 7, DP 8172
11 Howard Avenue - Lot 1, DP 209503
15 Howard Avenue - Lot 1, DP 212382
17 Howard Avenue - Lot 2, DP 212382
14 Oaks Avenue - Lot A, DP 371110
16 Oaks Avenue - Lot B, DP 371110
28 Oaks Avenue - Lot 3, DP 212382
884 Pittwater Road - Lot A, DP 339410
888 Pittwater Road - Lot 11, DP 231418
890 Pittwater Road- Lot 10, DP 231418
892 Pittwater Road - Lot 1, DP 504212
894 Pittwater Road - Lot A, DP 416469
896 Pittwater Road - Lots 1 and 3, DP 307937

LAND AREA: *The site is unlimited in depth and limited to a height of 6 metres. Area calculation is 3 (width - refer to the middle (3) reference on the Dedication Plan) x 66.335 (length) = 199.005 m².*

POTENTIAL GFA: *398 m² (developable site area of 199.005 m² x FSR 2:1).*

ZONING: *B4 Mixed Uses*

DATE OF VALUATION: *3 November 2015.*

VALUATION: ***$600,000***

*GST is not included in this valuation.

To any party relying on this report we advise that this one page summary must be read in conjunction with the attached report of which this summary forms part.

QUALIFICATIONS:

I am a Certified Practicing Valuer. I am an Associate Member of the Australian Property Institute since 1984. I have over 25 years experience in providing valuations for all types of property within the greater metropolitan area (15 years at the Valuer General's Department and over 10 years in private practice). Since late 2002, I have worked as a sole practitioner in my current role at FPV Consultants.

INSTRUCTIONS:

Dominic Varde senior property officer for Warringah Council has instructed FPV Consultants to carry out a valuation on the property known as "site B" at Dee

The purpose of the valuation is to assess the value of the proposed public benefit that Warringah Council will be obtaining from a new mixed use retail/commercial and residential development (known as Site B) which involves an associated amended Voluntary Planning Agreement (VPA) with the property owner/developer. The proposed amended VPA proposes the dedication of land in stratum for the provision of a future bus set back area to Council (public footpath with a 6 metre limited height and unlimited in depth.

The valuation advice should be undertaken to API reporting standards and should include a detailed rationale on the basis of the valuation assessment including the relativity of all comparable sales etc to the subject properties being fully explained analysed and adjusted including calculations and workings.

DATE OF VALUATION:

3 November 2015.

BASIS OF VALUATION:

Market value at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer.

LOCATION:

Site B at Dee why consists of various properties and is known as:
9 Howard Avenue, 11 Howard Avenue, 15 Howard Avenue, 17 Howard Avenue
14 Oaks Avenue, 16 Oaks Avenue, 28 Oaks Avenue, 884 Pittwater Road, 888 Pittwater Road, 890 Pittwater Road, 892 Pittwater Road, 894 Pittwater Road, 896 Pittwater Road

The subject site is located between Howard and Oaks Ave Dee Why and is centrally located within the Dee Why business core which generally comprises multi storey mixed use buildings, whilst to the east is the Dee Why residential area which extends to the beach.

The main commercial area is centred on either side of Pittwater Road, the Northern Beaches' main arterial road. Dee Why is a suburb of northern Sydney, 18 km north-east of the CBD, and is part of the Northern Beaches region.

LEGAL DESCRIPTION:

9 Howard Avenue - Lot 7, DP 8172
11 Howard Avenue - Lot 1, DP 209503
15 Howard Avenue - Lot 1, DP 212382
17 Howard Avenue - Lot 2, DP 212382
14 Oaks Avenue - Lot A, DP 371110
16 Oaks Avenue - Lot B, DP 371110
28 Oaks Avenue - Lot 3, DP 212382
884 Pittwater Road - Lot A, DP 339410
888 Pittwater Road - Lot 11, DP 231418
890 Pittwater Road- Lot 10, DP 231418
892 Pittwater Road - Lot 1, DP 504212
894 Pittwater Road - Lot A, DP 416469
896 Pittwater Road - Lots 1 and 3, DP 307937

All within the local government area of Warringah, locality of Dee Why, Parish of Manly Cove and County of Cumberland.

BACKGROUND:

In 2008 we negotiated a Voluntary Planning Agreement (VPA) with the developers Multiplex. This involved construction of a Town Square, construction of a Pedestrian Connection Area (between the Town Square and Oaks Ave), construction of a bus bay on Pittwater Rd and monetary contributions for the construction of a road between Oaks Ave and Howard Ave through our car park.

Meriton Property Group Pty Ltd (Meriton) then purchased the Multiplex site but the VPA still applies to the land.

In 2014 the State Government announced the Northern Beaches Bus Rapid Transport project along Pittwater Road to the city. This placed the responsibility of constructing the bus bay on Pittwater Road on the State Government (Transport for NSW).

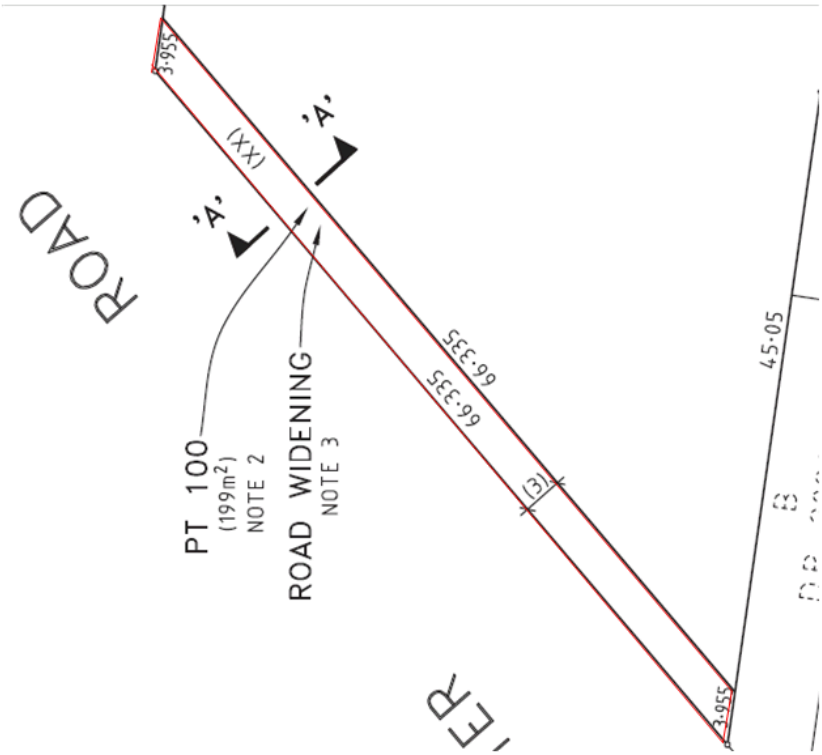
Therefore, an amendment to the VPA is proposed which means Meriton no longer is responsible for constructing the bus bay, instead will provide us with the equivalent value in monetary contributions to pay for capital works.

LAND DESCRIPTION:

The subject site is currently occupied by a mixture of non-residential buildings varying in height from one to three storeys and surface car parking area. The site comprises of 13 allotments with several tenancies that utilise multiple driveway access points.

The whole of site B slopes from west to east, with a cross-fall of approximately 4 metres from the highest point on the south-western corner of the Pittwater Road site frontage to the lowest point at the north-eastern corner of the site on Howard Avenue.

<u>Land to be valued:</u> The site is unlimited in depth and limited to a height of 6 metres. Area calculation is 3 (width - refer to the middle (3) reference on the Dedication Plan) x 66.335 (length) = 199.005 m². (See plan below).



Existing buildings fronting Pittwater Road

Existing buildings fronting Pittwater Road.

SERVICES:

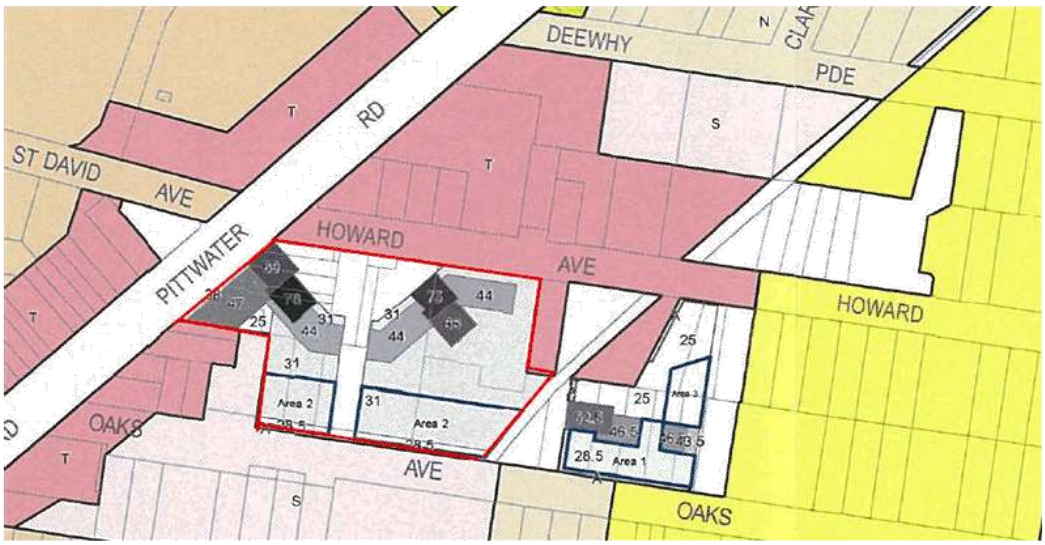
All services available to the subject area, which includes water, sewerage/drainage, gas, electricity and telephone whilst most roads are bitumen sealed, concrete kerbed and guttered.

ZONING:

The land is zoned B4 Mixed Use under Warringah Local Environmental Plan 2011 which was gazetted on the 9 December 2011. Warringah Development Control Plan (DCP) 2011 also applies to the subject site.

Dee Why Town Centre is addressed in a specific section of the LEP (Part 7) and applies to Site B (the subject).

The B4 Mixed Use zone allows for residential flat buildings, shop-top housing and commercial premises (which include business premises, office premises and retail premises) are all permitted with consent.
This zone allows for a maximum height limit ranging from 38 to 78 metres. The subject is listed as a key site and known as site B.



The Dee Why Town Centre Master Plan was adopted by Council on 6 August 2013. The Master Plan was incorporated with part 7 of the WLEP 2011 – Dee Why Town Centre.

On 4 January 2008, Multiplex Dee Why Pty Ltd lodged Development Application No.2007/1249 which sought consent for a mixed use development consisting of a publicly accessible plaza (referred to as the town square), podium levels and two residential towers above. The application was approved by the WDAP in February 2009.

During this time, Council was developing the new WLEP 2011. Site specific development standards that would 'lock in' the outcomes supported through the Development Application process for 'Site B' were drafted and included within Part 7 of WLEP 2011. The site specific provisions included a detailed Height of Buildings Map that strictly enforced the building envelopes approved in DA2007/1249. Other provisions relate to the developments land use composition, design excellence, the requirement to maintain appropriate levels of solar access etc.

In May 2014, Karimbla Construction Services Pty Ltd (the Applicant (commonly known as Meriton)) lodged a Planning Proposal seeking amendments to a number of WLEP 2011 provisions relating to the subject land.

MARKET COMMENTARY:

At its meeting today (2/11/15), the Reserve Bank board decided to leave the cash rate unchanged at 2 %. The global economy is expanding at a moderate pace, with some further softening in conditions in the Asian region, continuing US growth and a recovery in Europe. Key commodity prices are much lower than a year ago, in part reflecting increased supply, including from Australia. Australia's terms of trade are falling.

The Federal Reserve is expected to start increasing its policy rate over the period ahead, but some other major central banks are continuing to ease monetary policy. Volatility in financial markets has abated somewhat for the moment. While credit costs for some emerging market countries remain higher than a year ago, global financial conditions overall remain very accommodative.

In Australia, the available information suggests that moderate expansion in the economy continues. While GDP growth has been somewhat below longer-term averages for some time, business surveys suggest a gradual improvement in conditions

over the past year. This has been accompanied by somewhat stronger growth in employment and a steady rate of unemployment.

Inflation is low and should remain so, with the economy likely to have a degree of spare capacity for some time yet. Inflation is forecast to be consistent with the target over the next one to two years, but a little lower than earlier expected.

In such circumstances, monetary policy needs to be accommodative. Low interest rates are acting to support borrowing and spending. While the recent changes to some lending rates for housing will reduce this support slightly, overall conditions are still quite accommodative. Credit growth has increased a little over recent months, with growth in lending to investors in the housing market easing slightly while that for owner-occupiers appears to be picking up. Dwelling prices continue to rise in Melbourne and Sydney, though the pace of growth has moderated of late. Growth in dwelling prices has remained mostly subdued in other cities. Supervisory measures are helping to contain risks that may arise from the housing market.

