



PITTWATER COUNCIL

Agenda

Council Meeting

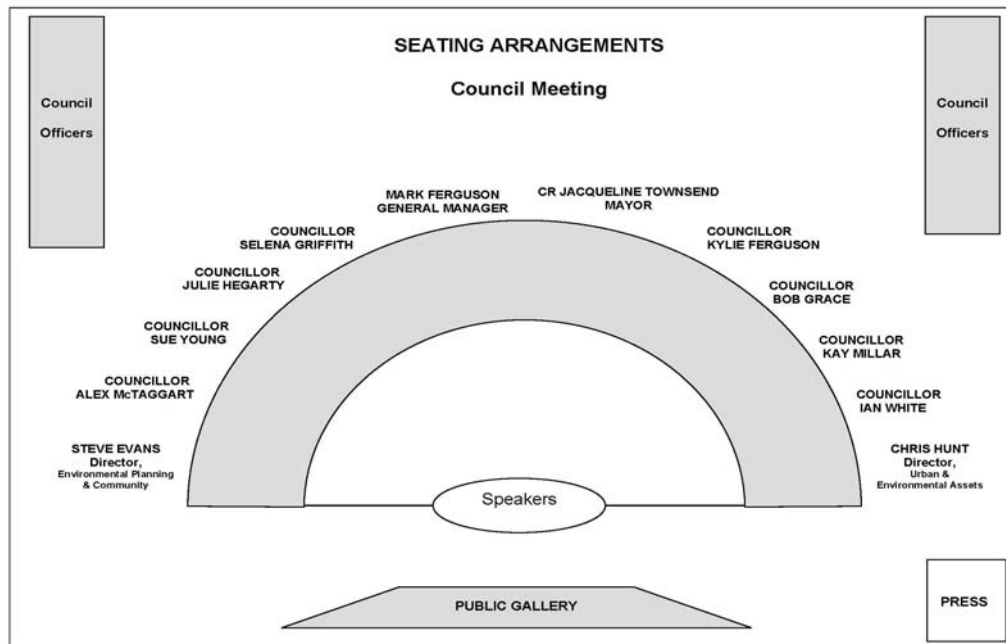
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

7 September 2015

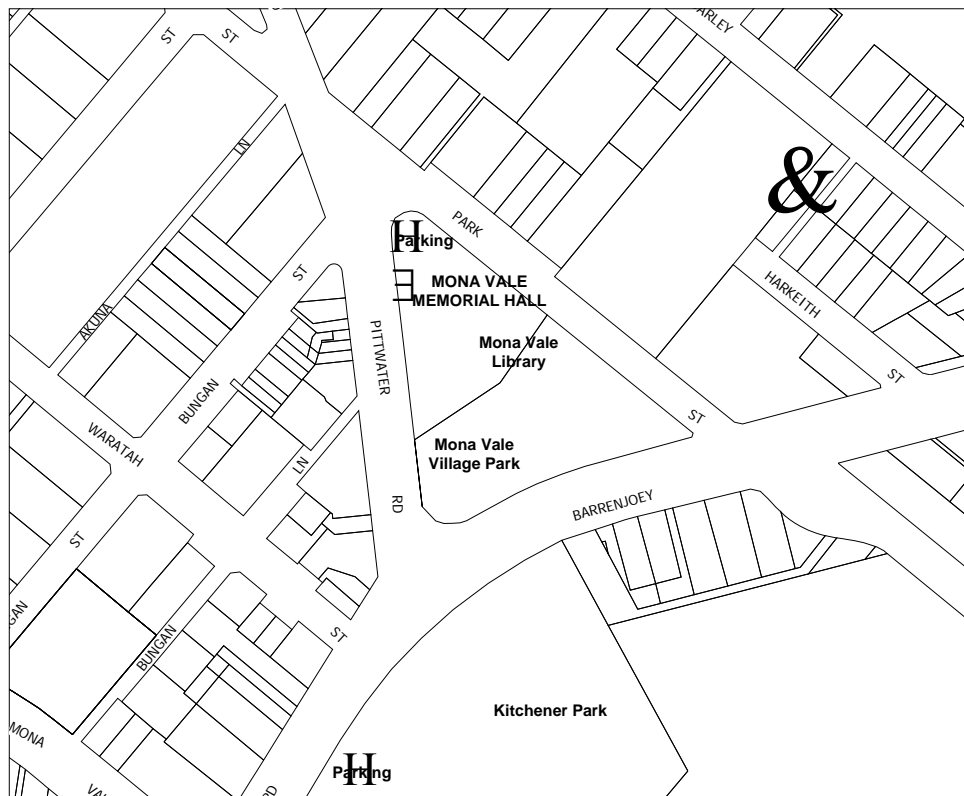
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson
GENERAL MANAGER

Seating Arrangements



Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at www.pittwater.nsw.gov.au

Acknowledgement of Country

**Pittwater Council honours and respects the spirits of the
Guringai people.**

**Council acknowledges their traditional custodianship of
the Pittwater area.**

Statement of Respect

**Pittwater Council promotes and strives to achieve a climate of respect
for all and endeavours to inspire in our community shared civic pride by
valuing and protecting our unique environment, both natural and built,
for current and future generations.**

**We, the elected members and staff of Pittwater Council, undertake to
act with honesty and integrity, to conduct ourselves in a way that
engenders trust and confidence in the decisions we make on behalf
of the Pittwater Community.**

IMPORTANT NOTE FOR COUNCILLORS

The Council has received Confidential Advice in relation to the matters listed below which is attached as **Appendix 1 to Councillor's Agenda on yellow paper**. It is important that Councillors read these documents prior to determining the matters. Should the Council wish to consider the Confidential Advice during the course of the meeting, the following procedure should be followed:

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.
2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(2)(d) of the Local Government Act 1993, and debate the Confidential Advice and any related issues in a Closed Forum, with the Press and Public excluded. The Council does not have to make any resolution whilst in Committee of the Whole in Closed Session.
3. Following conclusion of the Confidential discussion concerning the Confidential Advice the Council should resolve back into Open Session to continue the debate as required, excluding any reference to the Confidential Advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.
4. The Council should then determine the matter in Open Session.

The Reports on the items below are listed in Open Session in the Agenda:

Item No	Item	Page No
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Mark Ferguson
GENERAL MANAGER

Council Meeting

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CONFIDENTIAL CLAUSE

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the Council to close the meeting to the public for business relating to the following: -*

- (d) Commercial information of a confidential nature that would, if disclosed:-
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.

8 Orchard Street, Warriewood - Proposed Land Sale

**The Senior Management Team
has approved the inclusion of
all reports in this agenda.**

Council Meeting

1.0 Apologies

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

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

Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

- * Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

*"(1) **[Pecuniary interest]** A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.*

*(2) **[Remoteness]** A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."*

Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

- * Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.

- * A reportable political donation is a donation of:
 - \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
 - \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
 - Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

3.0 Confirmation of Minutes

“Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**”

Minutes of the Council Meeting held on 17 August 2015.

4.0 Public Addresses

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
 - (a) *A maximum of up to six speakers may address on any one item, with a maximum of three speakers in support of the recommendation in the report, and three speakers in opposition.*
 - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
 - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

Exceptions to these requirements may apply where:

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
 - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

5.0	Councillor Questions with Notice
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6.0	Mayoral Minutes
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C6.1	Mayoral Minute - Sydney Northern Beaches Surf Life Saving - AGM update 2014-2015 season
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Meeting: Council

Date: 7 September 2015

MAYORAL MINUTE

BACKGROUND

Surf Life Saving Sydney Northern Beaches (SLSSNB) held their Annual General Meeting on 5 August 2015 which was attended by Cr Ferguson and Cr Hegarty. At this meeting various achievements of the 21 surf life-saving clubs that make up the membership of SLSSNB were acknowledged. Notably, the club mission of “no lives lost between the flags during (our) watch” and the collective commitment of patrolling club members with over 300,000 hours being put towards providing this integral community service.

The dedication to surf life-saving, shown by these volunteers season after season, is commendable. The number of rescues performed and instances of first aid administered is testament to their commitment to the safety of our Northern Beaches Community.

I have attached a letter (refer **Attachment 1**) received 11 August 2015 from SLSSNB which further outlines and acknowledges the scope of work undertaken by club members and volunteers along with the community activities that were hosted in the various club facilities in Pittwater throughout 2014-2015.

On behalf of the Pittwater Community and my fellow Councillors, I would like to acknowledge the success of the 2014/15 surf life-saving season and extend further appreciation to the 5,632 patrolling members and their respective families for giving up their time to ensure the safety of others.

Motion

That Council note and acknowledge the success of the 2014-2015 life saving season and the dedication and achievements of the surf lifesaving club’s volunteer members.

Cr Jacqueline Townsend
MAYOR



ABN 31 416 737 307

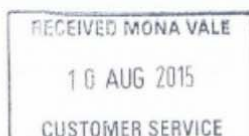
Unit 9/1 Vuko Place, Warriewood NSW 2102

Tel: 02 9913 8066 Fax: 02 9913 9066

www.surflifesaving.net.au

10 August 2015

Cr Jacqueline Townsend
Mayor
Pittwater Council
PO Box 882
MONA VALE NSW 1660



Dear Jacqui

We missed your company at our Annual General Meeting last week but understand the demands on your time. You were well represented by Cr Ferguson who spoke enthusiastically about Pittwater Council's appreciation of our Surf Life Saving Clubs and members.

We are pleased to report that our 21 Clubs have had another successful year achieving our mission of no lives lost between the flags during our watch. Collectively, our 5,632 patrolling members volunteered over 155,125 person hours on patrol keeping a watchful eye over more than 3.1 million beach goers. We estimate that for every hour spent on patrol, an average member spends an equal amount of time in training to maintain existing awards such as their Bronze Medallion, and achieving new advanced awards such as the Advanced Resuscitation Certificate and Inflatable Rescue Boat (IRB) Crew/Driver and/or training others. So we can safely say that our members have invested over 300,000 hours in community service last season and are busy planning to do the same for the coming season.

Notably, we rescued 1,319 people from the surf and provided first aid to 2,288 people which including four resuscitations. Subscribing to the motto that prevention is better than cure; our volunteers conducted more than 35,500 preventative actions to keep swimmers safe from potential dangers.

In addition, we trained and qualified 711 new lifesavers in their Bronze Medallions and had just under 7,200 members aged 5-13 years participate in our Nippers programs.

We finished the season on a high by marking the 100 Year commemoration of the Anzac landing at Gallipoli with the magnificent '100 Years, 100 Boats' event at Collaroy.

THE 21 CLUBS ON THE NORTHERN BEACHES



Sadly, our 20 year major sponsorship partnership with Energy Australia/Ausgrid came to an end in December 2014. Attempts to replace Ausgrid have been fruitless to date leaving the Branch with some challenging times ahead. We have reluctantly had to call upon our members for additional fees this year to meet our operating costs.

Beyond our Lifesaving activities, our Clubs are active participants in our local communities and make their Clubhouses and resources available to other community groups on a regular basis. Attached is a report by Club on these community activities for 2014/15.

Enclosed is a copy of our 2014/15 Annual Report for your perusal. There have been many wonderful achievements by our members, Clubs, and Branch throughout the season - all are articulated within the report.

We sincerely thank you for your support and involvement in our movement especially given the demands on your time. We thank Pittwater Council for their funding of the annual grants to our Clubs and Branch and the supportive relationship that exists with both Councillors and staff.

Yours in surf life saving



Doug Menzies
President

THE 21 CLUBS ON THE NORTHERN BEACHES



Club	Community Support Initiatives – 2014/15 Season
Warriewood	<ul style="list-style-type: none"> • Use of the Club hall for community yoga classes 5 days per week • Use of the club hall for community builders group – work with family's relationships Australia • Conducted programs with Sacred Heart school for kids in minor autism with a mini nippers program during the week for school sport • Use of club hall for local rugby clubs for presentation days • Shared use of club facilities with Lifeguards
Mona Vale	<ul style="list-style-type: none"> • Emergency rescue and support of neighbouring Clubs on call-outs both in and outside rostered patrol hours (Blow Hole and hang gliding incidents particularly); • Inclusion of and co-sharing of resources with neighboring clubs (Warriewood in particular) with IRB Driver, IRB Crew and Advance Resuscitation training • Provision of facilities (space, oxy vivas, spinal boards, rescue equipment) to paid /professional lifeguard service and a strong and positive working relationship with Life Guard Services • Supplementary water safety with Can Too organisation who use the beach on most Saturday mornings; general assistance/help as required. • Strong and positive working relationship with local board riding club - drive to share membership for common good • Hosting emergency / first aid point for The Bloody Long Walk • Hosting of Swim Event for Mona Vale Hospital Jubilee event – net funds shared equally between MVSLSC, Warriewood SLSC & MV Hospital auxiliary • Use of Club House without charge (including preparation of venue, provision of bar staff where required and other labour, clean up etc) to other community / fundraising events such as <ul style="list-style-type: none"> - Elections: provision of venue for Federal / State / Local election(s); - Yoga: our commercial arrangement with one of our commercial partners includes a free session every week, which is attended by 20++ participants - Sea Shepherd: use of premises without charge for promotional presentations (this year including Pittwater Council as an invited attendee) - Community Fundraising: Youth Off the Streets Sydney to Gold Coast Cycle event etc.
Bungan Beach	<ul style="list-style-type: none"> • Use of club facilities by Council lifeguards • Weekly Pilates classes in main hall • have trained 11 Bronze Medallion, 1 IRB Driver and 7 IRB Crew so far this season; • Club to be used as a major “rest station” for fundraising walk in March 2015 for Fred Hollows Foundation • Members provide water safety for Murray Rose Malabar Magic Water Safety swim in February 2015.

Newport	<ul style="list-style-type: none"> • Run a weekly special needs nipper program • Defib training for the local Bowling club • Use of the Hall for Yoga classes • Use of the facilities for Newport Rugby Club for fundraising functions • Course safety and first aid at the finish line for Pub to pub fundraiser • Use of facilities for Mums to Mums fundraising • Use of facilities as a polling booth for elections • Use of hall and storage facilities for Newport Plus Board Riders Club • Bronze Medallion courses x 3 per year • SRC courses x 1 per year • Venue for Branch run officials course
Bilgola	<ul style="list-style-type: none"> • Bilgola Public school surf program – access to equipment, fete support ie. Borrowing of tents • Ryde Senior Citizens – access to BBQ area for weekly swim • SLS NSW Disabled group access to facilities • Pittwater Lifeguard Training, use of clubhouse • Avalon Bilgola Swim Club, use of club and storage • Body Breath Yoga – use of facilities
Avalon Beach	<ul style="list-style-type: none"> • Marched at the Avalon Beach Anzac Day ceremonies donating books for the local high school • Organised Carols by the Sea in the Avalon Beach precinct which was attended by 5000 people on Saturday December 20th. Monies raised went to the Surf Club and the NSW Cancer Council. Provided first aid and beach management teams. • Made the new clubhouse and building available for community functions, wakes, birthday parties and weddings. Users include Pittwater Council, Barrenjoey High School, local yoga teachers, Nia Dance, Personal trainers and St Marks Church. • Our SRC cadets (31) travelled to Wet n Wild to provide water safety for the nippers programme run by NSW SLS. • Organised ocean swim in January open to the community. • Organised Lion Island Challenge Ski Race • Assisted in running of the 20 Beaches Ski Race • Organised the Mackerel Challenge for both Club and Branch • Community CPR training for the Palm Beach Longboarders and Avalon Community Groups • trained approximately 90 members in either Bronze Medallion or Surf Rescue Certificate. Trained a number of members in IRB crew and driving. • Use of club facilities by Council Lifeguards • Provide a fully fitted gym and Crossfit program for active members and the broader community • Broaden cadet's knowledge through extracurricular activities; jiu-jitsu, yoga, barista training and restaurant service. • Applied and registered with the Good sports NFP organisation • Run weekly nipper program for more than 400 children.

Whale Beach	<ul style="list-style-type: none"> • Whale Beach Music Group: support and facilities provided 2013, 2014, 2015. • Annual Community BBQ dinner which sees approx. 200 attendees. • Community Christmas Drinks, 2014 was inaugural year with approx. 50 attendees. • Keep NSW Beautiful Campaign: promotion via our website and social media channels. • The Bloody Long Walk: promotion via our website and social media channels. • Rippers (our version of Nippers), held annually over Christmas period for visiting and local children. • Life saving education and competition programs through our two affiliated high schools (Knox Grammar and Pymble Ladies College). • Periodic use of our Clubhouse for community events. • The Big Swim annual event which attracts 1,500 swimmers. • Community Christmas Carols hosted at Club • Water Safety provided to our sister Clubs and ocean swims on the Northern Beaches • Surplus life saving equipment gifted to other less fortunate clubs. • Pittwater Lifeguards have use of our facilities M-F throughout the patrol season. • Weekend BBQ open to the public providing economically priced food and beverages to the public.
Palm Beach	<ul style="list-style-type: none"> • Family Fun Festival – a fun day for all families to enjoy the club's facilities, waterslides, face painting and organised beach events by the PBSLSC volunteers. This event is open to the public. All profits raised go to support the PBSLSC. • Strut the Streets – an event run by AIME (Australian Indigenous Mentoring and Education). This charity was started by a member of ours, so the annual charity event is heavily supported by our club. • Support Operations – the Club has five jet ski operators who are rostered for jetski patrols and search and rescue. • Hosted SLSSNB Branch Championships over 2 weekends Feb 2015 • The Big Swim (organised and managed by Whale Beach SLSC (including Can Too swim) - water safety and logistics
North Palm Beach	<ul style="list-style-type: none"> • Use of club facilities by Council Lifeguards • Use of club facilities by SNB Branch RWC (21 beaches) training and proficiencies • Trained SRC & Bronze candidates attaining their awards • Ran Advance Resuscitation and First Aid course open to SLS and community members • Assisted with Tropfest – Community Program – community film making over a week. • Palm Beach Market day, contributed to BBQ • Outback meets the Beach Program. • Provided use of club for Soft Sand Run • Assisted with the opening of Walking Coastal Sydney – Barrenjoey to Narrabeen Lakes • Dune regeneration, every third Saturday • Club provided over two days SLSA shoot – Promotion for

	<p>National Fundraising Campaign 'Be A Life Saver'</p> <ul style="list-style-type: none"> • Conducted surf awareness talk, for 120 International students from Paris, London, Mumbai, Indonesia and China and beyond – SP Jain School of Global Management • 20 Aboriginals from Central NSW, Church Group – talk in educating surf safety, rips and awareness
Sydney Northern Beaches Branch	<ul style="list-style-type: none"> • Operate the Warringah Surf Rescue facility providing communication support to our 21 Clubs through the season as well as covering two other Branches within the State. • Use of Warringah Surf Rescue facility by Council staff mid-week throughout the season. • Provision of Duty Officers to support Clubs during emergencies as well as deal with after-hours emergency call-outs. • Provision of Rescue Water Craft to conduct roving patrols covering coastal headlands and known black spot areas. • Provision of our centralised training facility for courses to enhance the skills and knowledge of volunteer members • Provided free of charge weekly Surf Safety programs for local children with disabilities • Provided free of charge Surf Safety education to disadvantaged children attending Stewart House – 45 weeks per year – 1800 kids. • Educated over 16,000 school- aged children on surf safety, sun safety and cancer prevention, and surf awareness both with beach based programs and school visits. School visits are free of charge thanks to the support of the Cancer Institute NSW. • Participated in Pittwater Council Reference group and Community Leaders forums

7.0 Business by Exception

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

8.0 Council Meeting Business

Nil.