In other asset markets, prices for commercial property have been supported by lower long-term interest rates, while equity prices have moved in parallel with developments in global markets. The Australian dollar is adjusting to the significant declines in key commodity prices.

At today's meeting the Board judged that the prospects for an improvement in economic conditions had firmed a little over recent months and that leaving the cash rate unchanged was appropriate at this meeting. Members also observed that the outlook for inflation may afford scope for further easing of policy, should that be appropriate to lend support to demand. The Board will continue to assess the outlook, and hence whether the current stance of policy will most effectively foster sustainable growth and inflation consistent with the target.

Residential development forecasts assume the number of dwellings in Dee Why will increase by an average of 130 dwellings per annum to 12,807 in 2036.

The addition of dwellings to the housing stock is a major driver of population growth in an area, providing opportunities for households to relocate from other areas or new households to form locally (such as young people leaving the family home or separations/divorces).

Residential development can take various forms depending on the availability of land. These include new housing estates on greenfield sites, subdivision in existing residential neighbourhoods (often called infill development), conversion of industrial lands to residential lands, and densification of housing by building up.

.id's forecasters worked with Council planners to understand the likely development activity in each small area. This forms the development assumptions for the forecasts. This table shows the quantity of new development assumed in each small area in Warringah Council area. Select each small area to see detailed assumptions.

List of forecast land developments and infill assumptions:

2011-14 dwelling additions are based on building approvals, lagged by 12-18 months. From 2014 onwards:

- 72-74 Pacific Parade - 31 dwellings (2013)
- Allure Apartments, 2-10 Mooramba Road - 111 dwellings (2014)
- Latitude 33 Apartments, 39-41 Pacific Parade - 21 dwellings (2014)

- 14 -18 Francis Street - 33 dwellings (2015)
- 12-14 Richmond Avenue - 22 dwellings (2015)
- "1770"Townhome Estate, 6-8 Moorilla Street and 605-611 Pittwater Road - 34 dwellings (2015)
- Sapphire Apartments, 18 Redman Road - 16 dwellings (2015)
- Cobalt Apartments, 701 Pittwater Road - 85 dwellings (2015-2016)
- 2 Carew Street - 21 dwellings (2016)
- Future potential sites - 915 dwellings (2016-2025)
- Low-high level of in-centre development (0-80 dwellings per annum)
- Low level of medium density infill development (5-10 dwellings per annum)
- Moderate-high level of out of centre infill development (20-25 dwellings per annum).

Populations and household forecasts 2011 to 2036, prepared by .id the population experts, April 2015.

Development Sites Sales:

Sale 1: 822 Pittwater (Cnr Delmar parade) Road Dee Why	
Land Area: 1,566 m²	Contract Date: 26/9/2013
Sale Price: $7,200,000.	Analysed Land Rate: $1,250/m² per GFA
Zone: B4 Mixed Use	Legal description: Lot 6 DP 7002
Comment: Development Site. GFA 5,760 m². Corner with Delmar Parade. DA2014/0042 approved 18/8/2014 for the demolition of the existing buildings and the construction of a new building containing 49 apartments and ground floor retail over 8 levels. A slightly irregular shaped corner lot, predominately level Ocean views and district views can be achieved from the upper levels of the development.	

Sale 2: 16 -22 Sturdee Parade Dee Why.	
Land Area: 2,733 m²	Contract Date: 12/9/2014
Sale Price: $16,660,000.	Analysed Land Rate: $1,526/m² per GFA
Zone: R3 Medium density residential.	Legal description: Lot 1 DP 1211758
Comment: Development Site. Potential GFA 9,170 m². 21-metre height limit. Regular shaped parcel. Delayed settlement. DA approved for a mixed use development. Allow adjustment for both issues. Deduced land value as $14 million.	

Sale 3: 18 Howard Ave, Dee Why	
Land Area: 670.3 m².	Contract Date: 12/07/2012
Sale Price: $2,585,000	Analysed Land Rate: $1,285m² per GFA
Zone: B4 Mixed Uses	Legal description: Lot 2, DP 502637
Comment: Improved building. Dimensions: 15.24 X 44.196. 2 Level commercial building used by Legacy. Large hall and commercial kitchen. 24 metre height limit. Possible FSR 3:1 as 2,011 m² GFA. The building adds little value to the land.	

Sale 4: 9-17 Howard Avenue, 14-16 and 28 Oaks Avenue, & 884 – 896 Pittwater Road, Dee Why. "Known as site B"	
Land Area: 14,466 m²	Contract Date: 29/11/2013
Sale Price: $52,000,000.	Analysed Land Rate: $820/m² per GFA
Zone: B4 Mixed uses	Legal description: Various
Comment: Subject. Development Site. FSR - 4.4:1 (63,452 m² GFA). The development site purchased by Meriton apartments, from Brookfield Asset Management.	

Sale 5: 30 Pacific Parade, Dee Why	
Land Area: 766.8 m².	Contract Date: 28/2/2011
Sale Price: $1,450,000	Analysed Land Rate: $1,333/m² per GFA
Zone: B4 Mixed Uses	Legal description: Lot 10, DP 1181747
Comment: Development Site. Regular shaped lot that falls gradually from the road. Handily located to Dee Why shopping area. DA Approved Site for 9 Residential Apartments comprising 6 x 2 bedrooms, 3 x 1 bedrooms over basement car parking. Estimated GFA 900 m². Small site. Sold with DA approval. Allow allowance for the approved DA. Deduced land value say $1,200,000.	

Sale 6: 6-8 Morilla Street & 605 – 611 Pittwater Road, Dee Why	
Land Area: 11,149 m².	Contract Date: 13/3/2014
Sale Price: $10,850,000	Analysed Land Rate: $1,395/m² per GFA
Zone: R2 – Low Density Residential.	Legal description: Lot 1 & 2 DP 1196181 formerly Lots A & B DP 356401, Lot 3 DP 167677, Lot 2 DP 656722, Lots 36 & 37 DP 9255.
Comment: Development Site. Estimated GFA 7,000 m². 8.5 metre height limit. The site is irregular in shape with a combined frontage of 48 metres along Moorilla Road and 58 metres along Pittwater Road. The site has gentle to moderate slopes, with a south and east aspect. DA approved prior to sale for the Construction of 35 x 2/3 bedroom townhouses, Car parking and Landscaping. An irregular shaped inside lot, rising to the west, and receiving district views. The DA adds value to the land adjust the sale by 10% as $9,765,000.	

Sale 7: 57 Delmar Parade, & 2 Carew Street Dee Why	
Land Area: 1,681.9 m².	Contract Date: 24/4/2014
Sale Price: $4,300,000	Analysed Land Rate: $1,548/m² per GFA
Zone: R3 – Medium Density Residential.	Legal description: Lot B DP 354374, & Lot 1 DP 526244

Comment: Development Site. Estimated GFA 2,500 m². The site is located on the northern side of Delmar Parade at the corner with Carew Street. The site is located on the north eastern face of a hill, and generally falls to the north. The site is relatively large, being approximately 42 metres wide on the Delmar Parade street frontage and 46 metres in length on the Carew Street frontage.11 metre height maximum. DA approved prior to sale for 21 apartments. The DA adds value to the land say 10% as $3,870,000.

VALUATION RATIONALE/METHODOLOGY:

The principal method of valuation is the comparison of rates from sales evidence of comparable properties. Then adjustments for the inherent characteristics of the sales compared to the subject site have to be made.

Comparison is best made with comparable evidence. These may not always be available in established areas. In these instances a value judgment must be made of the value by a Valuer who has the qualifications, training and experience to make the necessary judgment as to the merits or otherwise of the subject property in comparison with available evidence.

In arriving at the value of the subject property, I have adopted the assessment of comparable sales approach for appropriately zoned land as my primary method of valuation.

Sales are used as a market guide to set our parameters and gauge what a developer would expect to pay for the site.

When analysing sales evidence, the best comparison analysis is per GFA. Floor space ratios (FSR's) may vary quite dramatically between sales evidence and the subject property and therefore the assessment upon the quantum of GFA negates these variances. Accordingly, in assessing the value of a development site it is essential that a consistent approach be adopted i.e. GFA. To ignore this need for consistency will distort the potential yield of a site and consequently provide an incorrect market value.

Also economies of scale have dictated in the market place that the smaller the site the higher the value rate should be applied (all things being equal). Therefore a larger parcel of land will result in a lower rate per square metre per site area which can be reflected, to a certain extent. However the inherent features of a particular property may defy this trend if the site has a particular advantage over another.

I have established that the highest and best use of the land is part of a mixed use development site. It is estimated that the subject site has potential for a 398 m² of GFA. (Developable site area of 199.005 m² x FSR 2:1).

Direct Comparison method of valuation:

The valuation represents the market level existing at date and is based on the analysis of site sales. Furthermore this report is more specific in the sales relied on and compares the sales evidence directly with the subject property.

The physical nature of the land and its surrounding development has been taken into account in determining the value. The sales within this report are considered to provide good comparable market evidence for the relevant date.

I have summarised the development site sales below:

No	Address	Adjusted Land value	GFA	Value rate per GFA $/m²	COMMENTS
1	822 Pittwater Road Dee Why	$7,200,000	5,760	$1,250	Development Site. DA2014/0042 approved for the demolition of the existing buildings and the construction of a new building containing 49 apartments and ground floor retail over 8 levels. A slightly irregular shaped corner lot, predominately level Ocean views and district views can be achieved from the upper levels of the development.
2	16 -22 Sturdee Parade Dee Why	$14,000,000	9,170	$1,527	Development Site. 21 metre height limit. Regular shaped parcel.
3	18 Howard Ave, Dee Why	$2,585,000	2,011	$1,285	Potential Development Site. Improved building. 2 Level commercial building used by Legacy. Large hall and commercial kitchen. 24 metre height limit. The building adds little value to the land.
4	9-17 Howard Avenue, 14-16 and 28 Oaks Avenue, & 884 – 896 Pittwater Road, Dee Why. "Known as site B"	$52,000,000	63,452	$820	Development Site. Site B, being the subject.
5	30 Pacific Parade, Dee Why	$1,200,000	900	$1,333	Development Site. Regular shaped lot that falls gradually from the road. Handily located to Dee Why shopping area. DA Approved Site for 9 Residential Apartments comprising 6 x 2 bedrooms, 3 x 1 bedrooms over basement car parking. Estimated GFA 900 m². Small site. Sold with DA approval. Allow allowance for the approved DA
6	6-8 Morilla Street & 605 – 611 Pittwater Road, Dee Why	$9,765,000	7,000	$1,395	Development Site. 8.5 metre height limit. The site is irregular in shape with a combined frontage of 48 metres along Moorilla Road and 58 metres along Pittwater Road. The site has gentle to moderate slopes, with a south and east aspect. DA approved prior to sale for the Construction of 35 x 2/3 bedroom townhouses, Car parking and Landscaping. An irregular shaped inside lot, rising to the west, and receiving district views. The DA adds value to the land.

No	Address	Adjusted Land value	GFA	Value rate per GFA $/m²	COMMENTS
7	57 Delmar Parade, & 2 Carew Street Dee Why	$3,870,000	2,500	$1,548	Development Site. The site is located on the northern side of Delmar Parade at the corner with Carew Street. The site is located on the north eastern face of a hill, and generally falls to the north. The site is relatively large, being approximately 42 metres wide on the Delmar Parade street frontage and 46 metres in length on the Carew Street frontage.11 metre height maximum. DA approved prior to sale for 21 apartments. The DA adds value to the land

The sales range from $820/m² to $1,548/m² per GFA the bottom end of the sale being a very large site. Land values are based on the merits or otherwise of the location, amenity, services, surrounding development etc of the individual property in comparison with available market evidence. The best sale being No 2 and was sold for $1,527/m² per GFA.

In general when assessing the current market value of a isolated parcel of land (small portion on the boundary), it is important to consider that the land cannot be developed in isolation due size, location and statutory boundary setback restrictions. Therefore in isolation this land will not represent a land value rate as demonstrated by the above sales as analysed.

It has been previously documented by sales in the market place that lands which cannot support development in isolation achieve a lesser value rate than good building land. The discount rate for such land depends on the desire to purchase. The potential purchaser will not pay full price knowing he has no competition. However in a healthy property market a potential purchaser might offer a reasonable rate to entice the vendor to sell or pay a premium over and above the market value.
Adjoining owner premiums have previously been demonstrated in the market place when adjoining owners need to entice a sale. The owner of the adjoining land would benefit by allowing this part of the land to contribute to the available floor space to the main parcel. The part being of 398 m² of available floor space may be lost. Therefore this part has an added value to the remaining parcel.

It is my opinion that the subject land should be valued as part of an average parcel of land rather than its intrinsic nature i.e. small stratum, narrow width, future bus set back area.

Meriton paid $820/m² per GFA (for a very large site) some years back and the market has moved forward considerably since then. As mentioned previously good building land is worth around $1,500/m² per GFA in the subject location. Taking everything into consideration I will adopt $1,500/m² per GFA for the subject land.

Calculations: 398 m² (GFA) x $1,500/m² (GFA value rate of land) say $600,000.

VALUATION:

The Current Market Value for land at Pittwater Road Dee Why and known as part of Site B as at the 3 November 2015 as per details referred to in this report is considered to be: **$600,000**

Errol Ferdinands AAPI (Val)
Certified Practising Valuer
Registration No. 2768
(Without Limitations)

QUALIFICATIONS AND DISCLAIMERS:

1. The Valuer has no pecuniary interest in the said property past, present or prospective, and the opinion expressed is free of any bias in this regard. The Valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute and the Regulations under the New South Wales Valuers Registration Act, 2003 as amended.

2. This report has been prepared for the private and confidential use of Warringah Council. It should not, without the express written authority be reproduced in whole or in part or relied upon by any other party for any purpose. My warning is registered here, that any party, other than those specifically named in this paragraph, should obtain their own valuation before acting in any way in respect of the subject property.

3. This valuation is current at the date of valuation only.

4. GST is additional to the current market value.

Section 94A

DRAFT WARRINGAH DEVELOPMENT CONTRIBUTIONS PLAN 2016

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PART 1: Introduction

What is a Section 94A Development Contributions Plan?

Section 94A (s94A) of the *Environmental Planning and Assessment Act 1979* (the Act), allows Council to levy a flat rate contribution towards, or recoup the capital cost of providing or extending facilities, infrastructure and services necessary to meet the increased demand created by new development in its area.

s94A of the Act provides as follows:

94A Fixed Development Application Consent levies

(1) A consent authority may impose, as a condition of Development Application Consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same Development Application Consent a condition under this section as well as a condition under section 94.

(2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:

(a) the Minister, or

(b) a development corporation designated by the Minister to give approvals under this subsection.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the Development Application Consent and the object of expenditure of any money required to be paid by the condition.

(5) The regulations may make provision for or with respect to levies under this section, including:

(a) the means by which the proposed cost of carrying out development is to be estimated or determined, and

(b) the maximum percentage of a levy.

The *Warringah Development Contributions Plan 2016* (the Plan) is the mechanism by which the entitlements under s94A of the Act are implemented and accounted for by Council. The Plan also includes a Works Program (Part 5) outlining when and where the new works will be provided.

The Plan is implemented through the development process by attaching conditions to any Development Application Consents or Complying Development Certificates that meet the requirements of this Plan.

Warringah Council has levied contributions for a range of facilities and services under previous Section 94 Development Contributions Plans. The preparation of this Plan provides the opportunity to implement a new, simplified development contributions structure that will improve the efficiency and flexibility of community facility provision, in a manner that best meets the needs of the population for which the contribution was levied.

PART 2: Administration and Operation

1 What is the name of this Plan?

This development contributions plan is called *Warringah Development Contributions Plan 2016*.

2 What is the purpose of the Plan?

The primary purposes of the Plan are:

(1) To authorise, as a condition of Development Application Consent upon effected Development Applications and Complying Development Certificates, the imposition of a contribution pursuant to s94A of the Act

(2) To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area

(3) To publicly identify the purposes for which the levies are required

(4) To include a revised Section 94 (s94) Works Program which will enable the expenditure of Council's existing s94 reserves.

3 When does this Plan commence?

1 July 2016.

4 What plans does this Plan repeal?

This Plan repeals *Warringah S94A Development Contributions Plan 2015* adopted by Council on 22 June 2015 and in operation on 1 July 2015.

All remaining funds collected under the *Warringah Section 94 Development Contributions Plan 2001* are to be applied toward completing the Works Program in *Warringah Section 94 Development Contributions Plan 2001* in accordance with the revised Section 94 Works Schedule included within Part 6 of this Plan. Upon full completion of the Section 94 Works Program, any remaining funds are to be pooled into the development contributions reserve established as part of this Plan (clause 17) and used upon works listed in Part 5.

5 Land to which this Plan applies

This Plan applies to all land within the local government area of Warringah.

6 Development to which this Plan applies

This Plan applies to all applications for Development Application Consent and Complying Development Certificates proposing works whose total development cost is $100,001 or greater.

The 'total development cost' is determined having accounted for each of the contributing cost factors set out within clause 25J of the *Environmental Planning & Assessment Regulation 2000* (the Regulation). It is provided to Council through the full and accurate completion (to the satisfaction of Council) of the Cost Summary Sheet lodged with the Development Application or Complying Development Certificate Application.

Development that satisfies any one (or more) of the following criteria are exempt from this Plan and from payment of the s94A levy:

(1) Development Applications and complying Development Applications whose total development cost is less than $100,001

(2) Applications lodged under Section 96 of the *EP&A Act 1979* to modify conditions of an existing consent

(3) Development Applications and Complying Development Certificate Applications for public purposes as proposed by:

   a) Council, that involve the use of land classified as Community or Operational under the *Local Government Act 1993* or as Crown Land under the *Crown Lands Act 1989*
   b) Non-profit organisations, as defined by the Australian Taxation Office, on behalf of, or in partnership with Council
   c) Government agencies
   d) Public utility providers.

Development which complies with the Ministerial Direction under s94E dated 10th November 2006 and includes development:

(1) For the purpose of disabled access

(2) For the sole purpose of affordable housing

(3) For the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building

(4) For the sole purpose of the adaptive reuse of an item of environmental heritage

(5) Other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous Development Application Consent relating to the subdivision of the land on which the development is proposed to be carried out.

To avoid any doubt with regard to item (5) above, the (then) Department of Infrastructure, Planning and Natural Resources' *Development Contributions Practice Notes* (2005), provides that 'the Section 94E direction prohibits the use of Section 94A in respect of development that has been the subject of a condition under Section 94 under a previous

Development Application Consent relating to the subdivision of the land on which the development is to be carried out.'

7 How is the total development cost determined?

Clause 25J of the Regulation sets out how to determine the total cost of development:

25J Section 94A levy—determination of proposed cost of development

(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

(a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,

(b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,

(c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

(2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.

(3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:

(a) the cost of the land on which the development is to be carried out,

(b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,

(c) the costs associated with marketing or financing the development (including interest on any loans),

(d) the costs associated with legal work carried out or to be carried out in connection with the development,

(e) project management costs associated with the development,

(f) the cost of building insurance in respect of the development,

(g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),

(h) the costs of commercial stock inventory,

(i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,

(j) the costs of enabling access by disabled persons in respect of the development,

(k) the costs of energy and water efficiency measures associated with the development,

(l) the cost of any development that is provided as affordable housing,

(m) the costs of any development that is the adaptive reuse of a heritage item.

8 Cost summary reports must accompany Development Applications or applications for Complying Development Certificates

A Development Application or application for a Complying Development Certificate is to be accompanied by a Cost Summary Report that addresses the matters set out in clause 25J of the Regulation.

For development with a total cost of $100,001 or greater, a Cost Summary Report (addressing the matters contained in Appendix A) is to be completed and certified by a person who is considered to be suitably qualified in the opinion of Council.

Council may request the provision of an independent Cost Summary Report (addressing the matters contained within Appendix A) that is certified by a registered quantity surveyor for larger developments or where a major discrepancy in a Cost Summary Report is detected.

9 Construction Development Certificates and the obligations of Accredited Certifiers

In accordance with clause 94EC (1) (a) of the Act, this plan specifies that Accredited Certifiers must, if a complying development certificate issued, impose a condition under section 94A. The condition is to be determined as described in clause 11 of this plan.

10 Construction Certificates and the obligation of Accredited Certifiers

In accordance with clause 146 of the Regulation, a Certifying Authority must not issue a Construction Certificate for building work or subdivision work under a Development Application Consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the Accredited Certifier must ensure that the applicant provides receipts confirming that levies have been fully paid. Copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where Council has agreed to works in kind, material public benefit or dedication of land as alternatives to payment of the s94A levy. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

11 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in the Summary Schedule, contained within Part 3 of this Plan. The levy will be calculated as follows:

Levy payable (O) = C x D

Where:
C = the levy rate applicable
D = the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the Regulation. The procedures set out in Appendix A to this Plan must be followed to enable Council to determine the amount of the levy to be paid.

Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no Construction Certificate will be issued until such time that the levy has been paid.

12 When is the levy payable?

A levy must be paid to Council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a Subdivision Certificate, Construction Certificate or Complying Development Certificate.

13 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

Contribution at time of payment = O + A

Where:

O = the original contribution as set out in the consent

A = is the adjustment amount which is = $\frac{\$C_o \text{ x (Current CPI - Base CPI)}}{\text{Base CPI}}$

Where:

Current CPI: the Consumer Price Index for 'Sydney – All Groups' as published by the Australian Bureau of Statistics available at the time of review of the contribution rate, and

Base CPI: the Consumer Price Index for 'Sydney – All Groups' as published by the Australian Bureau of Statistics at the date of adoption of this plan.

Note: In the event that the Current CPI for Sydney is less than that for the previous quarter, the Current CPI for Sydney shall be taken as not less than the previous.

14 Can deferred or periodic payments be made?

Council does not permit deferred or periodic payments of the s94A levy under this Plan.

15 How are credits for existing development addressed in this Plan?

No credits or levy discounts of any kind are issued for either existing development or prior approvals.

16 Are there alternatives to the payment of the s94A levy?

An applicant may only elect to forgo to the payment of monetary contributions upon effected development through the following means:

(1) By Council accepting an offer by an applicant to satisfy the contribution by carrying out works in kind, but only where the facility is identified in the works program and it is constructed by the developer to Council's standards and then transferred to Council. In these circumstances, Council will only transfer paid contributions on receipt of invoices not exceeding the amount already collected or committed by the fund

(2) By both Council and the applicant entering into a written planning agreement in accordance with Section 93F of the Act, whose terms and conditions are voluntarily agreed to and signed by both parties. The agreement:

a) may be for the payment of a monetary contribution, the dedication of land free of cost, any other public benefit, or any combination of these, to be used for or applied toward a public purpose (as defined in the Dictionary of this Plan)

b) is not invalid by reason only that there is no connection between the development and the works or expenditure of any money it proposes.

Applicants proposing to enter into a Planning Agreement should enquire with Council with regard to the relevant procedures prior to the lodgement of their Development Application.

17 Pooling of levies

This plan expressly authorises s94A levies paid for different purposes to be pooled and applied progressively for the delivery of the community facilities and infrastructure listed in the Schedule of Works in Part 5 of this Plan. The priorities for the expenditure of the levies are shown in this Schedule of Works.

18 How will Council use collected contributions?

Council is to use the funds collected under this Plan toward meeting the cost of providing the community facilities listed in the Schedule of Works of this Plan (Part 5). Subject to s93E(2) of the Act and clause 16 of this Plan, the community facilities listed in Part 5 are to be provided in accordance with the identified staging.

A proportion of all funds collected (0.05% of costs as identified in Appendix A) will be pooled in a separate Council account for use toward ongoing forward planning and administration of development contribution funds. Funds collected in this account will be used to:

(1) Periodically engage consultants to undertake forward planning studies informing the use of development contributions

(2) To fund the full time employment of a Strategic Planner position within Council.

(3) To fund 30% of the costs of a Management Accounting position within Council.

19 In what circumstances are s94A levies to be refunded?

Levies collected from a developer under this Plan will only be refunded upon the formal surrender or lapsing of the relevant Development Application Consent to which the contribution was applied.

20 Is a contributions register kept?

Council maintains a register of all developer contributions collected and the details of all Voluntary Planning Agreements enacted through a condition of Development Application Consent. The Contributions Register can be inspected at Council's offices and contains the following information:

(1) Each Development Application Consent which levied contributions for facilities

(2) The address to which the Development Application Consent was issued, date when contributions are received and the amount

(3) A detailed account of the monetary contribution, land dedication or other material public benefit negotiated and signed off through any Voluntary Planning Agreement, including a full copy of the agreement.

21 Plan will be subject to annual review

Council is to undertake an annual review of the works included in the Schedule of Works within this Plan, including the maintenance of a record of completed works and the introduction of new community facilities in place of those completed.

PART 3: Summary Schedule

The Schedule of Works contained in Part 5 of the Plan identifies the public facilities for which a S94A levy will be required.

Levies paid to Council (in accordance with the rates set out in the Summary Schedule below) will be applied towards meeting the cost of provision or augmentation of these public facilities in the identified financial years.