Connecting Communities Committee

9.0 Connecting Communities Committee Business

C9.1	N0229/15 - 162 Prince Alfred Parade, Newport - Alterations and additions to existing dwelling house
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Meeting: Connecting Communities Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Land Use & Development

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To deliver a comprehensive suite of development controls that improves the liveability of the area

DELIVERY PROGRAM ACTION:

- To provide an effective development assessment and determination process
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The Development Unit at its meeting held on 27 August 2015 considered the Assessing Officer's report (refer **Attachment 1**) for determination of Development Application N0229/15 for alterations and additions to the existing dwelling house at 162 Prince Alfred Parade, Newport NSW 2106.

- 1.2 It is a policy requirement of the NSW Department of Planning that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination.
 - 1.3 Discussion in relation to these variations is contained within Section 3.0 (Statutory and Policy Considerations – variation to development standards) and Section 8.0 (Discussion of Issues) of the Assessing Officer's report.
 - 1.4 The Development Unit Panel considered that Clauses C1.5 and C1.6 of P21 DCP were complying in this proposal.
 - 1.5 There were no addresses to the Development Unit Panel at the meeting.
 - 1.6 The Development Unit Panel considered the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent.
-

2.0 RECOMMENDATION

That the recommendation of the Development Officer be endorsed and Development Application N0229/15 for alterations and additions to the existing dwelling house at 162 Prince Alfred Parade, Newport be granted development approval subject to the conditions contained in the draft conditions of consent.

3.0 BACKGROUND

3.1 PURPOSE

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0229/15 for alterations and additions to the existing dwelling house at 162 Prince Alfred Parade, Newport NSW 2106.

3.2 BACKGROUND

The Development Unit at its meeting on 27 August 2015 considered the Assessing Officer's report (refer **Attachment 1**) for determination of Development Application N0229/15 for alterations and additions to the existing dwelling house at 162 Prince Alfred Parade, Newport NSW 2106.

The Development Unit Panel considered the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent. There were no addresses to the meeting, and the Development Unit Panel considered that Clauses C1.5 and C1.6 of P21 DCP were complying in this proposal.

3.3 POLICY IMPLICATIONS

It is a policy requirement of the NSW Department of Planning that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination.

3.4 RELATED LEGISLATION

Council is the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979.

3.5 FINANCIAL ISSUES

3.5.1 Budget

No implications unless Council's decision is challenged in the Land and Environment Court.

3.5.2 Resources Implications

No implications.

4.0 KEY ISSUES

- All the key issues are addressed in the assessing officer's report

5.0 ATTACHMENTS

Attachment 1: Assessing Officer's report to the Development Unit meeting of 27 August 2015.

6.0 SUSTAINABILITY ASSESSMENT

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

DU3.3 N0229/15 - 162 Prince Alfred Parade, Newport - Alterations and additions to existing dwelling house**Meeting:** Development Unit**Date:** 27 August 2015

SUMMARY OF RECOMMENDATION**Consent with Conditions**

REPORT PREPARED BY:	Angela Manahan
APPLICATION SUBMITTED ON:	24/06/2015
APPLICATION SUBMITTED BY:	DAVID JAMES CARRUTHERS
OWNER(S):	DAVID J CARRUTHERS LYNDAL J CARRUTHERS

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0229/15 for Alterations and additions to existing dwelling house at 162 Prince Alfred Parade, Newport NSW 2106 subject to the draft conditions of consent attached.

Report prepared by
Angela Manahan, Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: N0229/15 - 162 PRINCE ALFRED PARADE, NEWPORT NSW 2106
Alterations and additions to existing dwelling house

Determination Level: Council

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:

Angela Manahan

APPLICATION SUBMITTED ON:

24 June 2015

APPLICATION SUBMITTED BY:

DAVID CARRUTHERS
162 PRINCE ALFRED PARADE
NEWPORT NSW 2106

OWNER(S):

MR DAVID JAMES CARRUTHERS
MRS LYNDAL JANE CARRUTHERS

1.0 SITE DETAILS

The site is known as 162 Prince Alfred Parade, Newport and has a legal description of Lot 2 in Deposited Plan 204399. The site is irregular in shape and has a total area of 2665m². Vehicular and pedestrian access is gained via the approximately 30m wide frontage of Prince Alfred Parade. The site is located on the western side of Prince Alfred Parade. The site falls 16.34m from the eastern boundary of the site, down towards the western rear boundary of the site, with a slope of approximately 22%. The site is currently occupied by a single dwelling. The property adjoins Salt Pan Cove Reserve to the west at the rear of the site, with Pittwater waterway to the west of the reserve. The site is surrounded by residential developments to the north, south and east.

2.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following works:

- Alterations and additions to the existing dwelling including:
 - New entry at ground floor level;
 - Extension of the existing garage to create a garage/workshop space;
 - Extension of the existing Ground Floor level Master Bedroom (to the south);
 - Reconfiguration of the First Floor level involving extension of the First Floor level Office and Bathroom 2 (to the south), Bedroom 3 (to the north) and Bedroom 4 (to the west);
 - Removal of internal walls on the Lower Floor and Ground Floor level;
 - Changes to windows and doors;
 - Alterations to the existing roof form.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned E4 - Environmental Living under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, the proposed development being alterations and additions to the existing dwelling is permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Map - Class 5
 - Biodiversity Map
 - Foreshore Building Line Map
 - Geotechnical Hazard Map
 - Height of Buildings Map - 8.5m
 - Lot Size Map - 700m²
- Pittwater 21 Development Control Plan (P21 DCP)
 - Newport Locality
 - Geotechnical Risk Management Policy for Pittwater.

Pittwater 21 DCP identifies the land as being the following:

- Landslip Prone;
- Containing or adjoining Pittwater Spotted Gum Forest;
- Containing areas of Saltmarsh Endangered Ecological Community;
- Adjacent to Estuarine Wetlands.

Variation to development standards:

The applicant seeks to vary a development standard which requires the application of Clause 4.6 – Exceptions to development standards. Clause 4.6 (3) states:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a written statement to support why compliance with the development standard is unreasonable and unnecessary and justification for the request to vary the standard. Clause 4.6 (4) states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

Council's assessment of the Clause 4.6 variation request is as follows:

Development Standard to be Varied

Pittwater Local Environmental Plan 2014 Clause 4.3 – Height of Buildings states:

"The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map"

The maximum building height for the subject site is 8.5 metres. The applicant seeks consent for alterations and additions to the existing dwelling, including alteration of the existing roof form to accommodate an extension of the upper floor level. The proposed maximum height of the development is 9.63m above existing ground level. As such, quantitatively, the applicant seeks to vary the development standard by approximately 13.3%.

Objectives of the Development Standard

The objectives of Clause 4.3 – Height of Buildings are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case

The submitted Clause 4.6 request seeks to establish that requiring compliance with the development standard is in this instance unreasonable or unnecessary because the non-compliance is due to the existing roof form and geometry of the roof and as such the proposed works will not increase the overall height of the building in relation to the topmost roof ridge, it shall not adversely impact the visual appearance of the development as viewed from the public domain and shall not cause any unreasonable impacts upon the adjoining properties. The variation request seeks to establish that the proposed development meets the objectives of development standard 4.3 – Height of Buildings and clause 4.6 - Exceptions to development standards.

The objectives of Clause 4.3 – Height of Buildings in PLEP 2014 are addressed as follows:

- The existing dwelling is a maximum of three-storey with the lower level located partially in-ground and the proposed development seeks to maintain the three-storeys. The desired character of the Newport locality states that dwellings should be a maximum of two-storey in a landscaped setting. The existing first floor level (third

storey) is located within the roof space of the dwelling. The proposed development seeks to extend the first floor level to increase the room sizes and create more conventional shaped rooms while achieving a minimum floor to ceiling height in accordance with the Building Code of Australia. The proposed alterations and additions maintain the integration of the first floor level within the roof space. The architectural style and geometry of the proposed roof provides for the first floor level to be discreet and as such the development does not readily appear as a three-storey development but has an appearance of a two-storey dwelling. The site exceeds the minimum landscaped area and benefits from substantial existing landscaping which screens the development on all elevations. As such the proposed development is considered to be consistent with the Newport locality.

- The maximum height of the development is consistent with the adjoining property to the south and the existing development along the western side of this portion of Prince Alfred Parade. The generous spatial separation and existing landscaping between the proposed development and adjoining dwelling to the north shall ensure that the bulk and scale of the development is minimised and shall not be out of character with the scale of the neighbouring dwellings. The proposal shall continue to present as single storey to the street frontage and two storey from the waterway.
- The proposed setbacks to the southern side boundary (in excess of 7 metres) ensures that the proposal will not result in any unreasonable impacts upon the adjoining property with regards to overshadowing. As discussed in clause C1.3 View Sharing the proposed development is not considered to impact upon the existing views from the surrounding properties or the public domain, including Prince Alfred Parade.
- The proposed development involves alterations and additions to the existing dwelling which maintains the existing building footprint and does not require any excavation or fill. The proposal also includes extension of the garage, which is partly located over an existing patio area. The proposed garage extension requires some minor excavation to a maximum depth of approximately 1.8m, across an area of approximately 23m² (less than 1% of the site). As such site disturbance shall be minimised and it is considered that the development responds to the natural topography of the site.
- The subject site is not located within a heritage conservation area or within the immediate vicinity of any heritage items and it is considered that the proposed development will not adversely impact heritage significance in the Newport locality. The proposal will not impact upon any existing significant vegetation and does not require the removal of any trees. The overall visual appearance of the existing development will not dramatically alter as a result of the proposed development and it is considered that the proposed development will not cause any adverse visual impacts on the natural environment, heritage conservation areas or heritage items.

Furthermore, the proposed development is consistent with the objectives of the E4 zone under Clause 2.1 of PLEP 2014 which aims to provide low-impact residential development in areas with special ecological, scientific or aesthetic values that integrate with the landform and landscape. The proposed development shall not have an adverse impact upon the aesthetic values of the foreshore, including Pittwater waterway. The proposed development is fully compliant with the built form controls of P21 DCP, and provides for a single dwelling within a landscaped setting.

It has been demonstrated above that whilst the proposal does not comply with the development standard, it succeeds in achieving the objectives of the control. In this regard, strict compliance with the development standard is considered unnecessary and unreasonable.

Is there sufficient environmental planning grounds to justify contravening the development standard

The following reasons are considered to be sufficient environmental planning grounds to vary the height of buildings development standard:

- The variation satisfies the objectives of Clause 4.3 – Height of Buildings and the objectives of the E4 zone under Clause 2.1 of PLEP 2014;
- The non-compliance is a result of the existing roof height, the topography of the site and the existing basement level. The non-complaint components of the development are protruding elements and architectural roof features which add articulation to the building façade. The proposed alterations and additions maintain the integration of the first floor within the roof space and shall not detrimentally attribute to the overall built form or dramatically increase the apparent size of the development;
- The proposed development is fully compliant with Council's built form controls relating to setbacks and landscaped area and shall not be readily visible from the waterway due to the existing trees and vegetation. As such the proposed development is consistent with the scale of surrounding developments and the character of the foreshore area;
- The variation will not result in any adverse impacts upon the surrounding built and natural environment;
- The variation will not result in any unreasonable impacts upon the adjoining properties with regards to visual impact, solar access, visual privacy and view loss.

Concurrence

Concurrence of the Director-General has not been obtained. In accordance with Section 64 of the Environmental Planning and Assessment Regulation 2000, Planning Circular PS 08-003 – *Variations to Development Standards* provides notification that the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts Clause 4.6 of the Standard Instrument. Pittwater Local Environmental Plan 2014 has adopted Clause 4.6 of the Standard Instrument for exceptions to development standards. The applicant has provided a written request to vary the development standard under Clause 4.6 and therefore the Director-General's concurrence can be assumed and is not required to be obtained.

In accordance with Clause 4.6 (5), it is considered that the non-compliance with the maximum height in this instance does not raise any matter of significance for State and Regional planning. Furthermore, it is considered that there would be little public benefit in maintaining strict compliance with the maximum height as prescribed in Pittwater LEP 2014 as the proposal is considerate of the surrounding built and natural environment and amenity to the public and private domain is considered to be reasonably maintained.

Is contravention of the development standard justified

Clause 4.6 (1) outlines the objectives of the Clause:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The above assessment provides justification for the variation of Clause 4.3 – Height of Buildings by demonstrating that in this instance compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to warrant variation of the development standard. It is considered that strict compliance of the development standard in this instance would be inconsistent with the objectives of Clause 4.6 as it would not allow for the flexible application of development standards where it is demonstrated that the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard.

In this regard, it is considered that the variation request is justified and well founded.

Conclusion

As discussed above, the non-compliance is in response to the existing roof and first floor level. The proposed alterations and additions to the roof shall enable the first floor spaces to be better utilised with appropriate ceiling heights in accordance with current standards. Council is satisfied that the exception to the development standard is justified and is of the opinion that granting of consent to the development application is consistent with the aims of Clause 4.6 as it allows for an appropriate degree of flexibility to development standards. The assessment has found that strict application of the development standard would be unreasonable and unnecessary given that the development will readily achieve the local planning objectives for the site.

4.0 BACKGROUND

Development application N0229/15 was notified to the adjoining property owners in accordance with Council's policy. The application was referred to Council's Senior Development Engineer and Natural Resources Officer for comments and/or recommendation. The site was inspected on 24/07/2015.

5.0 NOTIFICATION

The application was notified to nine (9) adjoining property owners for a period of fourteen (14) days from 01 July through to 15 July 2015 in accordance with Council's Notification Policy. During this time, no submissions were received.

6.0 ISSUES

- 4.3 Height of Buildings
- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- C1.3 View Sharing
- C1.14 Separately Accessible Structures
- D10.1 Character as viewed from a public place

7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone E4 Environmental Living			Y	Y	Y
4.3 Height of buildings		Maximum Height – 9.63m above existing ground level. See clause 4.6 for further discussion.	N	Y	Y
4.6 Exceptions to development standards		See variation to development standards for assessment of the clause 4.6 variation.	Y	Y	Y
5.5 Development within the coastal zone			Y	Y	Y
5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulfate soils		<i>Acid Sulphate Region 5.</i>	Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.8 Limited development on foreshore area		No works are proposed within the foreshore area. The existing dwelling is located behind the foreshore building line.	-	-	-
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y

Control	Standard	Proposal	T	O	N
4.2 Integrated Development: Rivers, Streams and Foreshores		Section 39 of the Water Management (General) Regulation 2011 provides exemptions for residential and ancillary development within 40m of the waterbody. The proposed works are in association with the residential use of the property and as such the application is considered exempt from the provisions of the Water Management Act 2000.	-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
A4.10 Newport Locality			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance		<i>No apparent issues. Site is highly modified in the area of works.</i>	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		See discussion in Section 8.0.	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		<i>For comment see B4.7</i>	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		See discussion in Section 8.0.	Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			-	-	-
C1.6 Acoustic Privacy			-	-	-
C1.7 Private Open Space			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
D10.1 Character as viewed from a public place		See discussion in Section 8.0.	Y	Y	Y
D10.4 Building colours and materials			Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.7 Front building line (excluding Newport Commercial Centre)		Minimum Front Building Line - 31.156m.	Y	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)		Minimum Side Building Lines - 7.1m to the south, 10.6m to the north. The proposed and existing development is located behind the foreshore building line and compliant with the rear building line.	Y	Y	Y
D10.11 Building envelope (excluding Newport Commercial Centre)			Y	Y	Y
D10.13 Landscaped Area - Environmentally Sensitive Land		Minimum Landscaped Area - 70% or 1865.5m².	Y	Y	Y
D1.16 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D10.18 Scenic Protection Category One Areas		See clause D10.1 in Section 8.0.	Y	Y	Y
State Environmental Planning Policies and other					
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate: A220716, dated 09 June 2015.	Y	Y	Y
SEPP No 71 - Coastal Protection		See discussion in Section 8.0.	Y	Y	Y

8.0 DISCUSSION OF ISSUES

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

Council's Natural Environment Officer provided the following comments in regards to the proposed development:

The property contains a modified landscape with numerous upper canopy trees of which the species are remnant of Pittwater Spotted Gum Forest. The proposed works include extension of the existing garage and main bedroom and internal alterations. An arborist report has been submitted (Plateau Tree Service, 10 June 2015) which assesses two (2) trees potentially impacted by the proposed garage extension. Both were found to be healthy and have high significance and retention values. Both trees can be safely retained provided the recommendations in the arborist, specifically the requirement for arborist supervision and hand digging to excavate the raised garden bed, are adopted. The arborist report references a different set of plans to those which have been submitted however the included diagram in the report is the same as those which have been submitted therefore providing no difference in extent of works. No change to landscaping has been proposed. There are no further natural environment issues.