Type of Development	Levy
All Development Applications and applications for Complying Development Certificates whose total costs amount to less than $100,001	Nil
All Development Applications and applications for Complying Development Certificates with a total cost from $100,001 - $200,000 (excluding exempt development, Section 96 (s96) applications to modify Development Application Consent and Development Applications proposed by Council)	0.5 per cent
All Development Applications and applications for Complying Development Certificates with a total cost exceeding $200,000 (excluding exempt development, s96 applications to modify Development Application Consent and Development Applications proposed by Council)	1.0 per cent

PART 4: Expected Development and Demand for Public Facilities

Residential population growth and employment generation from new industrial, commercial and retail developments will increase demand on Council's existing public amenities and facilities. To ensure that the community's enjoyment of public facilities is not diminished by population growth Council must augment its existing facilities, and where possible, provide new facilities to accommodate the additional demand.

Population Growth in Warringah

Warringah has experienced a steady growth rate of over 1% between 2006 and 2011 (the most recent Census years). This growth rate has placed a continuous demand on Warringah Council to provide infrastructure for the growing population. The growth can be summarised as:

- Estimated Residential Population (ERP) of Warringah increased from 139,163 to 147,611, representing a population increase of 8,448 or 6.1%. This equates to an annual growth rate of approximately 1.2% representing a significant increase in residential population growth
- Population growth within Warringah is closely aligned to the Sydney Statistical Division which experienced a population increase of approximately 6.6% or 1.3% per year
- Approximately 2200 additional dwellings have been approved. This equates to an average of 440 new dwellings per annum.

This growth is forecast to continue into the future. Between 2011 and 2021, it is estimated that the following changes will take place:

- Population increase of 11,324 or 0.7% annual growth rate.
- Additional 4550 dwellings or 455 per annum.

Beyond 2021, a steady population growth rate of approximately 1100 people per year is expected. Combined with a falling household size (less people living in each dwelling), it is expected that more dwellings will be required to keep up with demand. This will likely increase density in established centres.

Metropolitan Strategies

Growth strategy across the Sydney Metropolitan Area is developed by the NSW Department of Planning and Infrastructure. Over the past decade, three metropolitan strategies have been produced by the Department. These strategies have outlined growth expectations across the Metropolitan Area, providing growth guidelines for councils and the public. The strategies have demonstrated an expectation that dwelling growth will exceed that of the natural growth that is forecasted to take place.

The *Sydney Metropolitan Strategy* (2005) set the North East Subregion (comprising the Warringah, Pittwater and Manly local government areas) a target of 17,300 new dwellings from 2006 to 2031.

The more localised component of that strategy, the draft *North East Subregional Strategy* (2007), set Warringah's share of this dwelling target at 10,300 new dwellings, or 412 per year.

The *Metropolitan Plan for Sydney to 2036* (2010) is the five year update to the *Sydney Metropolitan Strategy*. This document updated all subregional housing and employment targets within the Sydney Region. The housing target for the North East Subregion was increased to 29,000 between 2006 and 2036. The plan does not apportion dwelling targets to local government areas within the subregion.

A Plan For Growing Sydney (2014) was released in December 2014. This strategy classified Warringah as part of the North district. This has been expanded to include Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby. The strategy does not apportion dwelling or employment targets to the district. These are expected to be included in a district plans released during the 2016/17 financial year.

While the 2014 strategy has not apportioned dwellings at the LGA level, it has shown an expectation across the Sydney Metropolitan Area that more dwellings will be delivered. Assuming the same apportionment rate from the 2007 Subregional Strategy is applied to the 2014 strategy, Warringah will be expected to deliver approximately 10,700 dwellings between 2014 and 2031. This is an increase to 630 per year, compared to the 412 target of the 2005 strategy.

Employment Growth

Non-residential development will create demand for the provision or upgrading of roads and traffic management facilities and civic improvements. Understanding the anticipated employment growth and location of growth centres enables Council to target those improvements effectively.

Warringah Employment Study 2013 was prepared to identify the economic, social and environmental trends which will influence employment growth within the region. It identifies key strategies and principles to better enable the region to accommodate employment growth to 2031.

The employment study has identified that within Warringah, demand for employment in the retail, commercial and industrial sectors will continue to grow in the future. Demand for floor space within these sectors is forecast to increase by 446,585 square metres and between 2011 and 2036, along with 12,553 jobs. This growth is anticipated to be focused in the main employment lands within Warringah of located in Dee Why, Frenchs Forest, Brookvale, Forestville, and Austlink Business Park.

Rationale for Development Levy

As an established LGA, Warringah does not currently have any identified land release areas. State Government and Council strategic land use policies place significant restrictions on additional subdivision and development on the fringes of Warringah's urban areas and focuses development

within existing centres. As such, the emphasis of development contribution expenditure in Warringah will increasingly take the form of upgrades and augmentations to existing community facilities, as opposed to new land dedications and facilities required to service 'new' residential areas.

There are a number of factors that have traditionally influenced the ability of Council to deliver community facilities in a manner that matches demand using a traditional s94 approach:

(1) Difficulties defining and maintaining the nexus between who contributes toward the cost of developing community facilities and who the users of the facilities are. The ability to apportion the costs of new community facilities strictly to new populations is increasingly difficult in highly urbanised local government areas such as Warringah. The users of community facilities are increasingly willing to travel to any part of Warringah to access community services, placing an undue burden on specific development to contribute toward their provision.

(2) Low apportionments under a traditional s94 model. The proportion of works funded by development contributions can only match the proportion of new population into this area. Accordingly, new populations moving into established urban areas cannot be expected to fund the entire cost of these upgraded or augmented facilities that are enjoyed by the entire community. Employing this approach again through a new Development Contributions Plan will not enable Council to collect the funds required to deliver community facilities at a rate that matches demand.

These problems are overcome through the adoption of a levy which is based on a fixed percentage of the total cost of development. Funds collected under this system are pooled into a single reserve and are used to fund the provision of new public facilities and services in locations where Council has identified demand, through the ongoing residential and non-residential growth. This demand has led to the inclusion of specific projects within the Schedule of Works in the Plan.

With the majority of development types proposed in Warringah requiring Development Application Consent, including some of the most minor forms of residential development, there is justification for the application of a 'development value threshold' which would exempt these smaller developments from the fee being levied. The intent of a 'contribution free' threshold is to relieve smaller developments with negligible impact on the demand for additional community facilities from having to pay the levy. The contributions free threshold is set at $100,000, in-line with clause 25K of the Regulation.

PART 5: Section 94A Schedule of Works

This Part lists the works to be funded by contributions collected under the provisions of this plan. It has been compiled based upon Council's Community Strategic Plan, Plans of Management and the Dee Why Town Centre Masterplan. The works are to be completed using funds collected under this Plan. Projects within this Schedule have been assessed by Council as being a high priority on the basis of community need, safety and risk to Council.

This Schedule of Works is to be progressively updated to reflect the completion of the listed works and to add new projects as the Schedule nears completion. Where applicable, the location of these projects has been mapped at Appendix C and D.

Project	Project No	2016/2017 S.94A Allocation	Estimated Total Project Cost	Estimated Completion
New Traffic Facilities and Streetscape Upgrades – Phase 1 - Pittwater Road (Central) - Redman Road Plaza (East) - Oaks Avenue (West) - Link Road - Howard Avenue (West) - St. David Avenue Pocket Park	BN6061	$110,000	$22,000,000	2016-2019
	BN6429	$588,807		
New Traffic Facilities and Streetscape Upgrades – Phase 2 - Redman Road Plaza (West) - Pittwater Road (Central) - Howard Avenue (East) - Woolworths Lane - Triangle Park (North and South)	BN6061	$0	$11,000,000	2020-2025
	BN6429			
New Traffic Facilities and Streetscape Upgrades – Phase 3 - Pittwater Road (North and South) - Fisher Road - Mooramba Road - Sturdee Parade - Pacific Avenue - Oaks Avenue (East) - Dee Why Parade - Drainage Channel	BN6061	$0	$23,000,000	2026-2036
	BN6429			
St Matthews Farm Reserve, Cromer – Skate Park	BN5845	$300,000	$350,000	2016/17
Walter Gors Reserve and Dee Why Parade Shared Path	BN5856	$2,109,751	$7,250,000	2016/17
Sports Club Capital Assistance Program	BN5881	$147,453	$450,000	Ongoing
Footpath Program – New Works	BN6022	$350,000	$1,400,000	Ongoing
Bike Plan Implementation Program	BN6027	$100,000	$400,000	Ongoing
Berry Reserve and Jamieson park, Narrabeen – New Works	BN6039	$120,000	$250,000	2016/17
Traffic Works Program	BN6225	$200,000	$200,000	Ongoing

Birdwood Park, Narrabeen – New Works	BN6433	$200,000	$300,000	2016/17
Narrabeen Beach lifeguard viewing tower	BN6455	$150,000	$150,000	2016/17

Notes: Estimated Total Project Costs column includes 94A and other sources of funding.
Estimated Total Project Cost for ongoing projects is limited to forecasts for 2019/20 financial year

PART 6: Section 94 Schedule of Works

This Part lists the works to be funded by existing Section 94 contributions collected under the Section 94 Development Contributions Plan 2001.

The projects listed within the Section 94 Schedule of Works, and the allocation of funds for these projects, reflect the intent under which the funds were originally collected.

The location of each project has been mapped in Appendix E. However please note that these maps are only indicative and are subject to more specific detailed plans.

Project No	Name	Suburb	2016/2017 S.94 Allocation	Reserve	Estimated Total Project Cost	Estimated Completion
BN5856	Walter Gors Reserve New Works and Dee Why Parade Shared Walk	Dee Why	$3,359,685	E7 – Open Space for Dee Why Town Centre and Surrounds	$7,250,000	2016/17
New Traffic Facilities and Streetscape Upgrades – Phase 1						
BN6061	Dee Why Town Centre – Design of New Traffic Facilities and Streetscape	Dee Why	$477,453	E7 – Open Space for Dee Why Town Centre and Surrounds E8 – Road and Traffic Management	$20,000,000	2016-2019
BN6429	Dee Why Town Centre – Streetscape Improvement Works	Dee Why	$1,841,526			

Notes: Estimated Total Project Costs column includes 94 and other sources of funding.
Estimated Total Project Cost for BN6061 and BN6429 has been combined to reflect design and construction of Phase 1 works.

PART 7: References

This Plan has been compiled with reference to the guidelines provided from the following key documents:

- *Department of Infrastructure Planning and Natural Resources, Development Contributions – Practice Note, 2005*
- *Department of Planning, Draft Local Development Contribution Guideline, November 2009*
- *Department of Planning, Metropolitan Plan for Sydney, 2036*
- *Department of Planning, Metropolitan Strategy for Sydney, 'City of Cities – A Plan for Sydney's Future' 2005*
- *Department of Planning, Draft North East Subregional Strategy 2007*
- *Department of Planning and Environment, A Plan for Growing Sydney, 2014*
- *Department of Planning and Infrastructure, Draft Metropolitan Strategy for Sydney to 2031, March 2013*
- *GLN Planning, Dee Why Town Centre Section 94A Levy, 2015*
- *ID Consulting, Warringah Council Community Profile, 2015*
- *SHOROC Regional Employment Study, March 2008*
- *Warringah Council, Warringah Local Environmental Plan 2011*
- *Warringah Council, Warringah Community Strategic Plan 2013*
- *Warringah Council, Warringah Council Section 94 Development Contributions Plan 2001*
- *Warringah Council, Warringah Local Environmental Plan 2000*
- *Warringah Bike Plan 2010*
- *Warringah Pedestrian Access and Mobility Plan 2011*
- *Warringah Playground Strategy 2007*

Dictionary

In this Plan, unless the context or subject matter otherwise indicates or requires the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979.*

Council means Warringah Council.

Regulation means the *Environmental Planning and Assessment Regulations 2000.*

Total development cost means the cumulative cost of all factors listed in clause 25J of the Regulations and clauses 6 and 7 of this Plan.

Public purpose includes (without limitation) any of the following:

(a) the provision of (or the recoupment of the cost of providing) public amenities or public services,

(b) the provision of (or the recoupment of the cost of providing) affordable housing,

(c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,

(d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,

(e) the monitoring of the planning impacts of development,

(f) the conservation or enhancement of the natural environment.

APPENDIX A: Procedure for determination of an S94A levy

A cost summary report is required to be submitted to allow council to determine the contribution that will be required.

To avoid doubt, section 25J of the *Environmental Planning and Assessment Act 1979* sets out the items that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
- if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
- if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

The items and components of the following form should be used as guide in determining the total cost of a development, for the purpose of determining the s94A levy that applies.

APPENDIX B: Sample Cost Summary Report

Cost Summary Report

DEVELOPMENT APPLICATION No. _____ **REFERENCE** _____

CONSTRUCTION CERTIFICATE No. _____ **DATE** _____

APPLICANT'S NAME:

_____

APPLICANT'S ADDRESS:

_____

DEVELOPMENT NAME:

_____

DEVELOPMENT ADDRESS:

_____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	$	Hydraulic services	$
Structure	$	Mechanical services	$
External walls, windows and doors	$	Fire services	$
Internal walls, screens and doors	$	Lift services	$
Wall finishes	$	External works	$
Floor finishes	$	External services	$
Ceiling finishes	$	Other related work	$
Fittings and equipment	$	Sub-total	$

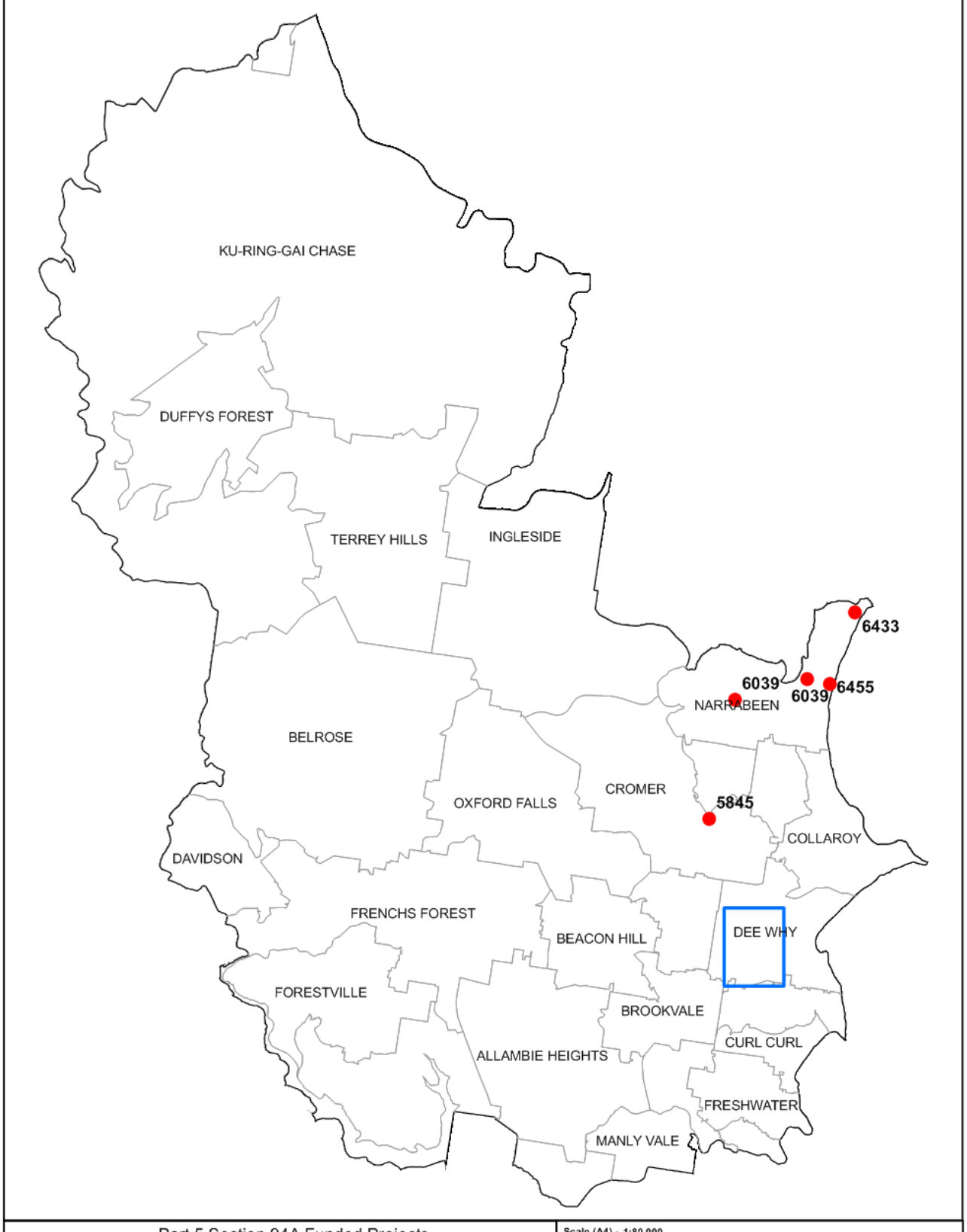
Sub-total above carried forward	$
Preliminaries and margin	$
Sub-total	$
Consultant Fees	$
Other related development costs	$
Sub-total	$
Goods and Services Tax	$
TOTAL DEVELOPMENT COST	**$**

I certify that I have:

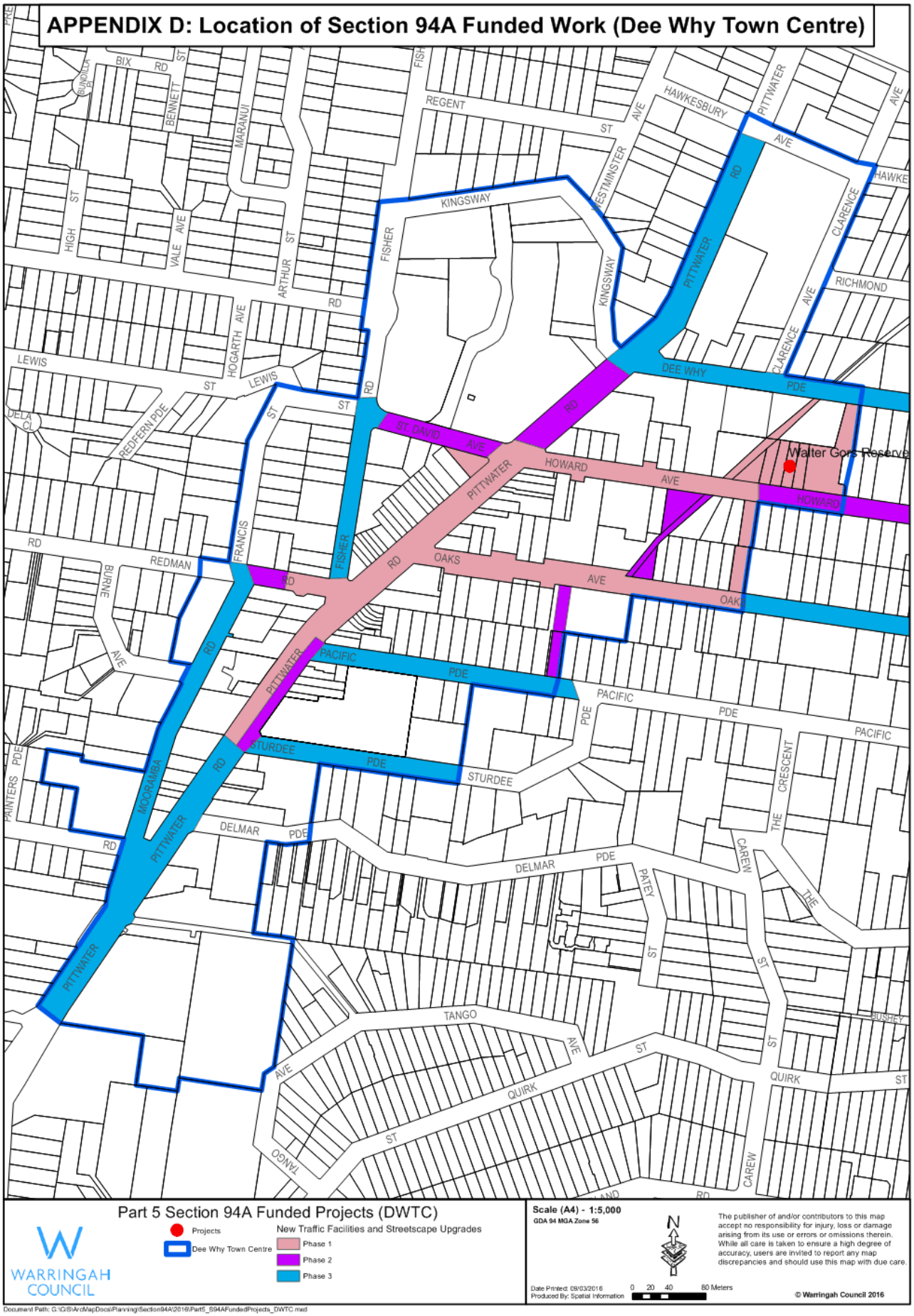
- inspected the plans the subject of the application for Development Application Consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in the S94A Development Contributions Plan of Warringah Council at current prices.
- included GST in the calculation of development cost.

Signed: _____
Name: _____
Position and Qualifications: _____
Date: _____

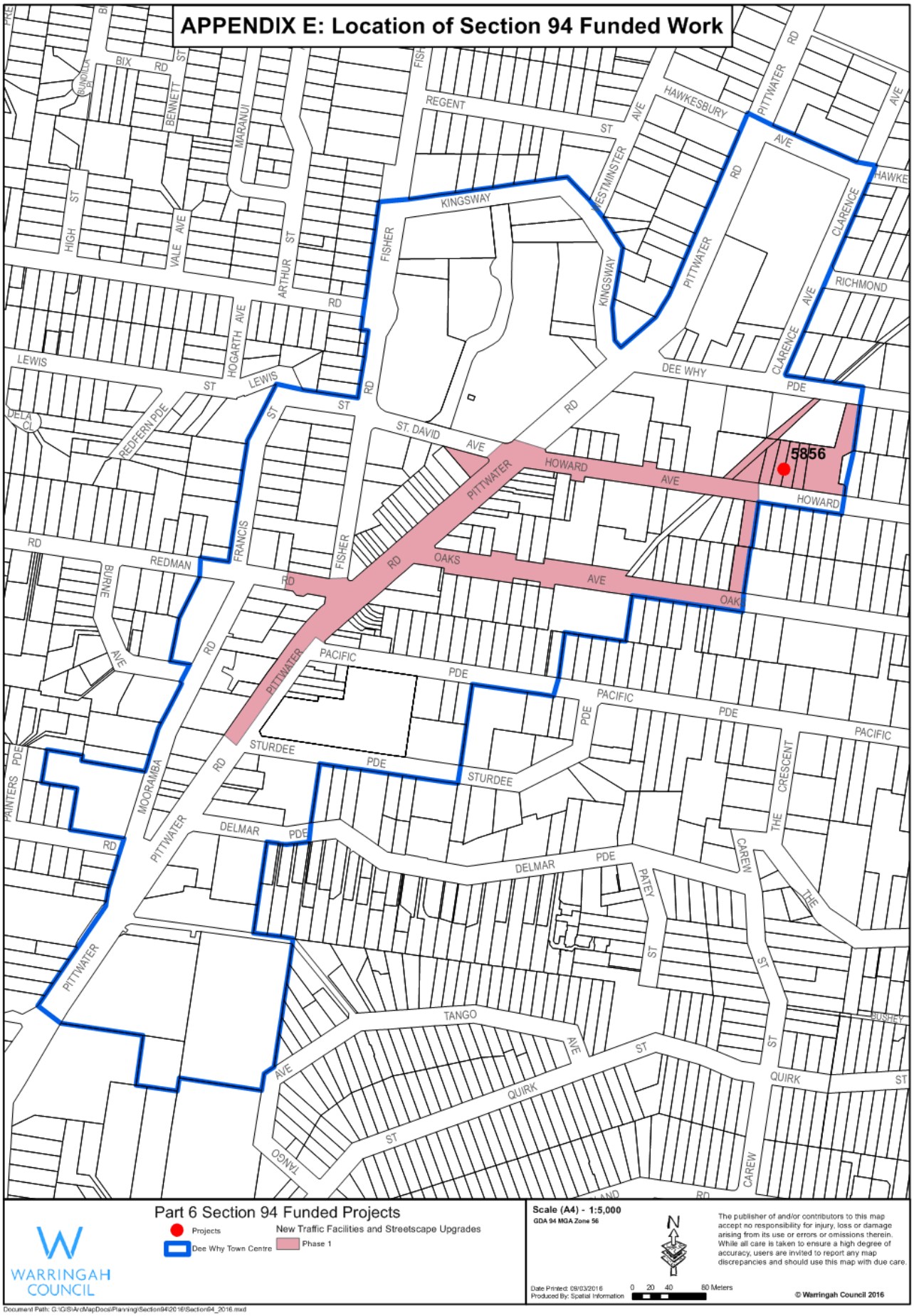
APPENDIX C: Location of Section 94A Funded Work (Warringah LGA)



APPENDIX D: Location of Section 94A Funded Work (Dee Why Town Centre)



APPENDIX E: Location of Section 94 Funded Work



WARRINGAH COUNCIL

26 October 2015

Carolyn McNally
Secretary
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Our Ref: 2015/027729

Dear Ms McNally

Planning Proposal: Internal Secondary Dwellings

Warringah Council requests that the Department of Planning and Environment provide a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979 to amend Warringah Local Environmental Plan 2011 (WLEP 2011).