C1.3 View Sharing

The subject site adjoins Salt Pan Cove Reserve and Pittwater waterway to the west and the proposed development may impact upon the existing street views to Pittwater waterway. The view is a filtered view through highly dense vegetation in which only minor glimpses of water can be seen. The view is available from the street at the area at the top of the driveway. The existing dwelling is sited on the lower portion of the site, approximately 31m from the front boundary and street frontage. The view is filtered by the existing trees within the front of the site, to the rear of the site and within the adjoining reserve and it is considered that the view is highly susceptible to further development, future planting and growth of the existing vegetation. Portions of the roof result in non-compliance with the maximum height requirement, however the proposed development is consistent with the height of the existing roof ridge and the built form controls within P21 DCP. The non-compliance is primarily a result of the existing basement and topography of the site, and would be largely compliant with the maximum height as measured from the natural ground level. The existing view is not considered to be iconic or valuable and in view of the above, the view loss impact would be considered as negligible. There were no objections to the proposed development with regards to view loss and it is considered that the proposal shall not result in any unreasonable impacts with regards to view loss from the public domain or the adjoining properties. As such the proposal is considered to be acceptable and supported on merit.

C1.14 Separately Accessible Structures

The Lower Floor level of the development has separate external access, however also contains an internal access to the upper and ground floor levels. Should the application be approved, conditions of consent are recommended to ensure no cooking facilities are installed and that the lower level is not used for separate residential habitation.

D10.1 Character as viewed from a public place and D10.18 Scenic Protection Category One Area

The subject site adjoins Salt Pan Cove Reserve to the west at the rear of the site, with Pittwater waterway to the west of the reserve. As such the site is visible from the waterway.

As the reserve is located adjacent to the subject site, between the waterway and the property, the site benefits from the significant vegetation and planting within the reserve which includes numerous canopy trees. Furthermore, the proposed development is situated in excess of 10m from the rear boundary, with existing canopy trees between the dwelling and the site boundary. As such the proposed development is screened by the existing vegetation as viewed from Pittwater waterway and shall not have a detrimental visual impact as viewed from the public domain. The proposed development incorporates neutral colours consistent with the existing colour scheme which shall assist in blending the development into the natural environment and the building is considered to be secondary to landscaping and vegetation. The proposed development incorporates design features consistent with the requirements of clause D10.1 and shall have a street presence consistent with the existing streetscape. The proposal shall not be visually intrusive as viewed from the street and the bulk and scale of the development is minimised by the generous setbacks and landscaped area proposed.

The proposed development is considered to be consistent with clause D10.1 Character as viewed from a Public Place and clause D10.18 Scenic Protection Category One Area which aim to minimise the visual impact of development as viewed from the public domain.

SEPP No 71 Coastal Protection

The application has been assessed pursuant to the aims and objectives of SEPP 71 - Coastal Protection. The proposed development will not impact upon foreshore access for the general public, and will not result in any view loss from the public domain. The proposal is considered to be in fitting with the surrounding area and the locality. The proposed works satisfy the matters for consideration under Clause 8 of SEPP 71.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal is permissible within the E4 - Environmental Living zone as defined by Pittwater Local Environmental Plan 2014. The development application is supported by a clause 4.6 variation which is well founded and in consideration of the existing roof line compliance with clause 4.3 - Height of Buildings in this instance is considered to be unreasonable and unnecessary.

The proposal is considered to be consistent with the relevant statutory and policy controls and outcomes. The impacts of the alterations and additions has been addressed and considered to result in an acceptable impact subject to the recommended conditions. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0229/15 for alterations and additions at 162 Prince Alfred Parade, Newport subject to the conditions of consent.

It is noted that the proposed development seeks to vary development standard Clause 4.3 Height of Buildings by approximately 13.3% and therefore the application will be required to be determined by Council.

Report prepared by

Angela Manahan
PLANNER

Date: 13 August 2015

DRAFT

**CONSENT NO: N0229/15
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:
DAVID CARRUTHERS
162 PRINCE ALFRED PARADE
NEWPORT NSW 2106

Being the applicant in respect of Development Application No N0229/15

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0229/15** for:

Alterations and additions to existing dwelling house

At: **162 PRINCE ALFRED PARADE, NEWPORT NSW 2106 (Lot 2 DP 204399)**

Decision:

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

- **Architectural drawings DA01 through to DA07, all prepared by Site Specific Designs, dated 09 June 2015;**
- **Arborist Report, prepared by Plateau Tree Service Pty Ltd, dated 10 June 2015;**
- **Geotechnical Risk Management Report, Ref: MQ 30088, prepared by Jack Hodgson Consultants Pty Ltd, dated 05 June 2015;**
- **BASIX Certificate A220716, dated 09 June 2015.**

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

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

DRAFT

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 1. the name, address and telephone number of the Principal Certifying Authority for the work, and
 2. the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 3. that unauthorised entry to the work site is prohibited.The sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 1. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 2. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
 3. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information

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5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
6. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
7. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
2. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jack Hodgson Consultants are to be incorporated into the construction plans.
3. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
4. No environmental weeds are to be planted on the site. Refer to Pittwater Council website www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
5. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and

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Native Plants for Your Garden available on the Pittwater Council website
http://www.pittwater.nsw.gov.au/environment/species_lists

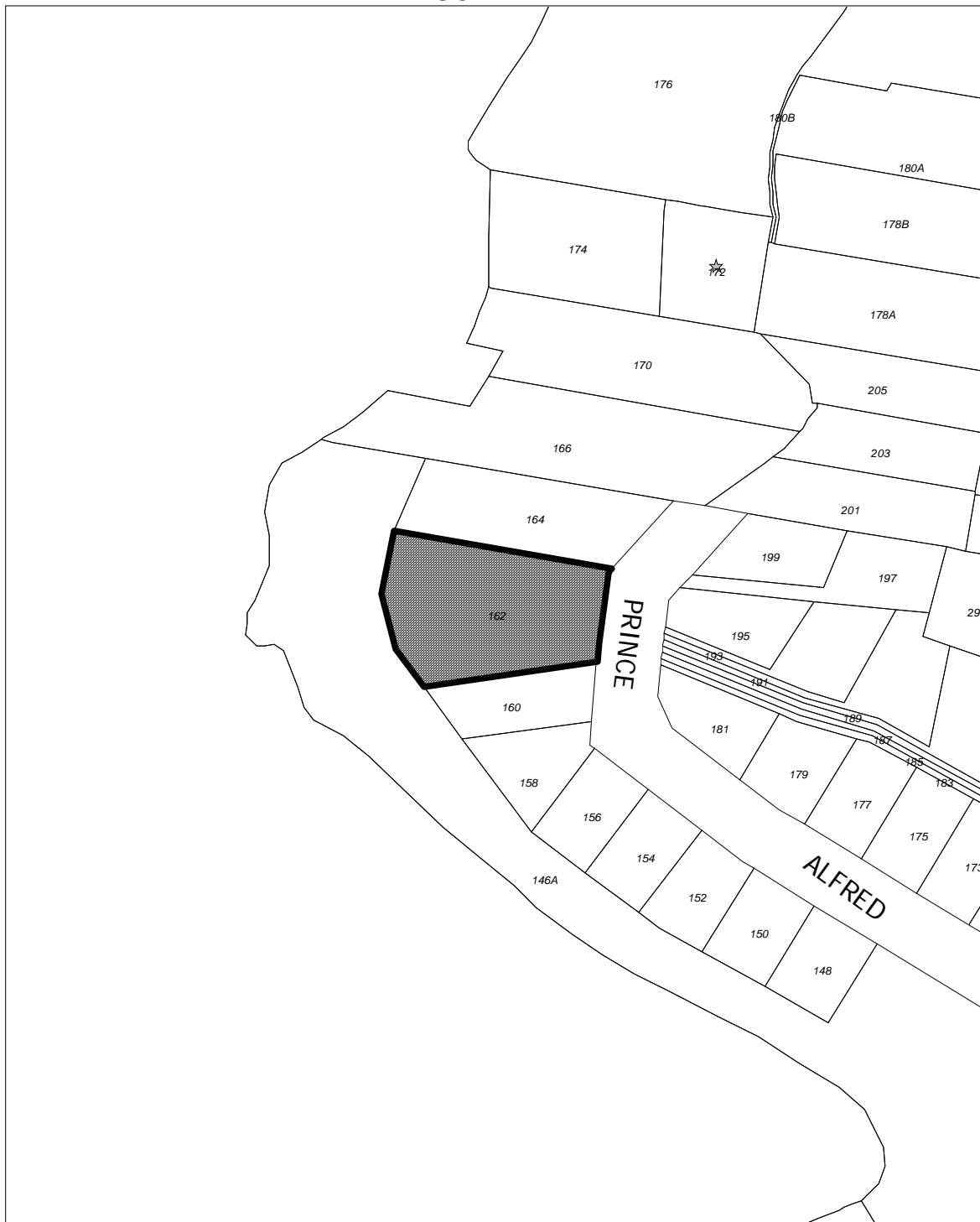
8. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
9. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
10. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
11. Materials and colour schemes are to be in accordance with the sample scheme approved by Council.
12. Cooking facilities shall not be installed to the separately accessible basement level for the life of the development. The separately accessible basement shall not be used for separate residential habitation for the life of the development.
13. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. Construction works approved by this consent must not commence until:
 1. Construction Certificate has been issued by a Principal Certifying Authority
 2. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 3. at least 2 days notice, in writing has been given to Council of the intention to commence work.
3. Structural Engineering details relating to the alterations and additions are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer

LOCALITY MAP



[illegible]



C9.2	BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant
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Meeting: Connecting Communities Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Land Use & Development

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To deliver a comprehensive suite of development controls that improve the liveability of the area

DELIVERY PROGRAM ACTION:

- To provide an effective development assessment and determination process
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The Development Unit at its meeting held on the 13 August 2015 considered the Assessing Officers report (refer **Attachment 1**) for determination of BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant.

- 1.2 This application has been called to Council by Cr McTaggart and Cr Young.
 - 1.3 Discussion in relation to these variations is contained within Section 8.0 (Discussion of Issues) of the Assessing Officer's report.
 - 1.4 Two objectors, the applicant and both property owners were present at the meeting. The Development Unit considered the issues raised by the objector and the applicant's representatives as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent.
-

2.0 RECOMMENDATION

That the Development Unit's recommendation be endorsed and that Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 issue Building Certificate BC0092/14 for additions/alterations to existing restaurant at 1186 Barrenjoey Road, Palm Beach NSW 2108 subject to the following:

- *All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate*
- *Certification provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards*
- *Certification provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards*
- *Completion of all works referred to in the BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014), and*
- *The upgrade of the eastern external wall of the building, to achieve a 60/60/60 Fire Resistance Level of construction.*

3.0 BACKGROUND

3.1 PURPOSE

To seek endorsement of the Development Unit's recommendation following consideration of Development Application - BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant.

BACKGROUND

The Development Unit at its meeting held on the 13 August 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108 - additions/alterations to existing restaurant.

3.2 POLICY IMPLICATIONS

Cr McTaggart and Cr Young has called the matter to Council in accordance with Council Policy.

3.3 RELATED LEGISLATION

Council are the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979.

3.5 FINANCIAL ISSUES

3.5.1 Budget

No implications unless Council's decision is challenged in the Land and Environment Court.

3.5.2 Resources Implications

No implications.

4.0 KEY ISSUES

All the key issues are addressed in the assessing officer's report

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1: Assessing Officer's report to the Development Unit meeting of 13 August 2015.

6.0 SUSTAINABILITY ASSESSMENT

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

**SUBJECT: BC0092/14 - 1186 Barrenjoey Road, Palm Beach NSW 2108
- additions/alterations to existing restaurant**

Meeting: Development Unit

Date: 13 August 2015

SUMMARY OF RECOMMENDATION

Issue Building Certificate

REPORT PREPARED BY:	Rebecca Englund and Wal Dover
APPLICATION SUBMITTED ON:	29 October 2014
APPLICATION SUBMITTED BY:	VAUGHAN MILLIGAN DEVELOPMENT CONSULTING PTY LTD
OWNER(S):	MALCOLM J URRY & JENNIFER M KING

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 issue Building Certificate BC0092/14 for additions/alterations to existing restaurant at 1186 Barrenjoey Road, Palm Beach NSW 2108 subject to the following:

- All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate
- Certification provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards
- Certification provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards
- Completion of all works referred to in the BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014), and
- The upgrade of the eastern external wall of the building, to achieve a 60/60/60 Fire Resistance Level of construction.

Report prepared by
Rebecca Englund, Executive Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

**BC0092/14 – Building Certificate Application for whole of property
1186 Barrenjoey Road, Palm Beach (Lot 1 DP 1050253)**

Determination Level: Development Unit

SUMMARY OF RECOMMENDATION: Issue Building Certificate

REPORT PREPARED BY: Rebecca Englund and Wal Dover
APPLICATION SUBMITTED ON: 29 October 2014
APPLICATION SUBMITTED BY: Vaughan Milligan Development Consulting P/L
OWNERS: Malcom Urry and Jennifer King-Urry

1. INTRODUCTION

This assessment has been undertaken following the lodgement of a Building Certificate Application relating to unauthorised works at the subject site. The assessment is made pursuant to Section 149 of the *Environmental Planning and Assessment Act*, and also considers objections and comments received in response to the notification of the Building Certificate Application.

2. SITE DETAILS

The site is legally described as Lot 1 in Deposited Plan 1050253, and is commonly referred to as 1186 Barrenjoey Road, Palm Beach and also known as 1 Beach Road, Palm Beach. The site is a corner block with a frontage to both Beach Road (north) and Barrenjoey Road (west), with a total area of approximately 922m². A single storey structure is located on the site, with a parking area to the south (accessed from Barrenjoey Road). The site is currently occupied by "Cranky Fins" restaurant.

3. PROPOSAL

A Building Certificate Application has been lodged in relation to the whole property, including as-built unauthorised works, as follows;

- Relocation of an internal bar;
- Installation of a servery style window on the southern elevation of the existing kitchen;
- Replacement of bi-fold doors with louvre windows along the western elevation;
- Installation of a fireplace and flue;
- Demolition of a non-structural internal wall in the vicinity of the bathrooms and storerooms;
- Conversion of a single doorway to a double doorway on the southern elevation;
- The construction of timber access stairs at the rear of the site between the rear access doorway and the carpark; and
- The installation of a doorway and steps between the carpark and the kitchen.

4. STATUTORY AND POLICY CONSIDERATIONS

Section 149D(1) of the *Environmental Planning and Assessment Act 1979* provides that Council must issue a building certificate if it appears that:

- (a) *there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:*
 - (i) *to order the building to be demolished, altered, added to or rebuilt, or*

- (ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or*
- (iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or*
- (iv) there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.*

It is important to note that a Building Certificate is not a form of Development Consent, and does not act to modify any existing approval. A Building Certificate is issued in relation to the structural efficacy of building works and compliance with the provisions of the BCA, and with the exception of determining the class of the building, does not relate to the use of the premises.

In accordance with Section 149E of the Act;

1. *A building certificate operates to prevent the council:*
 - (a) from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and*
 - (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council,*
in relation to matters existing or occurring before the date of issue of the certificate.
2. *A building certificate operates to prevent the council, for a period of 7 years from the date of issue of the certificate:*
 - (a) from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and*
 - (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council,*
in relation to matters arising only from the deterioration of the building as a result solely of fair wear and tear.
3. *However, a building certificate does not operate to prevent a council:*
 - (a) from making order No 6 in the Table to section 121B, or*
 - (b) from taking proceedings against any person under section 125 with respect to that person's failure:*
 - i. to obtain a development consent with respect to the erection or use of the building, or*
 - ii. to comply with the conditions of a development consent.*
4. *An order or proceeding that is made or taken in contravention of this section is of no effect.*

5. HISTORY OF THE SITE

26 November 2003

Development Consent N0700/03 for "internal fit-out, alterations and additions" at the subject site was issued by Council.

27 January 2004

Construction Certificate CC0054/04 was issued in relation to N0070/03.

5 December 2004

Council received a copy of the Notice of Commencement relating to CC0054/04.

13 September 2005

Development Consent N0332/05 for "alterations and additions to the existing Beach Road Restaurant" at the subject site was issued by Council.

7 November 2005

Construction Certificate CC0609/05 was issued in relation to N0332/05.

11 November 2005

Council received a copy of the Notice of Commencement relating to CC0609/05.

13 July 2006

A Final Occupation Certificate was issued in relation to N0332/05 and CC0609/05.

16 January 2014

An investigation of the site was undertaken by Council's Compliance Department following a complaint from a nearby resident, resulting in the service of a Notice of Order NOT0015/14 in relation to;

- Seating capacity;
- Landscaping;
- Relocation of the internal bar;
- The installation of a servery style window on the southern elevation of the existing kitchen; and
- The installation of a timber deck in the north-west corner of the site.

2 April 2014

Modification Application N0332/05/S96/1 was lodged with Council in relation to the as-built changes at the subject premises.

15 April 2014

An investigation of the site was undertaken by Council's Compliance Department following a complaint from a nearby resident, resulting in the service of a Notice of Order NOT0114/14 in relation to;

- Landscaping; and
- The installation of a window on the western elevation.

An Order was also served in relation to NOT0015/14 as the works required had not been completed.

29 July 2014

A letter to confirm satisfactory completion of the works required in the Notice of Order NOT0114/14 was sent to the applicant and objector.

9 September 2014

Modification Application N0332/05/S96/1 was withdrawn by the applicant.

17 October 2014

An investigation of the site was undertaken by Council's Compliance Department following a complaint from a nearby resident, resulting in the service of a Notice of Order NOT0250/14 in relation to;

- Landscaping;
- The installation of windows on the southern elevation;
- The installation of a doorway and steps between the carpark and the kitchen;
- Conversion of a single doorway to a double doorway on the southern elevation;

- Lack of suitable garbage enclosure;
- Lack of stormwater infrastructure;
- Replacement of bi-fold doors with louvre windows along the western elevation.

6. HISTORY OF THE APPLICATION

The subject Building Certificate Application was lodged with Council on 29 October 2014. The Application was notified to adjoining property owners for a period of fourteen (14) days, commencing on 14 November 2014.

The application was reviewed by Council's Senior Building Surveyor, who subsequently requested additional information in relation to the submissions received. A response was received from the applicant on 4 June 2015.

7. NOTIFICATION

The application was notified to adjoining property owners. Submissions in objection to the development were received from and on behalf of one (1) adjoining property owner at 3 Waratah Road, Palm Beach, with regard to the following;

- Permissibility of the development and potential impact upon Existing Use Rights provisions;
- Compliance with Development Consent N0332/05;
- Impacts associated with the "unauthorised" use of the site;
- Inadequacies in the information presented to accompany the Building Certificate Application.

8. DISCUSSION OF ISSUES

Compliance with the BCA

The application was supported by a BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014). The report was reviewed by Council's Senior Building Surveyor, who has recommended that the items identified in the report be satisfied prior to further consideration of the issuance of the Building Certificate.

Council's Senior Building Surveyor has identified that the eastern external wall of the restaurant, being of combustible construction and less than 3m from a Fire Source Feature (the boundary of the allotment), is not compliant and is to be provided with a 60/60/60 Fire Resistant Level of construction prior to the issue of a Building Certificate.

These works are requested prior to the issue of a Building Certificate, pursuant to clause 149D(5) of the Act, as follows;

5. *Nothing in this section prevents the council from informing the applicant of the work that would need to be done before the council could issue a building certificate or from deferring its determination of the application until the applicant has had an opportunity to do that work.*

Compliance with previous Development Consent

The subject Building Certificate Application was lodged in response to a series of Notice of Orders and Orders that were issued upon the property owner by Council. Whilst a number of matters raised by Council have since been rectified, the applicant seeks to maintain the remainder of the existing as-built works, including;

- Relocation of an internal bar;

- Installation of a servery style window on the southern elevation of the existing kitchen;
- Replacement of bi-fold doors with louvre windows along the western elevation;
- Installation of a fireplace and flue;
- Demolition of a non-structural internal wall in the vicinity of the bathrooms and storerooms;
- Conversion of a single doorway to a double doorway on the southern elevation;
- The construction of timber access stairs at the rear of the site between the rear access doorway and the carpark; and
- The installation of a doorway and steps between the carpark and the kitchen.

It is these matters that differ from the plan submitted to accompany the Final Occupation Certificate that was issued in relation to Development Consent N0332/05 and Construction Certificate CC0609/05.

The primary consideration for Council is the structural adequacy of the building works or structures erected without consent. The as-built development has been reviewed by Council's Senior Building Surveyor in this regard, who has raised no concerns subject to the following;

- All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate;
- Certification be provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards;
- Certification be provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards;

However, the subject Building Certificate Application cannot address the following matters raised in the Notice of Orders and Orders issued by Council;

- Seating capacity;
- Lack of suitable garbage enclosure;
- Lack of stormwater infrastructure;

These have been identified as matters that are inconsistent with the conditions of Development Consent N0332/05, and will still be required to be addressed regardless of the outcome of the subject Building Certificate Application. In accordance with subsection 3b(ii) of Section 149E of the Act, the issuance of a Building Certificate does not operate to prevent Council from taking proceedings against any person under section 125 of the Act with respect to that person's failure to comply with the conditions of a development consent.

The submissions received from and on behalf of the property owners at 3 Waratah Road raise continued concern in relation to non-compliance with the conditions of Development Consent N0332/05, specifically in relation to stormwater management and garbage disposal. This will be continued to be investigated by Council's Compliance Department.

Use of the Site

The most recent approval issued in relation to the site, being Development Consent N0332/05, was for alterations and additions to the existing restaurant premises. The approval was issued under the provisions of Existing Use Rights, as the use of the site as a restaurant was prohibited under the provisions of PLEP 1993 (the environmental planning instrument in force at the time of the approval).

Submissions received from and on behalf of the property owners of 3 Waratah Road put forward that the use of the premises has changed over time, and the premises is now being used as both a restaurant and a "small bar" or "licensed bar". The submissions suggest that the new "unauthorised" use of the premises works against the approval issued by Council in 2005 pursuant to Existing Use Rights, and that the Building Certificate should not be issued on this basis.

However, as accurately pointed out by the objector in their own submissions, a Building Certificate Application relates to building works alone, and the use of the premises cannot be addressed by the issuance of a Building Certificate.

Whilst the location of the internal bar does form part of the subject Building Certificate Application, it is not a new addition to the site, but rather relocation from one part of the premises to another. Subject to clarification that the bar has been constructed/installed in accordance with relevant Australian Standards for food preparation areas, no concern is raised in this regard.

Any further ongoing concerns relating to the use of the site should be forwarded to Council's Compliance Department for investigation. However, it is noted that complaints relating to the use of the site for the purpose of a "small bar" or "licensed bar" have been separately investigated by the NSW Government Office of Liquor, Gaming and Racing and the matter has been closed.

Impacts upon amenity of adjoining residential properties

The submissions received from and on behalf of the property owners of 3 Waratah Road raise concerns in relation to impacts upon amenity, including, but not limited to, the following;

- Excessive noise radiating from the premises;
- Excessive noise from patrons leaving the venue;
- Offensive noise from patrons leaving the venue;
- Anti-social behaviour of patrons after they leave the venue;
- Unpleasant smells and odours radiating from the venue;
- Increased parking and traffic congestion;
- Noise of patrons' children screaming;
- Visual amenity; and
- Operating outside approved hours.

The majority of the issues raised by the objector are associated with the alleged unauthorised use of the site as a "small bar" or "licensed premises", and have been separately investigated by the NSW Government Office of Liquor, Gaming and Racing. However, it is appreciated that some of the building works, including changes to openings and the installation of the fireplace, may be seen to be associated with these concerns.

The application seeks to maintain one new window on the southern elevation and the louvre windows on the western elevation which replaced the approved bi-fold doors. It is noted that the Liquor License applicable to the site has further conditions relating to acoustic impacts as follows;

1. *The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.*

**Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.*

2. *From 8:00pm until close on every trading night, the licensee must ensure that all windows, window louvres, and doors of the licensed premises are kept closed except to allow for the reasonable access for patrons to enter and leave the premises.*

The installation and use of the fireplace may be associated with complaints relating to unpleasant smells and odours. However, subject to certification that the fireplace has been installed in accordance with relevant Australian Standards, no concern is raised in this regard. Any further complaints regarding odours associated with cooking should be directed to Council's Health Department, who can undertake a separate inspection of the mechanical exhaust system.

Overall, the physical as-built works the subject of the Building Certificate Application are considerably minor, do not result in the intensification of the site, and are not seen to result in any unreasonable impacts upon the amenity of adjoining properties, any more so than the outcome anticipated in the approval of N0332/05.

Inconsistencies in information provided

The submissions received on behalf of the property owners of 3 Waratah Road raise concern with the level of detail provided by the applicant to support the application. It is agreed that further information relating to the structural integrity of the building is required and the issuance of a Building Certificate will hinge upon the production of such information.

9. CONCLUSION

Section 149 of the Environmental Planning and Assessment Act requires Council to issue a Building Certificate for as-built works unless there is a valid reason for Council to require the structures to be demolished, altered, added to or rebuilt. Subject to the production of additional certification and minor rectification works, assessment of the subject application has found no valid reason as to why a Building Certificate should not be issued.

RECOMMENDATION OF PLANNER

That Council as the consent authority, pursuant to Section 149 of the *Environmental Planning and Assessment Act 1979*, issue the subject Building Certificate BC0092/14 for the whole of the property at 1186 Barrenjoey Road, Palm Beach subject to the following;

- All as-built variations to the building and restaurant premises, including the floor plan layout, be certified by a structural engineer where appropriate, as structurally adequate;
- Certification provided from a suitably qualified professional in relation to the installation and operation of the fireplace and flue, and compliance with relevant Australian Standards;
- Certification provided from a suitably qualified professional in relation to the construction and finish detail of the bar, and compliance with relevant Australian Standards;
- Completion of all works referred to in the BCA Compliance Report (prepared by GRS Building Reports Pty Ltd, dated 20 October 2014); and
- The upgrade of the eastern external wall of the building, to achieve a 60/60/60 Fire Resistance Level of construction.

Report prepared by

Rebecca Englund
EXECUTIVE PLANNER

Date of Report: 5 August 2015

[illegible]

NOTIFICATION PLANS

C9.3 8 Orchard Street, Warriewood - Proposed Land Sale

Meeting: Connecting Communities Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: **Land Use & Development**

COMMUNITY STRATEGIC PLAN OBJECTIVE:

To establish land uses that respond to environmental, cultural, social and economic needs in a sustainable manner

DELIVERY PROGRAM ACTION:

Land Use & Development – Effectively manage Warriewood Valley Land Release Process

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

Council at its meeting on 11 September 2000 resolved to close a 7m wide strip of the road reserve along the northern side of Orchard Street, Warriewood and thereby create four lots (2A, 4A, 6A & 8) that could be sold to the adjoining land owners and incorporated within Sector 9 of the Warriewood Valley Urban Land Release.

Council at its meeting on 19 May 2014 agreed to sell two of the four lots (2A & 6A). The same adjoining owner has now requested to purchase 8 Orchard St (Lot 103/ DP1033854) which is 511 squared metres, approximately 7m in width and an irregular shape.

The income derived from the intended sale of the subject lot will provide funding for the improvement of Pittwater Council road and footpath infrastructure improvements. Specifically it is recommended that the sale proceeds fund the following two projects:

- Stage 2 construction of the shared path on Barrenjoey Rd, between Newport & Avalon. This project will be match funded by RMS grants (which have been approved).
- Shared path construction on southern side of Garden Street, between The Crescent and Natuna Street North Narrabeen.

These two projects have been ear marked as priority projects by Councils Urban Infrastructure Business Unit and can be constructed pending funding.

2.0 RECOMMENDATION

1. *That the recommendation contained in the Confidential Section of this Report be adopted.*
2. *That the General Manager be authorised to sign all associated legal documentation under power of attorney.*
3. *The income derived from the sale be allocated to the following two projects: shared path on Barrenjoey Rd, between Newport & Avalon and the shared path construction on southern side of Garden Street, between The Crescent and Natuna Street North Narrabeen.*

3.0 BACKGROUND

3.1 PURPOSE

To seek Council's approval to sell Council owned property (Road Reserve) at 8 Orchard Street, Warriewood (Lot 103 DP1033854).

3.2 BACKGROUND

3.2.1 At its meeting of 11 September 2000, Council considered a report on the proposed road closure of Orchard Street, Warriewood (refer **Attachment 1**) and resolved to authorise the lodgement of an Application for Road Closure with the Department of Land and Water Conservation. The Council decision at the meeting was:

- "1. That Council authorises the lodgement of an Application for Road Closure with the Department of Land and Water Conservation for the portion of Orchard Road as illustrated in Appendix 'A' of this report.*
- 2. That should the development of the area of Warriewood Valley known as Sector 9 not proceed, the proposal for a road closure be cancelled and the affected portion of land be retain as Public Road as per its current classification.*
- 3. That if the application for road closure is successful, Council proceeds with negotiations for the sale of the subject portion of road reserve to the owners of properties within Sector 9 of the Warriewood Urban Land Release scheme subject to a formal market valuation and retention of present vegetation.*
- 4. That should the outcome of item 3 above be positive, a further report be presented to Council with details of the proposed sale.*
- 5. That Council staff bring forward a report outlining future and present options we may have in regard to the direction of Warriewood Land Release traffic from using Powderworks Road from Mona Vale Road as an access route."*

3.2.2 Subsequent to this resolution, the individual lots (2A, 4A, 6A and 8 Orchard Street) were created and registered with Department of Land & Water (now LPI).

3.2.3 Orchard Street Warriewood had a 30m wide road reserve that was overly wide relative to its future need as part of the Warriewood Valley Urban Land Release road network. Noting that other major roads in Warriewood Valley operate with a 20m road reserve e.g. Garden Street, Council at its meeting on 11 September 2000 resolved to close a 7m wide strip of the Orchard Street road reserve along its northern side. This leaves a residual road reserve width of 23 metres which is still of a generous proportion.

3.2.4 The purpose of closing this strip section of road reserve was to facilitate its sale to the owners of the adjoining properties within Sector 9 of the Warriewood Urban Land Release subject to formal market valuation and negotiation.

3.2.5 As a result of the road closure, four individual parcels of land have been created and subsequently classified as operational land and zoned R3 – medium density residential. The land is therefore now in a form that it can be presented for sale. An aerial map showing the location of the subject parcel of land is at **Attachment 2**.

3.2.6 In May 2014 Council resolved to sell 2A & 6A pending DA approval. The outcomes of these sales are contained in the Confidential Section of this Report.

3.2.7 The sale of these lots is an effective property management outcome which enables the sale of low net community benefit assets to be utilised to achieve high net benefits for the Pittwater community, in this case high priority road and footpath infrastructure improvements.

3.2.8 The alternate use of this land as part of the Warriewood Valley Urban Land Release is also a good land use planning outcome and an effective future use of this land for housing. Hence there is a win – win outcome achieved.

3.3 POLICY IMPLICATIONS

Sale of the subject road reserve is consistent with Pittwater Council Policy No 92 Land – Disposal of Surplus Land.

3.4 RELATED LEGISLATION

The incorporation of the subject road reserve land into the developable land associated with the Warriewood Land Release is consistent with the intent of the LEP and zoning of the land to provide residential housing in this location.

3.5 FINANCIAL ISSUES

Budget

- (i) The income derived from the sale is recommended to be allocated to the following two projects: shared path on Barrenjoey Rd, between Newport & Avalon and the shared path construction on southern side of Garden Street, between The Crescent and Natuna Street North Narrabeen.

Resources Implications

- (i) The subject land is of significantly higher value to the adjoining owners when incorporated into development. It has been determined that the addition of the subject Council land would add flexibility in the planning process for both adjoining developers.
- (ii) The Council owned land at 8 Orchard Street, Warriewood cannot be developed in isolation given the current location and dimensions.
- (iii) The subject land is considered to be underutilised if it remains as a separate road reserve.

4.0 KEY ISSUES

- a) Council has already closed the subject road reserve and resolved to sell the subject lot. Council has already sold 2 adjoining lots and this sale is in line with the Warriewood Valley Strategic Review. As stated in the Addendum Report “It was recognised during the 2012 Strategic Review that there was potential for Sectors 901D and 901E including the Orchard Street road reserve (north-east portion) to conglomerate, enabling more appropriate setbacks to constraints while maximising development potential across these sectors (up to 16 dwellings).”
- b) If the subject lot is not sold it will remain an isolated underutilised lot that will not be able to be developed in the future. The benefit of the sale and merging the road reserve with the adjoining site is to provide amenity and increased lot size to the approved adjoining development and hence consistent with the Warriewood Valley Strategic Review.
- c) In October 2014 there was a court approved DA for the adjoining site (1 Fern Creek Rd) which retains all existing tree canopy on the subject road reserve (refer **Attachment 3**).

- d) Independent valuation advice has been obtained from Knight Frank. Given the commercial in confidence nature of this advice and in accordance with Section 10(a)2(d) of the *Local Government Act*, this information is included on this Agenda as a confidential document.
 - e) Utilising this valuation advice, a sale price for the subject lot has been derived and subsequently negotiated with the adjoining land owner. The recommended sale price is also contained in the Confidential Section.
 - f) It should be noted that the majority of the infrastructure associated with the Warriewood Valley Urban Land Release is provided either directly by the developer or via the Warriewood Valley s94 Developer Contributions Plan. As such the proceeds from the sale of the subject Council owned road reserve asset can be used to fund other infrastructure outcomes within close proximity.
-

5.0 ATTACHMENT/TABLED DOCUMENTS

- **Attachment 1** - Report to Council Meeting 11 September 2000
 - **Attachment 2** - Aerial photograph of subject property
 - **Attachment 3** - Approved DA plans for adjoining property.
-

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

Community consultation was undertaken in 2013 with local residents from Warriewood Valley to discuss concept plans relating to the future treatment of Orchard Street. At this time the community were supportive of closing the 7m road reserve only for the purpose of sale to the adjoining owners.

6.1.2 Risk Management

An independent Valuer was engaged to determine the market value of the subject property. Should this sale be approved, an independent surveyor will be engaged and Council's Solicitor will be instructed to draft relevant documentation.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

There will be no impact on the natural environment arising from the sale of the subject property. The land is part of the Warriewood Valley urban land release and environmental impacts of development are assessed as part of the residential subdivision process. The approved DA retains all existing tree canopy on the subject road reserve lot.

6.2.2 Mitigation Measures

There are no mitigation measures necessary.

6.3 **SOCIAL**

6.3.1 **Address Community Need & Aspirations**

The proposed sale is consistent with the objectives in the Pittwater 2025 Corporate Management Strategy that seeks to convert land of low net community value to a much higher net community benefit outcome. This demonstrates effective property asset management.

The objective of the sale of the subject land in Orchard Street is to facilitate both a better land use planning outcome as well as funding higher net community benefit outcomes bringing forward those improvements otherwise currently unfunded.

6.4 **ECONOMIC**

6.4.1 **Economic Development**

The subject land is currently an underutilised property asset of Pittwater Council. The value of the land to the adjoining owner is considered to be significantly higher if added to their current site and thus the best financial result for the site would be achieved if the sale was to occur. The intended sale of this land will provide an injection of funds into the community for road and footpath infrastructure improvements.

Report prepared by

Simonne Johnson

A/MANAGER – COMMERCIAL PROPERTY & PROJECTS

Report to Council Meeting of 11 September 2000**Subject: Proposed Road Closure - Orchard Street, Warriewood****Item:**

File:EF 3660

EXECUTIVE SUMMARY

PURPOSE OF REPORT	To seek Councils consent for the lodgment of a Road Closure Application with the Department of Land and Water Conservation for the closure of the portion of road reserve at Orchard Street, Warriewood as indicated in the attached diagram.
BACKGROUND	<p>Most of the road reserves within the Pittwater Council area are of a standard width of 20 metres with the exception of Orchard Street which is approximately 30 metres wide.</p> <p>This unused surplus road reserve has been identified to have the potential to be closed and incorporated as part of the future development of Sector 9 of the Warriewood Valley Urban Land Release.</p> <p>Council's Urban Infrastructure and Services Unit have assessed that the subject portion of public road will not be required for public infrastructure and have no objections to the proposed sale.</p>
ISSUES	<ul style="list-style-type: none"> • Road Assessment • Service Providers • Natural resources Assessment • Notification to adjoining owners • Land to be sold and incorporated to Sector 9
FINANCIAL IMPLICATIONS	If approved, the sale of the subject portion of road reserve will represent an income for Council. It is proposed that the proceeds from the sale be used for streetscape improvements in this local area.
POLICY IMPLICATIONS	The proposed road closure complies with Councils Private Use of the Road Reserve and with Section 153 of the Roads Act 1993.
RECOMMENDATION	<ol style="list-style-type: none"> 1 That Council authorises the lodgment of an Application for Road Closure with the Department of Land and Water Conservation for the portion of Orchard Road as illustrated in Appendix 'A' of this report. 2 That should the development of the area of Warriewood Valley known as Sector 9 not proceed, the proposal for a road closure be cancelled and the affected portion of land be retain as Public Road as per its current classification. 3 That if the application for road closure is successful, Council proceeds with negotiations for the sale of the subject portion of road reserve to the owners of properties within Sector 9 of the Warriewood Urban Land Release scheme subject to a formal market valuation. 4 That should the outcome of item 3 above be positive, a further report be presented to Council with details of the proposed sale following amendments being made to the Pittwater Local Environmental Plan (PLEP) to provide that covenants etc on title of the land in relation to developments can be enforced where Council has a direct interest.