The Planning Proposal relates to Secondary Dwellings in R2 – Low Density Residential and R3 – Medium Density Residential zones. The Planning Proposal seeks to amend provisions within the WLEP 2011 in order to:

1. Permit Secondary Dwellings in R2 – Low Density Residential and R3 – Medium Density Residential zones
2. Increase the permitted maximum size of Secondary Dwellings to 75 square metres that are located within an existing dwelling house.

The table below outlines the enclosed documentation supporting the request for Gateway consideration;

Document Title	Tag Ref.
Information Checklist pursuant to Section 55(a)-(e)	1
Planning Proposal (prepared by Council)	2
Council Resolution 29 April 2014	3
Council Report 25 November 2014	4
Council Resolution 25 November 2014	5
Evaluation for the Delegation of Plan Making Functions	6
Indicative project timeline	7

WARRINGAH COUNCIL
Civic Centre 725 Pittwater Road Dee Why NSW 2099
T 02 9942 2111 F 02 9971 4522
ABN 31 565 068 406 DX 9118
warringah.nsw.gov.au

Council intends to exercise its delegation to make the local environmental plan. The evaluation response for delegation has been enclosed as Tag reference No. 6.

Should you have any enquiries, please feel free to contact us.

Regards,

Neil Cocks
Strategic Urban Planning Team Manager

Enquiries: Taylor Richardson 9942 2581

TAG 1

INFORMATION CHECKLIST

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			**Urban Design Considerations**		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			**Economic Considerations**		
• Aerial photographs	☐	☒	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	**Social and Cultural Considerations**		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☐	☒
• Noise impact	☐	☒	**Infrastructure Considerations**		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	**Miscellaneous/Additional Considerations**		
• Water quality	☐	☒	*List any additional studies*		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

TAG 2

PLANNING PROPOSAL

PLANNING PROPOSAL

Increased Floor Area for Secondary Dwellings

Prepared by Warringah Council

October 2015

TRIM 2015/027729

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Acronyms used in this Report

Council	Warringah Council
CSP	Community Strategic Plan
Department	Department of Planning and Environment (former Department of Planning and Infrastructure)
SEPP	State Environmental Planning Policy
WLEP 2011	Warringah Local Environmental Plan 2011

Introduction

This Planning Proposal seeks to amend *Warringah Local Environmental Plan 2011* (WLEP 2011) to allow Secondary Dwellings with floor areas up to 75 square metres, within existing dwellings. This will allow for development of two bedroom Secondary Dwellings, suitable for an increased range of demographics. This Planning Proposal does not change floor space limits for other types of Secondary Dwellings.

Secondary Dwellings are permitted by *SEPP (Affordable Rental Housing)*, which sets requirements for the type of development. This includes the maximum floor area, which is set at 60 square metres, the typical size of a single bedroom residence. While this housing type may be suitable for individuals or couples, it may not address the needs of others that require affordable housing choices.

In 2014, Council undertook a desktop review of the viability of allowing this type of development (TAG 4). This review found that *SEPP (Affordable Rental Housing)* allowed Council to increase the maximum floor area of Secondary Dwellings. The review found that the increase could be limited to development within existing homes. This method would allow for the benefits of increased floor areas without increasing the overall size of the existing home.

On 25 November 2014, Council resolved to prepare a Planning Proposal to increase the maximum floor area for Secondary Dwellings located within an existing dwelling house to 75 square metres (TAG 5). This Planning Proposal seeks amend WLEP 2011 as per the resolution.

The Planning Proposal

This Planning Proposal comprises parts consistent with the *A Guide to Preparing Planning Proposals* (October 2012) and *A Guide to Preparing Local Environmental Plans* (April 2013):

Part 1 - Objectives or Intended Outcomes

Part 2 - Explanation of Provisions

Part 3 - Justification

Part 4 - Community Consultation

Part 1: Objectives or Intended Outcomes

The objective of this Planning Proposal is to allow Secondary Dwellings up to 75 square metres in floor area, if they are:

- Within an R2 – Low Density Residential or R3 – Medium Density Residential zone
- Within an existing dwelling house

The intended outcome of the Planning Proposal is that larger Secondary Dwellings will be developed in established residential areas, increasing housing choice without increasing the size of existing dwellings. This outcome is supported by the objectives of Council's Community Strategic Plan, *A Plan for Growing Sydney (2014)* and *SEPP (Affordable Rental Housing)*, as described in Part 3.

Part 2: Explanation of Provisions

Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following amendments to WLEP 2011:

Relevant sections of WLEP2011	Proposed Amendments
Land Use Table: Zone R2 Low Density Residential	Insert new item in **3. Permitted with consent** "Secondary Dwellings"
Land Use Table: Zone R3 Medium Density Residential	Insert new item in **3. Permitted with consent** "Secondary Dwellings"
Part 6 Additional Local Provisions	Additional clause that: - Contains an objective to ensure that development of Secondary Dwellings in Zones R2 – Low Density Residential and R3 – Medium Density Residential is low impact and without adverse effects on the ecological, social and aesthetic values of the land. - Allows development consent for a development of a secondary dwelling of up to 75 square metres in Zones R2 – Low Density Residential and R3 – Medium Density Residential, if the consent authority is satisfied that the development will be carried out only within an existing dwelling house.

Table 1: Explanations of Provisions

Part 3: Justification

Section A - Need for the Planning Proposal.

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of a Council resolution made on 25 November 2014 (TAG 5). That resolution was in response to a desktop review of the viability of increasing the maximum floor space of Secondary Dwellings to 75 square metres in specific circumstances (TAG 4).

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is an appropriate means of achieving the objective listed in Part 1. The following is noted in support of this view:

- Secondary Dwellings controls are primarily defined by *SEPP (Affordable Rental Housing)*
- *SEPP (Affordable Rental Housing)* allows environmental planning instruments, such as WLEP 2011, to increase limits to the total floor area of Secondary Dwellings
- The proposed amendment allows for additional floor space for 'internal' Secondary Dwellings and does not modify or limit current controls on 'attached' or 'detached' Secondary Dwellings
- The proposed amendment modifies WLEP 2011 in a way which is consistent with existing controls in *SEPP (Affordable Rental Housing)*

Is there a net community benefit?

The Planning Proposal will deliver a net community benefit. The key community benefits include:

- Delivery of additional housing choice in Warringah
- Maintenance of the existing character and built form of established areas

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy, including the Sydney Metropolitan Strategy and exhibited draft strategies?

1. A Plan For Growing Sydney (2014)

A Plan for Growing Sydney is the latest metropolitan strategy released by the Department of Planning and Environment to set the framework for Sydney's growth to 2031 and beyond.

A key focus of the strategy is boosting housing and jobs growth across Sydney. The strategy sets a dwelling target (net additional) of 664,000 new dwellings across Sydney by 2031.

The Planning Proposal is consistent with the relevant objectives summarised in the table below:

A Plan For Growing Sydney Action	Consistency
2.1.1 Accelerate housing supply and local housing choices	The Planning Proposal will allow for more flexible Secondary Dwelling layouts that will improve housing choice, benefiting land owners and future tenants.
2.1.2 Accelerate new housing in designated infill areas (established urban areas) through the priority precincts and Urbangrowth NSW programs	The Planning Proposal supports development within existing residential areas. This will take advantage of current infrastructure and reduces the need for greenfield development.

2.2.3 Deliver more opportunities for affordable housing	The Planning Proposal encourages the development of Secondary Dwellings, a type of affordable rental housing. By allowing larger Secondary Dwellings, they are likely to be more appealing to a wider variety of household types. This supports the objective to deliver more opportunities for affordable housing.

Table 2: A Plan for Growing Sydney Actions Summary

2. *Draft North East Subregional Strategy (2007)*

The draft *North East Subregional Strategy* translates the objectives of NSW Government's *Metropolitan Strategy* (2005) to the local level. The following actions are relevant to the Planning Proposal:

Draft North East Subregion Strategy Action	Consistency
C2.3.2 North East councils to provide for an appropriate range of residential zoning to cater for changing housing needs	The Planning Proposal will allow for larger Secondary Dwellings in R2 and R3 areas. Larger Secondary Dwellings can provide more flexible affordable housing layouts for downsizing seniors, young families and other demographics.

Table 3: A Plan for Growing Sydney Actions Summary

Is the Planning Proposal consistent with council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the Community Strategic Plan. While the Planning Proposal is not directly related to an action area of the CSP, it is consistent with the following objective:

Objective	Consistency
5.3 We offer a variety of housing choices that meet the needs of our community and complements local neighbourhoods and the Warringah Lifestyle	The Planning Proposal will encourage the provisioning of a variety of housing choices across Warringah. Internally constructed Secondary Dwellings will complement the local character of residential areas by maintaining the built form of the local area.

Table 4: CSP Objective Summary

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

The Planning Proposal is consistent with the relevant SEPP. The relevant SEPP is summarised below:

SEPP	Consistency
SEPP (Affordable Rental Housing)	The SEPP provides a consistent planning regime for the provision of affordable rental housing. The Planning Proposal allows for larger Secondary Dwellings, a type of housing allowed by the SEPP. This will allow for more flexibility in the types of Secondary Dwellings built in Warringah.

Table 5: SEPP Summary

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The following Ministerial Directions are applicable to the proposal:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Ministerial Direction	Objectives	Comment
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is consistent with the objectives of the direction and will: - encourage variety and choice of housing types by allowing more types of affordable housing development - promote development in established areas, maintaining access to infrastructure and services - reduce the need for development on the urban fringe by increasing the development potential of established areas
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	The Planning Proposal is consistent with the objectives of the direction as it will increase housing choice in established areas. New residents may take advantage, and enhance of viability of existing and mature services (e.g. commercial uses and public transportation).
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal is consistent with the objective of the direction as it will take advantage of complying development legislation, encouraging efficient and appropriate assessment of development

Ministerial Direction	Objectives	Comment
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Planning Proposal is consistent with the *Plan for Growing Sydney*, the most recent Metropolitan Plan, as discussed above.

Table 6: S117 Summary

Section C - Environmental, Social and Economic Impact.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The type of development, Secondary Dwellings within existing dwellings, is currently permitted. The proposal will not increase the likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The type of development, Secondary Dwellings within existing dwellings, is currently permitted. Development controls are managed through *SEPP (Affordable Rental Housing)*, *SEPP (Exempt and Complying Development)*, WLEP 2011 and *Warringah Development Control Plan 2011*.

Future applications allowed by the Planning Proposal will be assessed under the same suite of controls which mitigate the likelihood of environmental effects. Any environmental effects that may occur will be managed through those controls.

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will have positive social and economic effects, as it will allow for more flexibility in the types of affordable housing in Warringah. This will increase housing choice, providing benefits for both land owners and tenants.

Section D - State and Commonwealth Interests.

Is there adequate public infrastructure for the Planning Proposal?

The type of development, Secondary Dwellings within existing dwellings, is currently permitted. The Planning Proposal may increase development of Secondary Dwellings, increasing density by a marginal amount. However, any additional density would be located in established areas with a nominal impact on public infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth agencies will be known after the gateway determination.

Part 4: Community Consultation

Council will exhibit the Planning Proposal in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act (1979)*.

Council also proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the Planning Proposal in a local newspaper and on Council's website at the start of the exhibition period
- Exhibit the Planning Proposal for the period of time stipulated by the Gateway Determination.

Conclusion

The Planning Proposal has been written with consideration to the Department's *Guide to Preparing Planning Proposals*, *SEPP (Affordable Rental Housing)* and State and local strategies. It contributes to Council's commitment to allowing for a variety of housing choices that meet the needs of the community and complements local neighbourhoods and the Warringah lifestyle.

The Planning Proposal will amend controls in WLEP 2011 to allow development of Secondary Dwellings, of floor areas up to 75 square metres, when within existing dwellings. In doing so, it will increase the capacity for housing choice within Warringah and make them viable homes for a range of demographics.

Limiting the additional floorspace to Secondary Dwellings within existing dwellings will help preserve local character by maintaining the bulk and scale of existing dwellings. In addition, development will largely be located in established areas, allowing for use of existing services and infrastructure.

TAG 3

COUNCIL RESOLUTION

29 APRIL 2014

VOTING

For the resolution:	Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan
Against the resolution:	Nil

CARRIED

5.2 MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST

BACKGROUND

I have previously raised the critical issue regarding the lack of housing choice and affordability across our local government area. As the State Government has repeatedly failed to provide effective solutions, I am keen to see Council take the initiative to seek community feedback and develop the appropriate strategies to tackle this issue.

Council recently hosted two public forums during which valuable input was received from a wide range of stakeholders including residents, developers, local businesses and not for profit organisations. Unsurprisingly, the issue of affordability generated significant interest with feedback supporting the need for appropriate short and longer term actions.

It is obvious that a range of solutions must be examined in order to deal with such a complex issue. One option we should consider is to increase the availability of affordable accommodation through the provision of secondary dwellings, colloquially known as 'granny flats'. In doing this we can address the issue of providing opportunities for families and those wishing to downsize including those who wish to stay on their existing property and remain in the same community.

More specifically Council could consider, and in fact ease the State Government's restrictions on granny flats for strictly internal conversions only. It is my understanding that secondary dwellings are self-contained dwellings that may be attached to or detached from the principal home. They however cannot be subdivided from the principal home or sold off separately. They currently provide an alternate form of accommodation and are in most cases limited to 60 square metres in size. They are relatively cheap to build and can be rented out, or lived in by extended family or a friend.

The State Government's regulations only allow a max of 60 square metres which is a reasonable size single bedroom apartment. This is particularly important to maintain in relation to the external controls and the direct impact on their neighbour's amenity. Having said this though, I believe an opportunity exists to allow additional floor space on the proviso that it does not impact on the size of an existing building. For example, 75 square metres is equivalent to a good sized two bed unit and provides more floor plan options. It allows retiring couples to remain in their community and live independently and there is also the benefit of providing an income for pensioners and the obvious benefit that we can help in meeting the current housing demands.

I have included an extract from a neighbouring Council's planning documents that outlines a definition referred to as a 'Family Flat' which Warringah may wish to consider using as a starting point.

> **Family flat** *means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:*

a) is not more than 75m^2 in gross floor area; and,

b) shall not be separately titled.

The report should also address the possibility of such a proposal being classed as exempt development and or complying development. Council should also investigate whether a small contribution, similar to the current process for Section 94 contributions, could go towards the additional public facilities required of increasing the population pressures of such a policy. That contribution should not be prohibitive and provide flexible payment options to allow for low-income earners.

Secondary dwellings are already permitted through the State Government's Affordable Housing State Environmental Planning Policy legislation for residential areas in Warringah. However, they are not permitted in the RU4 rural zone which applies to large proportion of Terrey Hills and Duffys Forest. I have been approached by a number of residents from this area who are very supportive of this concept.

As a result, I am requesting that staff prepare a short report to be considered by Council regarding the appropriateness of Secondary Dwellings as outlined above and more specifically in relation to the RU4 land use zone.

5.2 MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST

427/14 **RESOLVED**

Cr Regan

That Council prepare a short report to:

A. investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest

B. investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m^2 where there is no external building expansion to dwelling.

C. consider the option of such a proposal being classed as exempt development and or complying development under the WLEP

D. investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy

VOTING

For the resolution:	Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan
Against the resolution:	Nil

CARRIED

TAG 4

COUNCIL REPORT

25 NOVEMBER 2014

WARRINGAH COUNCIL

REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 8.12 - 25 NOVEMBER 2014

ITEM 8.12	**RESPONSE TO MAYORAL MINUTE 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST**
REPORTING MANAGER	**GROUP MANAGER STRATEGIC PLANNING**
TRIM FILE REF	**2014/295350**
ATTACHMENTS	**1 Mayoral Minute No 5/2014 - Secondary Dwellings in Terrey Hills and Duffys Forest**

EXECUTIVE SUMMARY

PURPOSE

To report the findings of investigations following the adoption of Mayoral Minute 5/2014 – *Secondary Dwellings in Terrey Hills and Duffys Forest* at the Council meeting held on 29 April 2014.

SUMMARY

Mayoral Minute 5/2014 – *Secondary Dwellings in Terrey Hills and Duffys Forest* requested investigations and a short report in relation to the potential opportunities for increasing Secondary Dwellings in Warringah. This stemmed from concerns raised about the lack of housing choice and affordability across the area.

The matters requested for investigation relate to the potential for:

- allowing Secondary Dwellings in Terrey Hills and Duffys Forest,
- increasing the allowable size of Secondary Dwellings from 60 to 75sqm,
- classing Secondary Dwellings as Exempt and/or Complying Development; and
- imposing a small development contribution to cover the potential costs arising from the potential population growth.

In response, each of these matters has been investigated and the findings are now presented to Council in this report.

In summary, there are opportunities to support increased development of secondary dwellings as an affordable housing choice within Warringah.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

A. Prepare a Planning Proposal to allow development of Secondary Dwellings of up to 75 square metres in R2 and R3 zones, if it is located within an existing dwelling house.

B. Forward the Proposal to the Department of Planning and Environment seeking Gateway Determination and upon Gateway Determination, publicly exhibit the Proposal.

C. Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.

WARRINGAH COUNCIL

REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 8.12 - 25 NOVEMBER 2014

REPORT

BACKGROUND

At its meeting on 29 April 2014, Council resolved to prepare a short report to:

A. *Investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest*

B. *Investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m^2 where there is no external building expansion to dwelling.*

C. *Consider the option of such a proposal being classed as exempt development and or complying development under the WLEP (Warringah Local Environmental Plan).*

D. *Investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy*

This report responds to the resolution.

What are Secondary Dwellings?

A Secondary Dwelling is a self-contained dwelling that is related to, and on the same lot as, a principal dwelling. In relation to the principal dwelling, a Secondary Dwelling may be:

- located within (separated by new internal walls)
- attached to the dwelling
- separate from (a new building or out-building conversion)

Planning controls relating to Secondary Dwellings are provided by *State Environmental Planning Policy (Affordable Rental Housing)* 2009 (SEPP). These establish the standards development must meet in order to be classified as a Secondary Dwelling.

What are the current Secondary Dwelling controls in Warringah?

WLEP 2011 contains development standards for Secondary Dwellings with a maximum 60m^2, or 11% of the principal dwelling's floor area, whichever is higher. 60m^2 is typically the size of a single or small 2 bedroom residence.

Despite WLEP 2011 containing these mandatory development standards for Secondary Dwellings, they are not a permissible land use in Warringah under the plan. However SEPP *(Affordable Rental Housing)* provides the mechanism to permit Secondary Dwellings in residential zones (i.e. R1 – R5). This does not include RU4 zones. Key provisions of the SEPP include:

- Secondary Dwellings are complying development,
- A maximum size of 60m^2, or more, if Council permits a larger size.

RESPONSE TO MAYORAL MINUTE

A. *Investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest*

A desktop review of the RU4 zoned land in Terrey Hills and Duffys Forest has been undertaken in order to assess the appropriateness of this type of development in the zone. This investigation has considered the possible impacts on character, environment and Council services that Secondary Dwelling development may have on the area.

Currently, all RU4 zoned land is located in Terrey Hills and Duffys Forest. The objectives of this zoning in WLEP 2011 seek to 'enable primary industry' and that such land uses are 'low intensity'. While dwellings are permitted, the objectives also seek to 'maintain the rural and scenic character of the land.'

With approximately 300 dwellings in RU4 zone areas, an additional 300 Secondary Dwellings could be built if this change were made. This estimate assumes that no Secondary Dwellings currently exist, and no restraints exist on the lots. This could increase density to approximately 0.8 dwellings per hectare in RU4 zones. With an estimated occupancy of 1.8 people per dwelling, the change could increase the population by 540 people.

Given the area's semi-rural and bushland character, consideration needs to be given to the potential environmental impacts that Secondary Dwellings may present. These impacts relate to bushfire, onsite waste treatment systems, water supply and neighbouring National Parks. In order to investigate the impact of these issues, further consultation with the authorities such as Rural Fire Service, Sydney Water and National Parks and Wildlife Service is recommended before further consideration of this matter.

B. Investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m^2 where there is no external building expansion to dwelling.

In response to this request, consideration has been given as to how to increase the possible size of Secondary Dwellings while minimising the effect to the surrounding area. An assessment has analysed the benefits and potential impacts of 75m^2 Secondary Dwellings, if built within an existing dwelling. The assessment has found that this change would be viable within Warringah for the following reasons:

- Larger Secondary Dwellings provide more flexible affordable housing layouts for downsizing seniors, young families and other demographics.
- 75m^2 would allow for comfortable 2 bedroom Secondary Dwellings to be built. 60m^2 requires compromises with living space to achieve this outcome.
- Limiting larger Secondary Dwellings to internal modifications would not affect the overall size of the principal dwelling.
- Impacts on the character of the dwelling would be less than if a detached Secondary Dwelling were constructed.

Clause 5.4 (9) of WLEP 2011's permits Secondary Dwellings to be 60m^2. In order to allow Secondary Dwellings of this type to be 75m^2 across residential zones in Warringah, Clause 5.4 (9) would require an amendment. Proposed wording for this amendment is included below as point (c):

> *5.4 (9) Secondary dwellings*
>
> *If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*
>
> *(a) 60 square metres,*
> *(b) 11% of the total floor area of the principal dwelling.*
> ***(c) 75 square metres, if the secondary dwelling is located within an existing dwelling house***

In addition, Secondary Dwellings would need to be added to the Land Use Table under Zone R2 Low Density Residential and Zone R3 Medium Density Residential as 'Permitted with consent'. This would bring Clause 5.4 (9) into effect in these zones.

Considering the benefits to the provision of affordable housing, low impact, statutory feasibility, this change is viable and is recommended.

C. Consider the option of such a proposal being classed as exempt development and or complying development under the WLEP.

Consideration has been given to the opportunities to class this type of development as Exempt or Complying development. The following is provided in response:

In relation to Exempt development:

> It is not appropriate for Secondary Dwellings be classified as Exempt development. This is due to the level of building upgrade requirements triggered under the Building Code of Australia for this form of housing. These are technical matters relating to fire safety that need to be assessed by a qualified professional as a part of a Development Application or Complying Development Certificate. Exempt development does not provide this level of protection.

In relation to Complying development:

> Secondary Dwellings are a form of complying development by virtue of Clause 23 (2) (h) of *SEPP (Affordable Rental Housing).* The SEPP states that:
>
> > *(2) Development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house is complying development if the development:*
> >
> > *(h) will not result in the floor area of the secondary dwelling being more than 60 square metres or,* ***if a greater floor area is permitted in respect of a secondary dwelling on the land <u>under another environmental planning instrument, being more than that greater floor area</u>.***
>
> As previously detailed in response to Item B of the Mayoral Minute, it is recommended to amend WLEP 2011 to permit Secondary Dwellings in the R2 and R3 Residential Zones.
>
> This satisfies Clause 23 (2) (h) and, in conjunction with the proposed amendments to clause *5.4 (9) Secondary dwellings,* will have the effect of making Secondary dwellings up to 75 square metres within an existing dwelling house Complying Development under the WLEP 2011.

D. Investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy

Any systematic Development Contributions relating to Secondary Dwellings would need to satisfy the Environmental Planning and Assessment Act.

Council presently has a Section 94A Development Contributions system in place which charges a small contribution in most instances (as outlined below).

Council charges a levy on all development, including Secondary Dwellings that exceed $100,000 in capital value. If the development exceeds $100,000 a 0.5% levy is charged on the estimated capital value. If the development exceeds $200,000 a 1.0% levy is charged on the estimated capital value. For example, a Secondary Dwelling with a value of $120,000 would attract a contribution of $600.

The ability to establish 'flexible payment options' is limited by the Act. Essentially, proponents need to pay their contribution before they commence construction. The administration cost of potentially collecting money at a later stage, for small amounts of typically $500 to $750, are likely to be significant and not recommended.

Consideration has been given to how other neighbouring council's approach contributions on Secondary Dwellings. Some are operating on a S94 system, others using S94A like Warringah. There are a range of approaches to levying contributions on Secondary Dwellings.

Consideration could be given to an alternate approach in future. It is noted that Council will be preparing a Local Planning Strategy in 2015. This will consider growth options for housing and jobs in Warringah. It is likely that any housing supply options recommended by the strategy will need to plan for the accompanying infrastructure provision. As part of this Council will need to consider the most effective means of raising funding. which may involve additional S94 plans or changes to the current S94A 'broad based' development levy approach.

It's recommended that if Council wishes to pursue consideration of charging a levy specific to Secondary Dwellings that this be undertaken as part of the wider body of work involved in delivery of the Local Planning Strategy.

In summary the current S94A system collects a small contribution for the development of Secondary Dwellings and therefore it is recommended to maintain the current approach for the time being.

CONSULTATION

Preliminary consultation with Council's Natural Environment Unit and NSW Department of Planning and Environment has been undertaken as part of these investigations. If Council resolves to prepare a Planning Proposal, additional statutory consultation would be undertaken. This would include consulting with government stakeholders and public exhibition of the Planning Proposal.