Report Prepared by Tom Lennon, Business Development Officer

Steve Rawe,
MANAGER BUSINESS DEVELOPMENT

1.0 Background

- 1.1 Most of the road reserves within the Pittwater Council area are of a standard width of 20 metres with the exception of Orchard Street which is approximately 30 metres wide.
- 1.2 Orchard Street is located between Sectors 9 and 10 of the Warriewood Valley Urban Land Release Plan. Due to the width of Orchard Street (30m approx.) an opportunity exists for Council to consider the closure of a portion of the road with the view of offering this particular portion of land to future developers of Sector 9. However, there has been no discussions between Council and any of the two sectors involved in this project at this stage.
- 1.3 The extraordinary width of Orchard Street provides more than the minimum land required for the provision of public infrastructure such as road widening and pedestrian access.
- 1.4 The portion of road reserve identified for closure is approximately 8m. wide with a total area of approximately 2000 m2 subject to survey.
- 1.5 Adjoining owners have been notified by letter of Councils proposal and no objections have been received.

2.0 Issues

2.1 Road Assessment

- 2.1.1 Council's Urban Infrastructure and Services Unit have assessed that the subject area of public road reserve will not be required for future public use and have no objections to the road closure and sale.

2.2 Service Providers

- 2.2.1 Service providers including Energy Australia, Sydney Water, Telstra and Australian Gas Company have been consulted on the proposal. At this time all of these service authorities have no objection to the proposal.
- 2.2.2 Should the subject parcel of land be affected by any other services in this location, service providers will require easements to protect these services over this land prior to formal closure.

2.3 Natural Resources Assessment

- 2.3.1 Council's Natural Resources Unit has assessed the proposal and advised that the proposed closure area is affected in some sectors by undisturbed native vegetation.
- 2.3.2 In order to ensure that the existing native vegetation affecting the proposed road closure area remains undisturbed, Council's Natural Resources Unit has agreed to the imposition of covenants and restrictions on the title of the land in question to prevent the damage or removal of this vegetation.

2.4 Notification to adjoining owners

- 2.4.1 Property owners adjoining Orchard Street have been notified by letter and a copy of the proposed road closure area diagram provided.
- 1.4.2. Council received no submissions from the adjoining owners in relation to the proposed road closure of part of Orchard Street, Warriewood.

2.5 Land to be sold and incorporated to Sector 9

- 2.5.1 Council Officers have identified that the portion of road reserve in question has the potential to be closed and subsequently sold to the Developers of Sector 9 of the Warriewood Valley Urban Land Release scheme.

2.5.2 The closure and subsequent disposal of this portion of road reserve would generate income to Council which will be utilised for the provision of streetscape improvements and urban infrastructure within the general area.

2.5.3 As the formalisation and future development of the land comprised within Sector 9 has not yet been determined by the affected owners, it is proposed that the road closure application be partially processed and final determination be subject to the outcome of the rationalisation and development of the area known as Sector 9.

3.0 Conclusion

- 3.1 This report seeks Councils consent for the lodgment of a Road Closure Application with the Department of Land and Water Conservation for approval. Council is not requested to make a decision at this point in time concerning the disposal of the portion of road reserve in question.
- 3.2 Issues concerning the existing native vegetation affecting the Orchard Street road reserve are addressed by the introduction of covenants and restrictions on the land to prevent damage or removal of these species.
- 3.3 The portion of road reserve in question is classified as Public Road, therefore the land and existing native flora can not be adequately protected as the land was originally dedicated as a public road and as a consequence, an adjoining owner can request access to his property across an area of public road
- 3.4 The closure and impositions of restrictions on the title of the new lot will ensure that natural values affecting the land in question are efficiently and adequately protected unlike the scenario where environmental values, such as flora and fauna, are located on land classified and which was originally dedicated as public road.
- 3.5 No objections have been received from the adjoining property owners in relation to the proposed road closure.

4.0 Recommendation

- 4.1 That Council authorises the lodgment of an Application for Road Closure with the Department of Land and Water Conservation for the portion of Orchard Road as illustrated in Appendix 'A' of this report.
- 4.2 That should the development of the area of Warriewood Valley known as Sector 9 not proceed, the proposal for a road closure be cancelled and the affected portion of land be retain as Public Road as per its current classification.
- 4.3 That if the application for road closure is successful, Council proceeds with negotiations for the sale of the subject portion of road reserve to the owners of properties within Sector 9 of the Warriewood Urban Land Release scheme subject to a formal market valuation.
- 4.4 That should the outcome of item 4.3 in this report be positive, a further report be presented to Council with details of the proposed sale.

Report prepared by
Tom Lennon, Business Development Officer

Steve Rawe
MANAGER BUSINESS DEVELOPMENT



C9.4	Minutes of the Audit & Risk Committee Meeting held on 18 August 2015
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Meeting: Connecting Communities Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision making processes.

DELIVERY PROGRAM ACTION:

- Maintain and service Council's range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 18 August 2015.

2.0 RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 18 August 2015 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 18 August 2015.

3.2 BACKGROUND

Council approved the establishment of an Internal Audit Committee at its meeting held on 16 November 2009. The Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities. This Committee was subsequently renamed the Audit & Risk Committee. The original Audit & Risk Committee Charter required the Committee to report to Council "at least annually".

At its meeting on 15 February 2012, the Audit & Risk Committee amended resolved that:

Minutes of the Audit & Risk Committee Meetings are to be reported to Council on a quarterly basis and so be placed on the public record.

and

The Audit & Risk Committee Charter ... to be reviewed and revised by the Committee ... and submitted for approval by Council at the first availability.

As a result the Audit & Risk Committee Charter was revised to reflect quarterly reporting to Council. Council endorsed an updated Audit & Risk Committee Charter at its meeting held on 16 June 2014.

3.3 POLICY IMPLICATIONS

As per the Audit & Risk Committee Charter.

3.4 RELATED LEGISLATION

As per the Audit & Risk Committee Charter.

3.5 FINANCIAL ISSUES

2.5.1 Budget

Nil implication.

2.5.2 Resources Implications

Nil implication.

4.0 KEY ISSUES

Per the revised Audit & Risk Committee Charter the Minutes of the Audit & Risk Committee Meetings shall be reported to Council on a quarterly basis.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Minutes of the Audit & Risk Committee meeting held on 18 August 2015.

6.0 SUSTAINABILITY ASSESSMENT

6.1 Leading an Effective & Collaborative Council (Governance)

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Council with independent assurance and assistance in the areas of risk management, control, governance and external accountability responsibilities.

6.2 GOVERNANCE & RISK

6.2.1 Community Engagement

Nil implication.

6.2.2 Risk Management

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities.

6.3 ENVIRONMENT

6.3.1 Environmental Impact

Nil implication.

6.3.2 Mitigation Measures

Nil implication.

6.4 SOCIAL

6.4.1 Address Community Need & Aspirations

To inform the community on the governance framework in place to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities.

6.4.2 Strengthening local community

Effective risk management in all aspects of Council responsibilities.

6.5 ECONOMIC

6.5.1 Economic Development

Nil implication.

Report prepared by
Anthony Robinson - Internal Auditor

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

Minutes

Audit & Risk Committee Meeting

held in the Conference Room, Level 3
5 Vuko Place Warriewood on

18 August 2015

Commencing at 3.15pm

Attendance:

Mr John Gordon
Mr Robert Dobbie
Cr Julie Hegarty
Cr Bob Grace

Council Officers:

Mr Mark Ferguson, General Manager
Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Steve Evans, Director, Environmental Planning & Community
Mr Warwick Lawrence, Manager Administration & Governance
Mr Mark Jones, Chief Financial Officer
Ms Marnie van Dyk, Risk Officer
Mr Anthony Robinson, Internal Auditor
Mr Christy Ratnakumar, Financial Accountant
Ms Pamela Tasker, Administration Officer / Minute Secretary

The following Invitees:

Mr Gary Mottau, Director, Hill Rogers Spencer Steer
Present for *In Camera* session prior to meeting only
Ms Yan Yang, Audit Manager, Hill Rogers Spencer Steer

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Notes:

1. The Committee met *In Camera* with the External Auditors prior to commencement of the Audit & Risk Committee Meeting.
 2. Mr Mottau (Hill Rogers Spencer Steer) was present for the *In Camera* session but was not present for the Committee Meeting.
 3. The Audit & Risk Committee Meeting commenced at 3.15pm.
-

1.0 Apologies

Nil.

2.0 Declarations of Conflict / Pecuniary Interest

Note:

Mr Gordon advised that due to his participation on Advisory Committees on both Warringah Council and Manly Council that he would not take part in any discussion on confidential issues relating to Fit for the Future LGA Reform or the Kimbriki Resource Recovery Centre.

3.0 Minutes of Previous Meeting

COMMITTEE RECOMMENDATION

That the minutes of the Audit & Risk Committee Meeting held on 26 May 2015, copies of which were circulated to all members, be and are hereby accepted as a true and accurate record of that meeting.

(Mr Dobbie / Cr Hegarty)

4.0 Matters Arising & Action Items from Minutes

Notes:

1. Mr Anthony Robinson (Internal Auditor) addressed the meeting on this item.
 2. The Committee noted the Action Points.
-

5.0 Special Agenda Items

5.1 Presentation of 2014 / 2015 Financial Statements

Proceedings in Brief

Mr Mark Jones (Chief Financial Officer) addressed the meeting on this item.

Action Items:

- *That the reporting of the Financial Statements be referred to a Council Meeting in October.*
- *The Chair confirmed that apart from minor adjustments no changes were recommended to the Finance Team or External Auditors.*
- *The External Auditors confirmed that there were no substantial changes required.*
- *Ms Yang noted her appreciation of the efforts of the Financial Team.*

COMMITTEE RECOMMENDATION

That the Committee endorses the Financial Statements subject to the minor adjustments recommended during their earlier meeting with the Financial Team and External Auditors.

(Mr Dobbie / Mr Gordon)

Notes:

1. The Chair thanked Mr Jones for his presentation and the Finance team for the high quality and timeliness of the Financial Statements.
2. Mr Ratnakumar and Ms Yang left the meeting at 4.06pm.

5.2 Internal Assessment of Conformance with Internal Audit Standards

COMMITTEE RECOMMENDATION

That the Committee note the internal assessment of substantial conformance with the International Standards for the Professional Practice of Internal Audit and approves the action plan to address non-conformance.

(Mr Gordon / Cr Hegarty)

Action Items:

- *2340 be classified as not applicable*
- *2431 be classified as not applicable*

5.3 Code of Ethics and Conflict of Interest Declarations

Note:

The Committee noted the Internal Auditor's annual Code of Ethics and Interest Declaration for 2014/15.

Action Items:

- *That the Internal Auditor investigate attending the next Institute of Internal Auditors LG Conference to be held in November 2015.*

6.0 Risk Management Report

Note:

The Committee noted the information contained in the Risk Manager's report.

Action Items:

- *The Risk Officer to investigate the cost of insuring against natural disasters.*
-

7.0 Complaints & Compliments Register

Note:

The Committee noted the information contained on the Complaints & Compliments Registers.

7.1 Report in relation to GIPA, PID and ICAC

Note:

The Committee noted the report in relation to GIPA, PID and ICAC.

8.0 Report on Internal Audit Activities

8.1 2015 Internal Audit Program and Resource Allocation Report

COMMITTEE RECOMMENDATION

That the Committee approve the revised 2015 Internal Audit Program and Resource Allocation Report.

(Mr Dobbie / Cr Hegarty)

Action Items:

- *Consider running a check that the records on staff entitlements are correct and up-to-date.*
 - *Prioritise the allocation of Internal Audit Resources to allow for greater flexibility.*
-

8.2 Internal Audit Status Report

Note:

The Committee noted the Internal Audit Status Report.

8.3 Implementation of Audit Recommendations

Note:

The Committee noted the report on the Implementation of Audit Recommendations.

Action Items:

- *Delineate interim controls on pending or overdue recommendations, in particular those rated as High*
- *That the Internal Audit Manual be brought to the November meeting for endorsement (showing amendments).*

9.0 General Business

9.2 Report on Probity

Note:

The Committee noted the report listing the probity plans which the Council currently has in operation and the probity reviews and special reviews performed by Internal Audit for the period.

9.1 Fit for the Future Update

The General Manager advised that all Council submissions were now under consideration by the IPART Review Panel and that nothing further would be known until the announcement by that panel in October.

10.0 Next Meeting

The next meeting of the Audit & Risk Committee is scheduled to take place at 3.00pm on Thursday, 26 November 2015.

**There being no further business the
Audit & Risk Committee Meeting closed
at 5.35pm on Tuesday 18 August, 2015**

SUMMARY OF ACTION ITEMS:

5.1 Presentation of 2014 / 2015 Financial Statements

- *That the reporting of the Financial Statements be referred to a Council Meeting in October.*
- *The Chair confirmed that apart from minor adjustments no changes were recommended to the Finance Team or External Auditors.*
- *The External Auditors confirmed that there were no substantial changes required.*
- *Ms Yang noted her appreciation of the efforts of the Financial Team.*

5.2 Internal Assessment of Conformance with Internal Audit Standards

- *2340 be classified as not applicable*
- *2431 be classified as not applicable*

5.3 Code of Ethics and Conflict of Interest Declarations

- *That the Internal Auditor investigate attending the next Institute of Internal Auditors LG Conference to be held in November 2015.*

6.0 Risk Management Report

- *The Risk Officer to investigate the cost of insuring against natural disasters.*

8.1 2015 Internal Audit Program and Resource Allocation Report

- *Consider running a check that the records on staff entitlements are correct and up-to-date.*
- *Prioritise the allocation of Internal Audit Resources to allow for greater flexibility.*

8.3 Implementation of Audit Recommendations

- *Delineate interim controls on pending or overdue recommendations, in particular those rated as High*
- *That the Internal Audit Manual be brought to the November meeting for endorsement (showing amendments).*

C9.5	Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015
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Meeting: Connecting Communities Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective

DELIVERY PROGRAM ACTION:

- Maintain and Service Council's Range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 5 August 2015 Meeting considered the following discussion topics:

- Northern Beaches Bus Rapid Transport
 - Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area
 - Bike Plan Workshop
 - Priorities Workshop
-

2.0 RECOMMENDATION

1. That Council note the Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015 that relate to the discussion on:

- Northern Beaches Bus Rapid Transport
- Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area
- Bike Plan Workshop
- Priorities Workshop

2. That Council Note the following reference points from that meeting:

Northern Beaches Bus Rapid Transport

1. That the Reference Group notes the presentation by Transport for NSW on the Rapid Bus Transit service proposed for the Northern Beaches.
2. That the group thanked Mr John Larcombe, Transport NSW, for providing the presentation items.
3. That this be a future Agenda item for the Connection Communities Reference Group Meeting in regards to:
 - late night buses and safety
 - congestion in the CBD
 - The interchange options; and
 - Update on the Mona Vale Placement Management plan in regards to parking.

Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area

The Reference Group thanked Steve McCormack, NSW Police Service for his presentation and time.

Bike Plan Workshop

That the verbal update by Ms Michelle Carter, Road Safety Officer on the bike plan and the discussions recorded during the workshop be noted.

Priorities Workshop

Mr David Bremner, Community Engagement Officer advised that an email including a survey link will be distributed to members listing the possible topics for the Connecting Communities Reference Group and that members respond with the items they would like included on the Agenda during this term. The results of this survey will be an item on the Connecting Communities Reference Group agenda in November.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council for consideration Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015 (refer **Attachment 1**).

3.2 BACKGROUND

1. The Connecting Communities Reference Group was established by Council to consider matters involving goals and initiatives contained in the key directions of Council's Strategic Plan – Supporting and Connecting our Community and Enhancing our Working and Learning. Reference Points and outcomes from the Reference Group will inform the Delivery Plan process.
2. The strategic objectives within the associated key directions are:
 - Building Communities
 - Recreational Management
 - Traffic & Transport
3. To fulfil its role the Connecting Communities Reference Group provides:
 - a link between Council and the community which enhances communication about the strategic direction of Council initiatives
 - input from Council and the community (historical, social and environmental) when considering possible solution
 - consideration of implications from strategic initiatives and their likely impact on the local community, and
 - feedback to Council on behalf of the community

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

Nil

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil

4.0 KEY ISSUES

- Northern Beaches Bus Rapid Transport
- Community Safety and Crime-Related Issues affecting the Pittwater Local Government Area
- Bike Plan Workshop
- Priorities Workshop

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Minutes of the Connecting Communities Reference Group Meeting held on 5 August 2015.

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & ASSESSMENT

Minutes

Connecting Communities Reference Group

held in the Training Room at the Coastal Environment Centre, Lake Park Road, North Narrabeen on

5 August 2015

Commencing at 4.00pm

Attendance:

Cr Ferguson, Chairperson
Cr Millar

Community Representatives:

Jennie Mackenzie - Clareville and Bilgola Plateau Residents Committee
Dr Yvonne Parsons - Mona Vale Hospital Auxiliary
Lorrie Morgan - Pittwater Community Arts Inc.
Lynne Mason - Pittwater Resident Representative
Toni Francis - Save Mona Vale Hospital Community Action Group
Bill Gye - Scotland Island Residents Association (SIRA)
Julia Guinan - Warriewood Residents Association
Margaret White - Zonta Club of Northern Beaches Inc
Mark Clementson, Mona Vale Residents Association
Kylie Hill, Newport Residents Association
Doug Elliott, Rotary Club Pittwater

and the following Council Advisors

Lindsay Godfrey – Manager, Community & Library Services
Russell Peake, Pittwater Council, Community Development Officer
Leeanne Kelly, Social Planner & Development Coordinator
Michelle Carter, Road Safety Officer
David Bremner – Community Engagement Officer
Jane Mulroney, Manager Community Engagement and Corporate
Melinda Hewitt, Manager, Place Management
Sherryn McPherson, Administration Officer
Sally North, Administration Officer / Minute Secretary

Connecting Communities Reference Group Meeting

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1.0 Apologies

Notes:

1. Apologies were received from Mr Steve Evans, Director Environmental Planning and Community and Mr Bruce Lakin, Rotary Club of Pittwater and leave of absence was granted from the Connecting Communities Reference Group Meeting held on 5 August 2015.
 2. The Reference Group members accepted the apologies.
 3. Mr Doug Elliott attended the meeting as an alternate delegate on behalf of Rotary Club of Pittwater.
-

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Connecting Communities Reference Group Meeting held on 6 May 2015, be confirmed as a true and accurate record of that meeting.

(Ms Jennie Mackenzie / Ms Toni Francis)

4.0 Discussion Topics

CC4.1 Connecting Communities Bus Rapid Transport NSW

Proceedings in Brief

Mr Tony Larcomb – Transport NSW addressed the meeting on this item and provided the group with an update on the NSW Governments proposed changes to road infrastructure and bus transport on the Northern Beaches. A copy of the PowerPoint Presentation produced to the Group is attached to the Minutes as **Attachment 1**.

Discussion Points:

- Q: Under the network redesign that is part of the BRT project, what will happen with routes like the L90 to Palm Beach?
- A: The network redesign will occur over the next couple of years to take advantage of the BRT project. The exact route changes are not yet known but there will be a greater emphasis on interchanging as this can allow greater frequency and service level to be provided at the same cost to government and although more people will interchange, it will be a more reliable experience than at present.
- Q: What is the best way to find out information about routes and timetables?
- A: Buses are equipped with realtime tracking and this information is available to customers via the Opal App. The App lets you plan an end to end public transport trip within Greater Sydney and beyond. Opal Travel is the easiest way to find out which trains, bus, ferry or light rail to catch and how much the Opal enabled services will cost.
- Q. People feel vulnerable late at night using services in the city and at interchange locations like Mona Vale. What will the BRT do to improve this? Are there any suggestions for improving passenger safety in the area?
- A. Ensuring passenger safety is a big concern. The new BRT infrastructure will consider how stations and interchanges are surveilled and whether CCTV is installed. It is also predicted that the services will be increased in peak times and better coordinated for minimal wait time.
- Q. Residents are concerned regarding services that travel onwards from the Mona Vale Interchange. Will additional services be added to ensure residents living beyond Mona Vale have services available?
- A: There will be services available that will connect and travel onwards from the Interchange and be coordinated in a manner so that there are limited waiting periods.
- Q. Residents are concerned with the interchange being located in the heart of our village centre in regards to congestion, pedestrian and traffic safety. Was this the best possible location to establish the interchange?
- A. It is the best option for siting the interchange in regards to parking and for pedestrians utilizing this service plus connectivity to other destinations. The current bus routes will be reviewed as part of this process.
- Q: In regards to increasing feeder routes on the northern beaches to locations such as Church Point, are the laws allowing for smaller mini bus services? Is that happening?
- A: Feeder services are being reviewed are likely to change in 2017. At this stage RMS are not planning for smaller buses in the future.
- Q: In relation to Mona Vale Parking, what are they (Transport Authority) looking at improving?
- A: Place Planning will be reviewing and parking in this area as part of the Mona Vale Place Plan and will be looking at the current supply and future demand. This will commence in late 2015.

- Q: Are there any plans to change the bus services in the City?
- A: It is proposed to introduce double decker buses in the future with an aim to reduce the congestion in the CBD. There is also a possibility of introducing a light rail service on George Street.
- Q: Are there future plans to exclude cars from bus corridors?
- A: Bus lanes do exclude cars but dedicated bus lanes free up the other lanes and lead to improved traffic flow. There is real value of bus lanes as it becomes far more safe and efficient for passengers boarding or exiting buses. It also encourages the community to utilize public transport which is of great benefit to the environment reducing traffic and emissions. One (1) full bus is equivalent to 50 cars on the road. It is also proposed in the future to create lanes especially for cars which will exclude buses.

Reference Points

1. That the Reference Group notes the presentation by Transport for NSW on the Rapid Bus Transit service proposed for the Northern Beaches.
2. That the group thanked Mr John Larcombe, Transport NSW, for providing the presentation items.
3. That this be a future Agenda item for the Connection Communities Reference Group.

CC4.2 Community Safety and Crime-related Issues Affecting the Pittwater Local Government Area

Proceedings in Brief

Mr Steve McCormack, NSW Police Service addressed the meeting on this item and provided the group with an update on crime and safety trends impacting the Pittwater community.

Discussion Points:

Domestic Violence

- Q: Has there been a decrease in regards to domestic violence and AVO's which involve parents and their children?
- A: The rate is infrequent of the AVO's in this respect and there has not been an increase in applications.
- Q: There are a lot of families in distress at the present time, with people under 18 years of age that have no rights; they witness a lot happening within the home. What pathways are available for them?
- A: Unfortunately the children do not have a lot of rights at a young age and Police need to work with parents or legal guardians to create the best possible outcome.
- Q: Do the schools monitor and report cases of children's behaviors which may be a result of trouble at home?
- A: Teachers in schools attend mandatory training to acquire the appropriate skills to deal with these situations. Children showing neglect are monitored. The teachers are taught to be the primary eyes and ears for the children with Principals being notified of abnormal behaviors.

Bus Safety

- Q. The Crime rate on the buses is widely reported, what is the general consensus about Police on buses?
- A. There are too many incidents for Police to cover. If there is a problem the public should contact the Police and they can jump on the bus line at any time.
- Q. From a public point of view, are passengers safer now than in previous years?
- A. Yes, with the increase in technology and communication services, we can alert bus drivers with any issues so that they can be aware of any problems/situations and vice versa. We also encourage the community to collaborate with the Police and not to engage with offenders and remind all residents to be careful in these situations.
- Q. Is 000 still the correct number to call in case of an emergency?
- A. Yes, all 000 numbers are recorded and are required to be forwarded onto the correct department. Calls to the local police station may be quicker but are not recorded.
- Q. There seems to be a drinking culture amongst the young. Why do you think younger generations drink in excess?
- A. In many cases, adults set the precedent. Adults buy alcohol and do not supervise the young.
- Q. In an attempt to raise further awareness, can we utilize the bus screens to convey important messages?
- A. Whilst it is a great idea, this is not supported by the bus services as it costs a significant amount to advertise.
- Q. There appears to be more issues in the Village Park, Mona Vale area on Thursdays – Saturdays. Can we apply for more resources in this area during this time to make the residents feel safer?
- A. It is more effective to have the police in their cars than on foot as the response time is quicker. This option provides the police the ability to protect the area and attend to any other problems or emergencies and is a more effective use of the resources. The Village Park area could have a direct video link/CCTV recording to Mona Vale Station.
-

Reference Points

The Reference Group thanked Steve McCormack, NSW Police Service for his presentation and time.

Note:

Mr Lindsay Godfrey, Community & Library Services left the reference group meeting at 5:44pm and did not return.

CC4.3 Bike Plan workshop

Proceedings in Brief

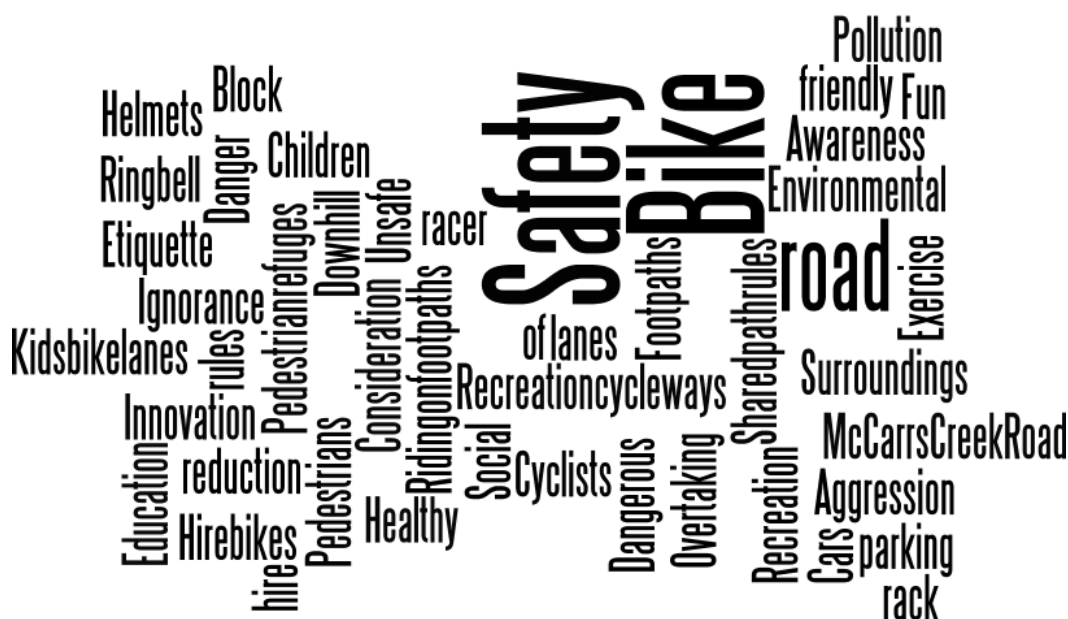
Michelle Carter, Road Safety Officer facilitated a workshop to establish a range of priorities and goals for the development of the new Pittwater Bike Plan.

The aim of the plan is to encourage an active Pittwater where cycling is supported as a travel choice around our town centres and villages can identify other important cycle linkages to destinations like beaches and parks and will cater to the needs and preferences of all riders from commuters to retirees and families to help develop and nurture a bike-friendly community.

A copy of the presentation provided to the group is attached to the minutes at **Attachment 2**.

Notes:

1. The group broke up into small groups to brainstorm and discuss the following topics:
 - Part 1 – Brainstorm words and thoughts when you hear the word bike
 - Part 2 – Vision statement – What the residents think the Bike Plan vision should be.
2. The following was identified from the Bike Plan workshop – how can we achieve our Bike Plan goals?



3. Vision Statement Inspiration

- To integrate cycling as a key component of local transport and healthier communities initiatives.
- Pittwater encourages cycling that ensures a safe environment for all.
- An area that is safe where we respect each other's needs and wants.
- Mix of uses requiring different services. All footpaths should be shared footpaths.
- By 2025 ____% more Pittwater people on bikes.
- My vision is for education of both cyclists and drivers and pedestrians where they have respect for each other.
- Continue to create and promote opportunities for the responsible expansion of the wonderful sporting benefits to cyclists.

Reference Points

That the verbal update by Ms Michelle Carter, Road Safety Officer on the bike plan and the discussions recorded during the workshop be noted.

CC4.4 Priorities workshop

Proceedings in Brief

David Bremner, Community Engagement Officer facilitated a workshop to establish a hierarchy of priorities for topics the group will address during its term.

REFERENCE GROUP RECOMMENDATION

David Bremner, Community Engagement Officer will send around a short survey asking about members' priorities for discussion items from the Community Strategic Plan. Member feedback will be summarized and noted at the following Connect Communities Meeting.

5.0 Emerging Business

Nil

6.0 Next Meeting

REFERENCE GROUP RECOMMENDATION

The next meeting of the Connecting Communities Reference group will be held on Wednesday, 4 November 2015 at the Coastal Environment Centre, Lake Park Road, North Narrabeen commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6:03PM
ON WEDNESDAY, 5 AUGUST 2015.**



Northern Beaches Bus Rapid Transit

Briefing for Pittwater Strategic Reference Group

5 August 2015

Outline

- Background:
 - Northern Beaches Transport Action Plan
- What is Northern Beaches BRT? Program scope to 2019:
 - Commuter car parking
 - Urban design strategy
 - Interchanges
 - Bus priority
 - Bus network redesign
- Benefits to Northern Beaches bus customers
- Questions?

Northern Beaches Transport Action Plan

- 2011 Election commitment: BRT for Northern Beaches
- 2013 pre-feasibility study: 'kerbside BRT' option
- June 2014: Northern Beaches Transport Action Plan



\$11 million for 'turn up-and-go' services and improved bus network

\$222 million over 5 years to get on with job of delivering kerbside Northern Beaches BRT:

- **\$125 million** for bus priority infrastructure on Pittwater, Military and Spit roads
- **\$30 million** for public transport interchanges at Mona Vale, Dee Why, Brookvale, Northern Beaches Hospital, Mosman, plus other modern bus stops
- **\$67 million** for up to 800 commuter car parking spaces at Mona Vale, Warriewood, North Narrabeen, Narrabeen and Brookvale



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Commuter car parking

Location	New spaces (approx.)	Concept
Mona Vale	150	• At-grade adjoining existing car park (<i>initial concept plan below left</i>)
Warriewood	250	• Multi-deck above existing car park (<i>Pittwater Rugby Park</i>)
Narrabeen	60	• At-grade adjoining existing car park
Dee Why	100	• Alternative to North Narrabeen, identified by council • Multi-deck above existing car park
Brookvale	250	• Share of multi-deck parking in NSWHL Community Health Facility (<i>concept option below right</i>)
Total	>800	



4

Interchanges and BRT Stops

Centre	Location / concept	Status
Mona Vale	<ul style="list-style-type: none"> Barrenjoey Road, south-east of town centre 	<ul style="list-style-type: none"> Concepts being developed in partnership with Pittwater Council as part of proposed Mona Vale town centre master plan
Dee Why	<ul style="list-style-type: none"> Pittwater Road / Howard Street / St David Avenue 	<ul style="list-style-type: none"> Concepts being developed in partnership with Warringah Council as part of new Dee Why town centre master plan
Brookvale	<ul style="list-style-type: none"> 612 Pittwater Road, Brookvale 	<ul style="list-style-type: none"> Location opposite Warringah Mall offers opportunities for future pedestrian bridge over Pittwater Road and connection to shops Completion by NSW Health Infrastructure in early 2017
Mosman	<ul style="list-style-type: none"> Greater Union cinema site on Spit Road (<i>shown below</i>) 	<ul style="list-style-type: none"> Concepts under early development
BRT Stops	<ul style="list-style-type: none"> Warriewood (at Car Park) Narrabeen Collaroy Neutral Bay 	<ul style="list-style-type: none"> Concepts under early development

What will new Interchanges and BRT Stops have?:

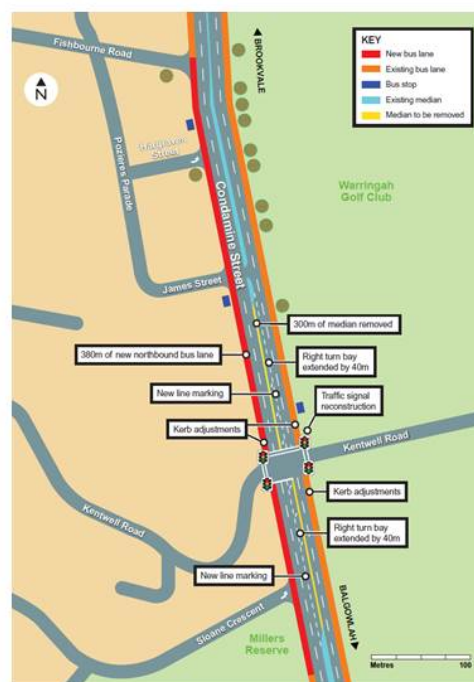
- Upgraded major bus stops with better customer security and customer features:
 - Off-board OPAL readers and top-up machines
 - Real-time information
 - Seating and other customer amenities, CCTV, public art...
- Improved walking and cycling access to interchanges and major stops



5

Bus priority

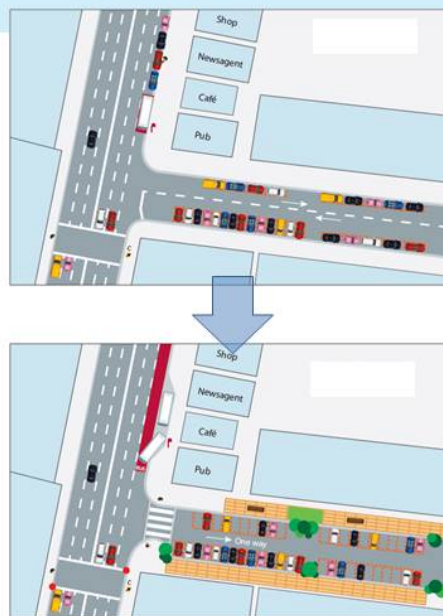
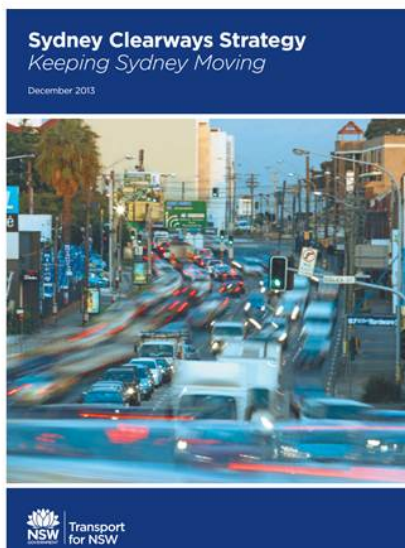
Section	Concept under development
Mona Vale to North Narrabeen	<ul style="list-style-type: none"> AM/PM peak Bus Lane missing links Indented bus bays, general traffic right turns, bus priority at traffic lights, red pavement, line-marking, signage, variable message signs
Narrabeen Bridge	<ul style="list-style-type: none"> Widen and upgrade to six lanes Incorporate shared cycleway
Narrabeen to Balgowlah	<ul style="list-style-type: none"> Bus priority treatment under construction at Condamine Street / Kentwell Road, Allambie Heights (<i>see right</i>) AM/PM peak Bus Lane missing links Bus lanes in both peak directions on Burnt Bridge Creek Deviation Indented bus bays, general traffic right turns, bus priority at traffic lights, red pavement, line-marking, signage, variable message signs
Spit Bridge	<ul style="list-style-type: none"> Subject to separate 'BeachesLink' project
The Spit to Neutral Bay	<ul style="list-style-type: none"> AM/PM peak Bus Lane missing links Tidal flow improvements, plus additional traffic projects as for northern sections



6

Policy requirements for Bus lanes

The strategy proposes that when parking is removed from a major road to extend a clearway, a similar quantity of alternative parking, based on parking demand should first be identified.