CONCLUSION

Council staff investigated the matters raised in Mayoral Minute 5/2014 – Secondary Dwellings in Terrey Hills and Duffys Forest. In response, the following is concluded:

- With regards to Item A, additional consultation with external agencies regarding potential impacts relating to the semi-rural nature of Terrey Hills and Duffys Forest is recommended.
- With regards to Item B, it would be viable to allow 75m2 Secondary Dwellings, if the Secondary Dwelling is located within an existing dwelling house. This type of development would allow for more versatile affordable housing offerings in Warringah. A Planning Proposal is required to amend WLEP 2011 to allow this type of development.
- With regards to Item C, the proposed amendments to WLEP 2011 will make 75m2 Secondary Dwellings that are in an existing house complying development; Exempt development would be inappropriate due to the need to satisfy building safety requirements.
- With regards to Item D, Council is already collecting a small contribution for secondary dwellings which is considered the appropriate approach.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

WARRINGAH COUNCIL

REPORT TO ORDINARY COUNCIL MEETING

ITEM NO. 5.2 - 29 APRIL 2014

ITEM 5.2	**MAYORAL MINUTE NO 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST**
TRIM FILE REF	**2014/085879**
ATTACHMENTS	**NIL**

Note: This Mayoral Minute was circulated in the supplementary agenda on 29 April 2014

BACKGROUND

I have previously raised the critical issue regarding the lack of housing choice and affordability across our local government area. As the State Government has repeatedly failed to provide effective solutions, I am keen to see Council take the initiative to seek community feedback and develop the appropriate strategies to tackle this issue.

Council recently hosted two public forums during which valuable input was received from a wide range of stakeholders including residents, developers, local businesses and not for profit organisations. Unsurprisingly, the issue of affordability generated significant interest with feedback supporting the need for appropriate short and longer term actions.

It is obvious that a range of solutions must be examined in order to deal with such a complex issue. One option we should consider is to increase the availability of affordable accommodation through the provision of secondary dwellings, colloquially known as 'granny flats'. In doing this we can address the issue of providing opportunities for families and those wishing to downsize including those who wish to stay on their existing property and remain in the same community.

More specifically Council could consider, and in fact ease the State Government's restrictions on granny flats for strictly internal conversions only. It is my understanding that secondary dwellings are self-contained dwellings that may be attached to or detached from the principal home. They however cannot be subdivided from the principal home or sold off separately. They currently provide an alternate form of accommodation and are in most cases limited to 60 square metres in size. They are relatively cheap to build and can be rented out, or lived in by extended family or a friend.

The State Government's regulations only allow a max of 60 square metres which is a reasonable size single bedroom apartment. This is particularly important to maintain in relation to the external controls and the direct impact on their neighbour's amenity. Having said this though, I believe an opportunity exists to allow additional floor space on the proviso that it does not impact on the size of an existing building. For example, 75 square metres is equivalent to a good sized two bed unit and provides more floor plan options. It allows retiring couples to remain in their community and live independently and there is also the benefit of providing an income for pensioners and the obvious benefit that we can help in meeting the current housing demands.

I have included an extract from a neighbouring Council's planning documents that outlines a definition referred to as a 'Family Flat' which Warringah may wish to consider using as a starting point.

> **Family flat** *means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:*
>
> *a) is not more than 75m² in gross floor area; and,*
>
> *b) shall not be separately titled.*

The report should also address the possibility of such a proposal being classed as exempt development and or complying development. Council should also investigate whether a small contribution, similar to the current process for Section 94 contributions, could go towards the

additional public facilities required of increasing the population pressures of such a policy. That contribution should not be prohibitive and provide flexible payment options to allow for low-income earners.

Secondary dwellings are already permitted through the State Government's Affordable Housing State Environmental Planning Policy legislation for residential areas in Warringah. However, they are not permitted in the RU4 rural zone which applies to large proportion of Terrey Hills and Duffys Forest. I have been approached by a number of residents from this area who are very supportive of this concept.

As a result, I am requesting that staff prepare a short report to be considered by Council regarding the appropriateness of Secondary Dwellings as outlined above and more specifically in relation to the RU4 land use zone.

RECOMMENDATION

That Council prepare a short report to:

A. investigate the appropriateness of allowing Secondary Dwellings in the RU4 Primary Production Small Lots land use zone in Terrey Hills and Duffys Forest

B. investigate the viability of allowing a second dwelling within an existing house in a residential zone up to 75m^2 where there is no external building expansion to dwelling.

C. consider the option of such a proposal being classed as exempt development and or complying development under the WLEP

D. investigate whether Council could charge a small contribution with flexible payment options to go towards the additional public facilities required of increasing the population pressures of such a policy

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Michael Regan
MAYOR

TAG 5

COUNCIL RESOLUTION

25 NOVEMBER 2014

September 2014 be noted.

RESOLVED BY EXCEPTION

8.9 DELEGATED AUTHORITY TO THE MAYOR – CHRISTMAS NEW YEAR RECESS 2014/2015

626/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That, pursuant and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 - Decisions/ Delegations During Christmas/ New Year Recess during the 2014/2015 Christmas New Year recess being 17 December 2014 to 9 February 2015 inclusive.

RESOLVED BY EXCEPTION

8.10 REPORTING OF STRATEGIC REFERENCE GROUP MINUTES

627/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the draft minutes and notes of a meeting from the following meetings:

A. A Connected Environment Strategic Reference Group: notes of a meeting held 14 October 2014.

B. Vibrant Connected Communities Strategic Reference Group: draft minutes of meeting held 14 October 2014.

C. ECOS Strategic Reference Group: draft minutes of meeting held 15 October 2014.

D. Open Space and Recreation Strategic Reference Group: draft minutes of meeting held 15 October 2014.

RESOLVED BY EXCEPTION

8.11 CREATION OF COMMUNITY COMMITTEES FOR AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT

628/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council adopt the charters for the Affordable Housing Community Committee and the Economic Development Community Committe.

RESOLVED BY EXCEPTION

8.12 RESPONSE TO MAYORAL MINUTE 5/2014 - SECONDARY DWELLINGS IN TERREY HILLS AND DUFFYS FOREST

629/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council:

A. Prepare a Planning Proposal to allow development of Secondary Dwellings of up to 75 square metres in R2 and R3 zones, if it is located within an existing dwelling house.

B. Forward the Proposal to the Department of Planning and Environment seeking Gateway Determination and upon Gateway Determination, publicly exhibit the Proposal.

C. Consult with the New South Wales Rural Fire Service, Sydney Water and New South Wales National Parks and Wildlife Service regarding their views about the potential environmental impacts associated with allowing Secondary Dwellings in RU4 zones within Duffys Forest and Terrey Hills.

RESOLVED BY EXCEPTION

8.13 RESPONSE TO MAYORAL MINUTE 11/2014 - PUBLIC SAFETY - STREET LIGHTING UPGRADES

630/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That Council note the information provided in this report.

RESOLVED BY EXCEPTION

8.14 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING GROUP MEETING HELD 4 AUGUST 2014

631/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the Dee Why South Catchment Flood Study Working Group meeting held on 4 August 2014 be noted.

RESOLVED BY EXCEPTION

8.15 MINUTES OF THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE HELD 31 JULY 2014

632/14 **RESOLVED**

Cr Regan / Cr Menano-Pires

That the Minutes of the Manly Lagoon Catchment Coordinating Committee meeting held on 31 July 2014 be noted.

RESOLVED BY EXCEPTION

8.16 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP MEETING HELD 13 SEPTEMBER 2014

633/14 **RESOLVED**

TAG 6

DELEGATION EVALUATION CRITERIA

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Warringah

Name of draft LEP:Warringah Local Environmental Plan 2011 (WLEP 2011)

Address of Land (if applicable):
All land zoned as R2 and R3

Intent of draft LEP:

The objective of this Planning Proposal is to allow Secondary Dwellings up to 75 square metres in floor area, if they are:

- Within an R2 – Low Density Residential or R3 – Medium Density Residential zone
- Within an existing dwelling house

The intended outcome of the Planning Proposal is that larger Secondary Dwellings will be developed in established residential areas, increasing housing choice without increasing the size of existing dwellings. This outcome is supported by the objectives of Council's Community Strategic Plan, A Plan for Growing Sydney (2014) and SEPP (Affordable Rental Housing), as described in Part 3.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation **(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)**	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	**Y/N**			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
Heritage LEPs	**Y/N**			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X		

Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		
Reclassifications	**Y/N**			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezonings	**Y/N**			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		X		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information	N			

to explain how the issue that lead to the deferral has been addressed?				
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).		X		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

TAG 7

PROPOSED TIMELINE

WARRINGAH Council

'Increased Floor Area for Secondary Dwellings' Planning Proposal Project Timeline

Task	Estimated Completion Time	Date
Submission of Planning Proposal to DP&E	N/A	26 October 2015
Anticipated Gateway determination	8 weeks	January 2015
Timeframe for government agency consultation	21 days (Pre-exhibition)	February 2016 (If required by Gateway)
Exhibition period	28 days	April 2016
Timeframe for consideration of submissions	14 days	April 2016
Submission report completed, Council report written.	21 days	May 2016
Council meeting		June 2016
Anticipated date RPA will make the plan	8 weeks (if delegated)	August 2016

NSW GOVERNMENT | Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_WARRI_006_00): to amend Warringah Local Environmental Plan 2011 (Warringah LEP 2011) to increase the maximum size of internal Secondary Dwellings in Zone R2 – Low Density Residential and Zone R3 – Medium Density Residential.

I, the Director, Metropolitan (CBD) at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to Warringah LEP 2011 to increase the maximum size of internal Secondary Dwellings in Zone R2 – Low Density Residential and Zone R3 – Medium Density Residential, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

   (a) the planning proposal is classified as routine as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **28 days**; and

   (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (former *Department of Planning & Infrastructure 2013).*

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 27th day of November 2015.

Director, Metropolitan (CBD)
Planning Services
Department Planning and Environment
Delegate of the Minister for Planning

PP_2015_WARRI_006_00

NSW GOVERNMENT | Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_WARRI_006_00	Planning proposal to increase the maximum size of internal Secondary Dwellings in Zone R2 – Low Density Residential and Zone R3 – Medium Density Residential.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27 November 2015

Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

WARRINGAH COUNCIL

Submission Summary – Post Gateway Exhibition

Planning Proposal – Increased Floor Area for Secondary Dwellings

The public exhibition of Planning Proposal – Increased Floor Area for Secondary Dwellings received 12 submissions. The tables below outline the issues contained in the submissions.

Supporting submissions each contained one 'issue' in support, while opposing submissions raised multiple 'issues'. Two submissions could not be classified as being in support or opposition of the Planning Proposal, however the 'issues' have been noted below.

Support – 7 submissions

Issues Raised	Times raised	Council Response
Planning proposal will allow for more flexible affordable housing	4	As noted in the Planning Proposal, it is expected that a larger potential floor area will allow for more flexible layouts for future Secondary Dwellings.
General support	2	Noted
Planning proposal will allow for a broader mix of households	1	As noted in the Planning Proposal, it is expected that increased flexibility in Secondary Dwelling layouts will make them more attractive than the standard 60sqm one bedroom dwelling.

Opposition – 3 submissions

Issues Raised	Times raised	Council Response
Planning proposal will have negative effects on street parking due to increased density	2	It is acknowledged that a 75sqm Secondary Dwelling may lead to a higher population density than a 60sqm Secondary Dwellings. However, due to the restrictions for the additional floor space, it is not expected that this would be sizable enough to impact on street parking or public infrastructure.
Infrastructure is unable to cope with increased in density	1	
Council should reduce occupancy rates across the region	1	Council does not have the ability to reduce occupancy rates in private dwellings.
Planning proposal will increase run off from hard surfaces	1	The Planning Proposal is limited to construction within existing dwellings. As such, it will not directly increase hard surfaces. Hard surfaces, such as pathways to external doors, would have the same

		requirements as currently in place.
Secondary dwellings will be used for short term accommodation and will negatively affect the area	1	Provision of short term rental accommodation requires a development application, a process that land owners may currently undertake. The Planning Proposal does not affect that process.
Granny flats are aesthetically displeasing as they do not adhere to 'normal' requirements	1	The Planning Proposal is limited to construction within existing dwellings. External modifications to the dwelling will be limited to items such as external doorways. As such, aesthetic changes will be minimal.

General Comment – 2 submissions

Issues Raised	Times raised	Council Response
Concern regarding unapproved conversion of garages and other spaces to living spaces.	1	Such unapproved conversions should be reported to Council for investigation.
No 'maximum' should be placed on secondary dwellings and more flexibility should be allowed	1	The purpose of Secondary Dwellings is to provide for affordable rental housing that has a low overall impact on population density. By removing the floor space restriction, Secondary Dwellings could have a higher impact on population density than planned for.