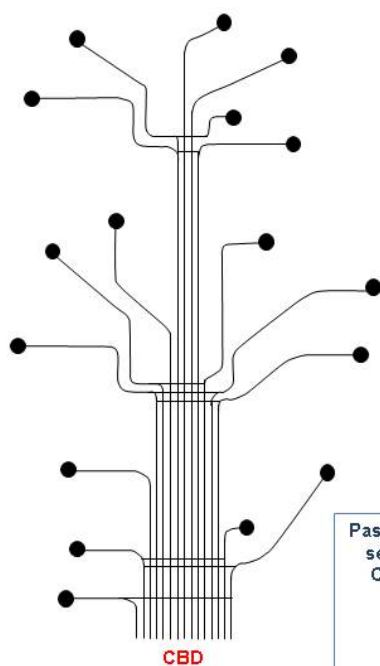
7

Active transport

Location	Project	Status
Newport	<ul style="list-style-type: none"> Off-road walking and cycling link on Barrenjoey Road, between Coles Parade and Neptune Road 	<ul style="list-style-type: none"> Funding confirmed and projects announced Projects under development in partnership with councils
Warriewood	<ul style="list-style-type: none"> New walking link along Lake Park Road and Collins Street Widened walking and cycling path along Pittwater Road to improve access to bus services Off-road shared path to BRT corridor, via Walsh and Collins streets and Narrabeen Park Parade 	
Narrabeen	<ul style="list-style-type: none"> Bicycle crossing on Pittwater Road at Ocean Street New walking links on Narrabeen, Devitt, Loftus, Octavia, Tourmaline, Lagoon and Octavia streets 	
Collaroy	<ul style="list-style-type: none"> Installation of pedestrian signals on Pittwater Road near Collaroy Beach SLSC car park Improved walking access along Homestead Avenue and Stuart Street Completing missing links in walking network along Ocean Grove, between Pittwater Road and Hay Street and between Jamieson Parade and Kent Street 	
Active transport strategy now being prepared for whole Northern Beaches BRT corridor, in partnership with SHOROC / councils; principal objective is to maximise walking and cycling access to BRT services		<ul style="list-style-type: none"> If additional active transport projects are identified and funding approved, development will start from 2017

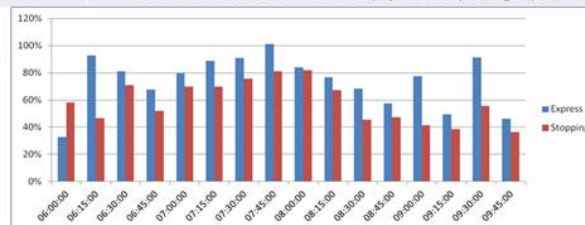
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Existing bus network



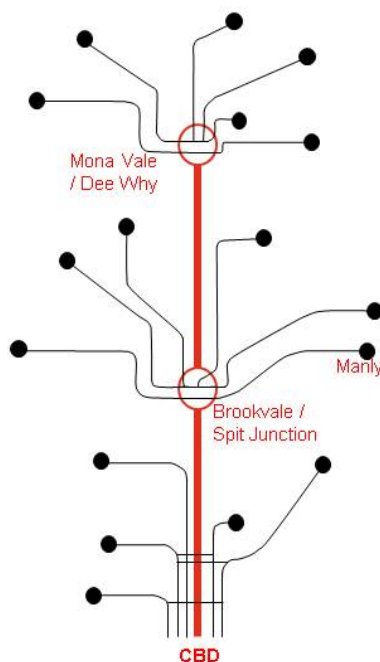
Features of 'radial bus network'	<ul style="list-style-type: none"> Most bus services using trunk route are to CBD Lower frequency (eg 30-minute off-peak) on local routes Higher frequency of services on trunk route, increasing towards CBD
Customer advantages	<ul style="list-style-type: none"> Single-seat bus trip from suburb to CBD Services are well established, recognisable and trusted
Customer disadvantages	<ul style="list-style-type: none"> Lower frequency of local services Local trips require transfer between lower-frequency services Bus congestion on approach to CBD Hard to navigate and confusing, especially on trunk route Does not facilitate 'hop-off / hop-on' local trips Inefficient fleet use, with empty seats (<i>see graphic below</i>)

Passenger-to-seat ratio on CBD-bound buses at Cremorne Junction



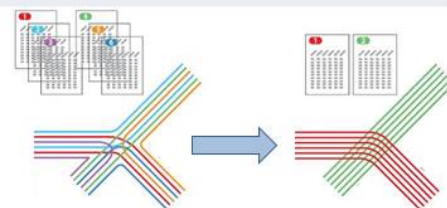
9

Possible network redesign – post 2019



Features of 'trunk-and-feeder bus network'	<ul style="list-style-type: none"> High frequency on local routes High frequency of services on trunk route, with extra short-running services to meet demand close to CBD All-day public transport through bus-bus transfer Can also include peak direct expresses (not shown)
Customer advantages	<ul style="list-style-type: none"> Buses are a realistic choice for more local trips Some bus trips become faster or easier, even with transfer No net increase in fare for bus-bus trips Opportunities to use transfer wait time for (eg) shopping Interchanging activates local centres Less empty seats and CBD congestion pressure
Customer disadvantages	<ul style="list-style-type: none"> Change to well-established system, especially in off-peak Bus-bus transfer for some existing single-seat trips Transfer experience may be unsatisfactory without fit-for-purpose bus-bus interchanges

From many routes with few services to fewer routes with many services



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Benefits of BRT to Northern Beaches bus customers

Benefit	How achieved	Comments
Reduced off-board waiting time	<ul style="list-style-type: none"> Improved end-to-end travel speeds, and service reliability, through: <ul style="list-style-type: none"> ✓ Easier access to stops ✓ More frequent services ✓ Bus priority ✓ Potential bus stop rationalisation ✓ Reduced dwell time at stops ✓ Simplified bus network 	<ul style="list-style-type: none"> Higher local service frequencies following network redesign
Improved public transport system reliability		<ul style="list-style-type: none"> Network redesign enables easier reallocation of bus assets to meet customer demand (eg for short-running services)
Reduced on-board journey time		<ul style="list-style-type: none"> Average end-to-end speed currently at or near 25km/h between Mona Vale and CBD; significantly worse for southern section
Better bus customer comfort	<ul style="list-style-type: none"> Higher standard of customer facilities at BRT interchanges and major stops Integration of bus customer facilities within retail or commercial land uses Replacement of older vehicles, including possible use of double-deckers 	<ul style="list-style-type: none"> New bus network needs to align with delivery of fit-for-purpose customer infrastructure, to improve transfer experience
Better integrated transport and land use outcomes	<ul style="list-style-type: none"> Incorporation of bus-bus interchange and commuter car parking within mixed use developments Value-add development outcomes, eg future affordable housing opportunities at BRT nodes 	<ul style="list-style-type: none"> Subject to council engagement and support

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Thank you

john.larcombe@transport.nsw.gov.au

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OVERVIEW

What we will cover

- Active Travel Strategy
- Bike Plan
 - Background
 - Engagement Update
 - Bike Plan Goals
 - Developing aims

Active Travel

Active Travel Strategy

- Guide active travel across Pittwater
- What is active travel?
- What will it cover?



BIKE PLAN BACKGROUND

- Existing Bike Plan 1997
- Innovative direction
- Bike Plan will cover
 - Infrastructure
 - Connecting villages
 - Networks and linkages
 - Shared path and on road
 - Education
 - Behavioral change



 **PITTWATER**
COUNCIL

COMMUNITY ENGAGEMENT

Update

- Cycling survey - 202 responses to date
- Post card
- Social media posts
- Council publications
- Discussions with residents groups



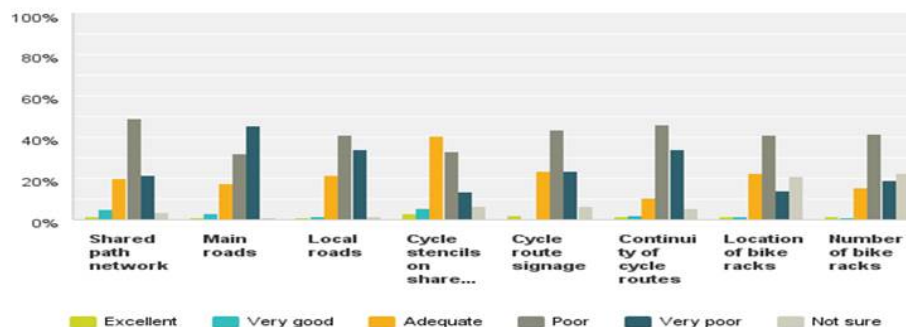
pittwater.nsw.gov.au/bikeplan

 **PITTWATER**
COUNCIL

Cycling Infrastructure

Q3 How would you rate cycling infrastructure in the Pittwater area?

Answered: 183 Skipped: 9



pittwater.nsw.gov.au/bikeplan



BIKE PLAN GOALS

Top 3

1. To expand the shared path network.
2. To improve the awareness and safety for cyclists.
3. To promote cycling as a travel option that provides a healthy and social experience

What are
your top
5 goals?



BIKE PLAN AIMS

Group activity

1. Review and discuss the Bike Plan goals.
2. Brain storm how we can do this?
3. Write down ideas.
4. Present to group.

How can we achieve our goals?



Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1	Review of the 10/50 Vegetation Clearing Entitlement Scheme
--------------	---

Meeting: Natural Environment Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Flora & Fauna

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To conserve and enhance native flora and fauna
- To promote the economic and social value of the Pittwater environment
- To manage vegetation to minimise the risk to life, property and the environment
- To sustainably manage urban forest tree canopy and native bushland

DELIVERY PROGRAM ACTION:

Ongoing partnership with the Rural Fire Service, particularly in provision of environmental assessment.

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

Following the issues associated with the implementation of the 10/50 Vegetation Clearing Entitlement Scheme in August last year, the Commissioner undertook to conduct a review. Submissions were sought at the end of last year and the findings of the review published in August 2015. The review was undertaken by the NSW Rural Fire Service and the Office of Environment and Heritage and was based on the 3759 submissions received. This review is provided as **Attachment 1**.

Whilst the entitlement to remove trees within 10m of a residence and other vegetation within 50m still exists, the review has made the following amendments including:

- exclusion all land parcels in the bio-certification areas;
- exclusion all land parcels within 100m of coastline and estuaries;
- exclusion all land parcels mangroves and saltmarsh previously it was only public land;
- changing buffers from prescribed stream to streams wider than 2m and wetlands;
- ability to reclassify small urban reserves from being bushfire prone subject to approval from the commissioner;
- offsets can be exempt subject to the use of 88Bcovenants;
- enforcement of any Court orders
- prevent clearing of vegetation contrary to conditions of development consent.

2.0 RECOMMENDATION

1. *That Pittwater Council continue to lobby the Commissioner of the NSW Rural Fire Service and Minister for Emergency Services to ensure that the 10/50 Vegetation Clearing Entitlement Scheme minimise impacts on Pittwater's urban forest, threatened species and endangered ecological communities.*
 2. *That Pittwater Council seek to have Coastal Littoral Rainforest excluded due to its restricted nature, small extent and lower fire risk.*
 3. *That Pittwater Council seek to have smaller reserves reclassified to remove them from the Bushfire Prone Lands mapping subject to the Commissioners approval.*
-

3.0 BACKGROUND

3.1 PURPOSE

This report outlines the changes developed with the review of the 10/50 Vegetation Clearing Entitlement Scheme. The review is in response to the potential misuse and environmental impacts described in many of the 3,579 submissions received regarding the code and its one size fits all approach to bushfire management. Pittwater Council made a formal submission on the 13th November 2014, Pittwater Councils submission is provided as **Attachment 2**.

3.2 BACKGROUND

The 10/50 Vegetation Clearing Entitlement was developed in response to the 2013 Blue Mountains bushfires that destroyed over 200 homes. The code is based on the Victoria model and allows home owners to remove trees within 10m of a residential property and "vegetation" within 50m of a residential property. The code came into effect on 1 August 2014 and initially there were 14,551 homes within the entitlement area. Following criticism of the scheme and the perception of misuse, the code was changed to mirror the bushfire prone lands with the number of properties within the entitlement area reduced to 6,760 properties.

Submissions were sought in November 2014 for a review of the code following extensive criticism of the scheme particularly in the Sydney metropolitan area. Almost 55% of the Pittwater LGA residential properties could then use the code to remove vegetation in line with the code. It became apparent that in many areas that were clearly not bushfire prone the code was being used to remove vegetation for numerous reasons including: increased views; preparation for increasing development footprint or ability to develop; etc.

The review was then moved forward from the initial two year interval to a one year period with the findings being published in August 2015.

3.3 POLICY IMPLICATIONS

The review impacts on the following Council policies;

- Local Environmental Plan – the review provides certainty around development consents and court determinations
- Development Control plan – the review provides certainty around protections required under development consents.
- Significant Tree Policy - the Scheme overrides this policy for private property.

3.4 RELATED LEGISLATION

The review impacts on the following Acts;

- Environmental Planning and Assessment Act - there are still concerns around protections for visual amenity, threatened species and neighbourhood character in areas classified as Bushfire Prone Lands, with the code overriding the Act.;
- Threatened Species Act - there are still concerns around protections for threatened species and communities other than those specifically excluded.

3.5 FINANCIAL ISSUES

3.5.1 Budget

- Nil

3.5.2 Resources Implications

- Nil

4.0 KEY ISSUES

4.1 Improvements to the Code

The number of properties able to utilise the Code has dropped from 14,550 when first introduced in August 2014. Following the first amendments, the number dropped to 6,760. Following the Review, the number is now approximately 4,500. The most applicable changes for the Pittwater LGA in the 10/50 Vegetation Clearing Entitlement Scheme include the following;

- exclusion of all land parcels in the bio-certification areas;

Whilst Biobanking sites for major and minor development were included in the initial scheme for exclusion, Biocertification was not. This has important ramifications for the Ingleside land release where the environmental impact assessment is to be mitigated for the majority of the area through the use of Biocertification. The inclusion of this exclusion in the review means certainty for protection of areas set aside for conservation as part of this process.

- exclusion of all land parcels within 100m of coastline and estuaries;

All land parcels within 100m of coastline or estuaries are now excluded. It is intended to reduce tree removal for view improvement, however the approximate slope to the top of Bayview is 800m, Newport 600m and McKay Reserve 400m.

- exclusion of all land parcels mangroves and saltmarsh previously it was only public land;

There are some land parcels of these marine endangered ecological communities in private ownership; they are clearly not bushfire prone.

- changing buffers from prescribed stream to streams wider than 2m and wetlands;

There are no prescribed streams in the Pittwater LGA, so this change provides some protection for riparian vegetation.

- ability to reclassify small urban reserves from being bushfire prone subject to approval from the commissioner;

There is the ability to change the classification of some of Council's reserves subject to approval. There are potentially a few reserves in the Pittwater LGA to which this may apply. Additionally, Category 2 vegetation has now been excluded.

- offsets can be exempt subject to the use of 88B covenants;

This provides an alternate to Biobanking with negotiated offsets now allowed to be excluded from the code.

- enforcement of any Court orders;

The Scheme previously overrode Court orders that were made regarding protection of trees, vegetation and habitats.

- prevent clearing of vegetation contrary to conditions of development consent;

This provides certainty for development applications. Currently development in Bushfire Prone Lands requires the applicant to undertake a bushfire risk assessment and meet the requirements of Australian Standard A3959. However, until the review changed this, the code overrode development consents allowing even those properties which had met the requirements of AS3959 (frequently vegetation removal) to use the code and remove further vegetation.

4.2 Continuing concerns

Whilst the changes are welcomed and are mainly well considered there are still many issues around the Scheme. Obviously the most noticeable is the need for the code at all in urbanised areas where there is little recent bushfire activity and the urban forest has been seriously altered. There are also concerns around the following:

- Only World Heritage Areas, Ramsar Wetlands, Koala Habitat, certain Critically Endangered Ecological Communities, Critically Endangered vegetation and SEPP 14 Wetlands & SEPP 26 Coastal Littoral Rainforest have been excluded. None of these exist in the Pittwater LGA. Coastal Littoral Rainforest (CLR) exists in very small pockets but is not included in the metropolitan area so not included in SEPP 26 in the metropolitan area. Fortunately most CLR is Category 2 vegetation and is now excluded although not where it is adjacent to Category 1.
- The use of compliance warnings within the online tools. The online tool has warnings around issues such as geotechnical problems, issues relating to wildlife and not using the code if you have prohibitive development consents, etc. These exist as properties can't be removed from the mapping due to limits on mapping for these properties. However, it will be incumbent on Local Government to ensure compliance with these compliance issues. This will obviously add complexity to the enforcing compliance.

- The ongoing issue of the code continuing to be used to clear vegetation and remove trees for reasons other than bushfire management and the continued impact on amenity, flora and fauna and geotechnical problems

5.0 ATTACHMENTS / TABLED DOCUMENTS

- Attachment 1 – Review of the 10/50 Vegetation Clearing Entitlement Scheme
- Attachment 2 – Submission for the Review of the 10/50 Vegetation Clearing Code of practise.

SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

The actions to date on the 10/50 Vegetation Clearing Code have resulted in significant changes being made to improve legislation that may significantly affect the Pittwater and effectively reduce the ability of the community and Pittwater Council to implement the community based strategic plan.

6.1.2 Risk Management

The actions to date on the 10/50 Vegetation Clearing Code seek to improve legislation that may improve the safety of residents. Council along with the NSW Rural Fire Service and NSW Fire and Rescue have undertaken significant efforts to reduce bushfire risk to the community. It is still unclear that in such an urbanised area that the Scheme is still required.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

The review of the 10/50 vegetation Clearing Code was an opportunity for Council to advocate for our desired environmental outcomes and express concerns regarding environmental conservation and management that may be affected by implementation of the Code. Whilst there have been many substantial changes there are still some issues around threatened species and removal of Pittwater's urban forest. The need for this legislation in a highly urban environment, particularly the habitat of threatened species and endangered ecological communities is still not clear.

6.2.2 Mitigation Measures

Pittwater Council should seek to have Coastal Littoral rainforest excluded due to its small extent and lower fire risk. Additionally, Pittwater Council should seek to have smaller reserves reclassified to remove them from the Bushfire Prone Lands mapping subject to the Commissioners approval. The need for this legislation in a highly urban environment, particularly the habitat of threatened species and endangered ecological communities is still not clear.

6.3 **SOCIAL**

6.3.1 **Address Community Need & Aspirations**

Through the initial public pressure the 10.50 Vegetation Clearing Code Scheme was review was moved forward. There was concern that the community's sense of identity, culture and place through excessive tree canopy loss changing the character of Pittwater. This was not only the case in Pittwater but in many areas. This has led to over 3500 submissions on the scheme and the significant amendments being made.

6.3.2 **Strengthening local community**

The scheme was introduced to increase the safety of the public following the Blue Mountains bushfires. However, clearly the loss of vegetation wrought by misuse of the code has encouraged the community to take action. Whilst the review has significant changes has it gone far enough?

6.4 **ECONOMIC**

6.4.1 **Economic Development**

The actions to date of the 10/50 Vegetation Clearing Code may impact on Pittwater's scenic character, which may have knock-on economic effects, particularly in terms of tourism.

Report prepared by

Mark Beharrell

MANAGER, NATURAL ENVIRONMENT & EDUCATION

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Working Group Recommendations

Recommendation 1 – exclude World Heritage and Ramsar wetlands

That clause 7.2 of the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within:

- a) World Heritage areas and
- b) Ramsar wetlands

maps as provided by the Office of Environment and Heritage, from the operation of the 10/50 scheme.

Recommendation 2 – exclude core koala habitat in comprehensive Koala Plans of Management

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within mapped core koala habitats for comprehensive Koala Plans of Management as provided by the Department of Planning and Environment, from the operation of the 10/50 scheme.

Recommendation 3 – exclude certain critically endangered ecological communities, critically endangered plants and critical habitat

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within:

- a) Agnes Bank woodland in the Sydney Basin region
 - Blue Gum High Forest in the Sydney Basin Bioregion
 - Cumberland Plain Woodland in the Sydney Basin Bioregion
 - Elderslie Banksia scrub forest
 - Hygrocybeae community of Lane Cove Bushland Park
 - Kincumber Scribbly Gum Forest
 - Shale Sandstone Transition Forest in the Sydney Basin Bioregion
 - Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion
- b) records of critically endangered plants and
- c) land mapped as critical habitats.

from the operation of the 10/50 scheme. These areas will be mapped in the 10/50 online tool based on information provided by the Office of Environment and Heritage

Recommendation 4 – exclude State Environmental Planning Policies 14 (Coastal Wetlands) and 26 (Littoral Rainforest), and wetlands in Sydney Regional Environmental Plans for Sydney Harbour and the Hawkesbury Nepean

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within:

- a) State Environmental Planning Policy 14 (Coastal Wetlands) and wetlands mapped under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River (No 2 – 1997), and
- b) State Environmental Planning Policy 26 (Littoral Rainforest)

maps as provided by the Department of Planning and Environment, from the operation of the 10/50 scheme.

Recommendation 5 – exclude vegetation identified as part of the bio-certification of the Sydney Region Growth Centres

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within mapped areas of high environmental significance identified as part of the bio-certification of the Sydney Region Growth Centres based on information provided by the Department of Planning and Environment from the operation of the 10/50 scheme.

Recommendation 6 – exclude land parcels within 100 metres of the coastline or estuaries

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude all parcels of land (lots) that are wholly or partly within 100 metres of:

- a) the NSW coastline map
- b) mapped estuaries

as provided by Land and Property Information from the operation of the 10/50 scheme.

Recommendation 7 – exclude mangroves and saltmarshes

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude all mangroves and saltmarshes from the operation of the 10/50 scheme, by removing the term 'public land' from the current clause.

Recommendation 8 – exclude Lord Howe Island

That Lord Howe Island be excluded from the operation of the 10/50 scheme.

Recommendation 9 – provide education on impacts to wildlife

That the 10/50 Vegetation Clearing Code of Practice and NSW Rural Fire Service Frequently Asked Questions be updated to provide advice to landowners on impacts which may occur to wildlife as a result of the 10/50 scheme.

Recommendation 10 - expand the definition of tree to limit clearing of multi-stemmed trees beyond 10 metres

That section 100P of the *Rural Fires Act 1997* be amended to state that a tree is a *perennial woody plant having one or more self supporting trunks and which is 3 or more metres in height and a trunk of which has a circumference of 1.3 metres above the ground of more than 0.3 metres*. Vines and shrubs will continue to be excluded from the definition.

Recommendation 11 – clarify the distance at which a tree may be removed

That the *Rural Fires Act 1997* be amended to clarify the distance for a tree to be removed is defined by the distance of the trunk from the residential accommodation or high risk facility, being any part of the trunk of the tree measured at 1.3 metres that is within 10 metres of a residential accommodation or high risk facility.

Recommendation 12 – provide advice on native versus non-native vegetation

That the NSW Rural Fire Service Frequently Asked Questions be updated to advise that the scheme applies to both native and non-native vegetation.

Recommendation 13 – protect riparian buffers by extending to more streams and wetlands

That:

- a) the Prescribed Stream layer be removed from the online tool, and replaced with a general requirement to exclude clearing of vegetation within 10 metres of wetlands and streams that are 2 metres or more in width between the highest banks of streams. This amendment will also be reflected in the 10/50 Vegetation Clearing Code of Practice
- b) That the 10/50 Vegetation Clearing Code of Practice be amended to include definitions of 'waterbody', 'wetland' and 'stream' to define what a riparian buffer relates to.

Recommendation 14 – improve soil erosion measures by amending conditions

That clause 7.5 of the 10/50 Vegetation Clearing Code of Practice be amended to clarify:

- a) that vegetation must not be removed below ground surface
- b) the requirement for ground cover to be retained
- c) the types of heavy machinery which cannot be used for this purpose.

Recommendation 15 – reduce landslip risks

That the 10/50 Vegetation Clearing Code of Practice be amended to clarify that landowners have a duty of care in the appropriate management of soil erosion and landslip risks when clearing vegetation under the 10/50 scheme.

Landowners will not be exempt from civil liability as a result of negligence or damage occurring during landslip and soil erosion as a result of their clearing.

Recommendation 16 – exclude Aboriginal Places

That clause 7.7 of the 10/50 Vegetation Clearing Code of Practice will be amended to provide that all land parcels that are wholly or partly within Aboriginal Places maps as provided by the Office of Environment and Heritage be excluded from the operation of the 10/50 scheme.

Recommendation 17 – protect Aboriginal culturally modified trees through new conditions

That:

- a) clause 7.7 of the 10/50 Vegetation Clearing Code of Practice will be amended to provide that all land parcels that are wholly or partly within maps identifying culturally modified trees as provided by the Office of Environment and Heritage contain requirements to be addressed by the landowner preventing the clearing of any culturally modified trees.
- b) if land is identified by the NSW Rural Fire Service on-line tool as containing culturally modified trees then the landowners be required to view the Office of Environment and Heritage's *Guide to Identify Culturally Modified Trees* to determine if the tree they wish to clear meets the required criteria.

Recommendation 18 – exclude local heritage trees

That clause 7.7 of the 10/50 Vegetation Clearing Code of Practice be amended to provide that all land parcels that are wholly or partly within areas mapped as Local Heritage, as provided by the Department of Planning and the Environment, be excluded from the operation of the 10/50 scheme. The NSW Rural Fire Service online tool will be updated to reflect this change.

Recommendation 19 – expand the re-classification of small bushland reserves for category 2 vegetation and exclude from the 10/50 vegetation clearing entitlement area

That:

- a) Category 2 vegetation be excluded from the operation of the 10/50 scheme.
- b) the *Guide to Bush Fire Prone Land Mapping* be amended to expand the classification of small bushland reserves made up of Category 1 vegetation to be classed as Category 2 vegetation.
- c) any re-classification of small urban bushland reserves from Category 1 to Category 2 vegetation be subject to a written justification by Councils for the approval of the Commissioner of the NSW Rural Fire Service. The justification must be able to substantiate the bush fire hazard requirements on which the re-classification is being sought.

Recommendation 20 – create a new Category 3 to provide a different buffer for grasslands and arid shrublands and retain current buffer distances for Category 1.

That a new Category – Category 3 be created to include grasslands, arid shrubland and other lower risk vegetation types. This category will have a 30 metre buffer and be subject to the 10/50 scheme. That the interim 100 metre buffer for Category 1 be maintained for the purposes of the 10/50 Vegetation Clearing entitlement area.

Recommendation 21 – exclude clearing adjacent to non combustible exempt developments

That non-combustible exempt developments such as decks which have been constructed according to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* be excluded from the definition of 'external wall'.

Recommendation 22 – clarify that ecotourism facilities are excluded from the scheme

That the NSW Rural Fire Service's Frequently Asked Questions be updated to make clear that ecotourism facilities are not captured under the 10/50 vegetation clearing entitlement scheme.

Recommendation 23 – clarify that clearing can only be undertaken once lawful authority for occupancy has been obtained

That the 10/50 Vegetation Clearing Code of Practice definition of 'habitable rooms' be amended to specify that it only applies to a building containing habitable rooms that has a lawful authority for occupancy for those rooms.

Recommendation 24 – expansion of the list of legal agreements/obligations that exclude 10/50

That clause 7.8 of the 10/50 Vegetation Clearing Code of Practice be amended to include the following agreements:

- a) covenants under section 88B of the *Conveyancing Act 1919*, which have been used to secure 'offsets' on land
- b) Enforcement instruments and any Court orders (e.g. local court, Land and Environment Court) to protect vegetation.

Recommendation 25 – prevent clearing of vegetation contrary to conditions of development consent

That clause 7.8 of the 10/50 Vegetation Clearing Code of Practice be amended to prevent clearing of vegetation contrary to development consent conditions attached to the land (e.g. development consents and complying certificates).

Recommendation 26 – landowners to obtain consent of their neighbour if using the distance from their neighbour's building to clear

That section 100R of the *Rural Fires Act 1997* be amended to include a provision requiring landowners to obtain the written consent of all neighbours for which they are using the distance from those neighbour's building to clear vegetation on their own property.

Recommendation 27 – extend the clearing entitlement to farm sheds

That section 100R(1) the *Rural Fires Act 1997* be amended to provide that the 10/50 scheme extends to the external wall of a building that comprises or is part of a farm shed.

Recommendation 28 – exclude clearing within national parks and nature reserves adjacent to buildings

That National Parks be excluded from the operation of the 10/50 scheme; national parks being inclusive of any land that is dedicated or reserved, or acquired for the purpose of dedication or reservation under the *National Parks and Wildlife Act 1974*.

Recommendation 29 – improve the NSW Rural Fire Service online tool

That adjustments be made to the NSW Rural Fire Service online tool to improve its functionality. The NSW Rural Fire Service will work with Land and Property Information in the conduct of this work.

Recommendation 30 – prepare practice notes to inform specific planning system interactions

That the Department of Planning and Environment work with the NSW Rural Fire Service and local councils in the development of practice notes to guide understanding on the relationship between the 10/50 vegetation clearing entitlement scheme and NSW planning system.

Introduction

Introduction to the *Rural Fires Act 1997*

The *Rural Fires Act 1997* establishes the legislative framework for the prevention, mitigation and suppression of rural fires in NSW. The objects of the Act are to provide for the:

- “(a) prevention, mitigation and suppression of bush and other fires in local government areas and other parts of NSW (constituted as rural fire districts)
- (b) co-ordination of bush fire fighting and bush fire prevention throughout NSW
- (c) protection of persons from injury or death, and property from damage, arising from fires
- (c1) protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires, and
- (d) protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1997”

These objects are achieved through various regulatory mechanisms for bush fire prevention and mitigation. For example, under the *Rural Fires Act 1997* landowners are responsible for carrying out hazard reduction activities to protect existing dwellings, major buildings and other assets susceptible to fire.

Under the Act, landowners can apply for a bush fire hazard reduction certificate to clear land for this purpose. Approval for hazard reduction work is granted by an issuing authority; this is usually the NSW Rural Fire Service but can sometimes be other authorities such as councils if the land is bush fire prone.

Other key provisions contained in the *Rural Fires Act 1997* include:

- the establishment of local Bush Fire Management Committees and the requirement for Bush Fire Risk Management Plans to be developed
- the introduction of Bush Fire Environmental Assessment Codes for land
- permit and notice requirements
- the issue of bush fire safety authorities for bush fire prone land that may be used for rural, residential or special fire protection purposes.

Division 9 Vegetation Clearing Work

On 1 August 2014 the *Rural Fires Amendment (Vegetation Clearing) Act 2014* came into effect. The Act amended the *Rural Fires Act 1997* by inserting a new Division to provide for the 10/50 vegetation clearing entitlement scheme. The principal sections of the Division which relate to the scheme are sections 100R and 100Q.

100Q The 10/50 Vegetation Clearing Code of Practice

Section 100Q states:

- "(1) The Commissioner is to prepare a 10/50 Vegetation Clearing Code of Practice for the carrying out of vegetation clearing work on land situated within a 10/50 vegetation clearing entitlement area pursuant to section 100R. The Code of Practice must (without limitation) deal with the following:*
- (a) the type of vegetation that can and cannot be cleared, including the types of trees,*
 - (b) the circumstances in which vegetation should be pruned and not entirely removed,*
 - (c) use of herbicides,*
 - (d) managing soil erosion and landslip risks,*
 - (e) protection of riparian buffer zones,*
 - (f) protection of Aboriginal and other cultural heritage,*
 - (g) protection of vegetation that the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve by agreement or otherwise.*
- (2) The Commissioner may amend the 10/50 Vegetation Clearing Code of Practice from time to time.*
- (3) The 10/50 Vegetation Clearing Code of Practice prepared under this section, including any amendment of the Code:*
- (a) must be published in the Gazette, and*
 - (b) takes effect on the day on which it is published in the Gazette.*
- (4) The 10/50 Vegetation Clearing Code of Practice is to be made publicly available, as soon as practicable after publication in the Gazette:*
- (a) by publishing it on the NSW Rural Fire Service website, and*
 - (b) by providing it as a hardcopy, on request and without charge, to any owner of land situated within a 10/50 vegetation clearing entitlement area."*

The 10/50 Vegetation Clearing Code of Practice was prepared in collaboration with the NSW Rural Fire Service, the Office of Environment and Heritage and the then Department of Planning. It is a living document which outlines how vegetation clearing within a 10/50 area is to be undertaken.

The Code addresses each of the requirements provided under section 100Q(1)(a)-(g) in detail. To illustrate, the Code explains that:

- all vegetation other than mangroves and salt marshes on public land may be cleared (section 100Q1(a))
- clearing of vegetation within 10 metres of a prescribed stream, as identified by the Office of Environment and Heritage is not permitted (section 100Q(1)(e))

Consultation

Consultation process

Initial consultation process

A number of concerns regarding the 10/50 vegetation clearing entitlement scheme were raised with the NSW Rural Fire Service following its introduction on 1 August 2014. These related to:

- the vegetation clearing entitlement area: the maps not being made available as part of the public exhibition process, and the extent of the buffers for the vegetation clearing entitlement area
- concerns regarding the timeframe of the public exhibition of the draft 10/50 Vegetation Clearing Code of Practice
- limited provision for the protection of the environment and general impacts of the 10/50 scheme.

The 10/50 vegetation clearing entitlement area

On 1 August 2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* amended the *Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979* to provide significant improvements in bush fire safety. This included a requirement for the preparation of a bush fire prone land map identifying vegetation within local government areas that has the potential to support a bush fire.

The bush fire prone land map is the trigger for the consideration of bush fire protection measures for new development (*Planning for Bush Fire Protection* and *Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas*).

The vegetation that councils map for the purpose of bush fire prone land maps is the vegetation that the NSW Rural Fire Service uses as the basis for determining a 10/50 vegetation clearing entitlement area. The vegetation in the bush fire prone land maps is identified as either Category 1 or Category 2 based on the bush fire risk of the vegetation.

Category 1 vegetation includes forest, woodlands, heath and forested wetlands greater than 1 hectare in size. This category is the most hazardous in terms of bush fire risk. Category 2 vegetation includes rainforest, shrubland, mallee, grasslands, freshwater wetlands and pockets of Category 1 vegetation less than 1 hectare within close proximity to other mapped vegetation. Category 2 vegetation poses less risk from bush fire than Category 1.

The buffers for the 10/50 vegetation clearing entitlement area were developed using national research which demonstrated that nearly 100 percent of homes lost during bush fires occurred within 350 metres of bushland. Accordingly, the 10/50 vegetation clearing entitlement area covered residential accommodation and high risk facilities within 350 metres of both Category 1 and Category 2 bush fire prone vegetation.

A number of councils and community groups expressed concerns about the application of the buffer, particularly to smaller parcels of land. Following discussions with councils, site inspections

Review process

The NSW Rural Fire Service, Office of Environment and Heritage and Department of Planning and Environment prepared the initial 10/50 Vegetation Clearing Code of Practice.

These agencies considered the submissions received, and continued to work with each other in the discussion and development of recommendations for the areas in which they have portfolio responsibility.

A number of themes emerged from a review of the submissions. These themes, and the resulting recommendations, are discussed in more detail in the following pages.

Findings of the Review

Administrative issues

Moratorium or repeal of the 10/50 scheme

The issue of a moratorium was raised in submissions to the Review. The request for a moratorium was to enable vegetation clearing work to be suspended while the Review was underway.

While a moratorium would have the effect of suspending any vegetation clearing work being undertaken under the 10/50 scheme, it would have failed to protect those parts of the community, which utilise the scheme for genuine fire protection purposes.

Similarly, many submissions to the Review suggested a complete repeal of the 10/50 scheme. The basis for repeal was similar to that proposed for the moratorium (i.e. abuse of the scheme for purposes other than bush fire protection).

The recommendations contained in the report are a direct response to issues of greatest concern to stakeholders. While concerns regarding the scheme may continue, these should be mitigated through the recommendations, which strike an appropriate balance between environmental and cultural concerns of the community, the ability for the scheme to better operate within the planning framework, and the protection of life and property from bush fire.

These revised arrangements will effectively address stakeholder concerns for which a moratorium or repeal was being sought. On that basis, moratorium or repeal of the scheme is not supported by the Review.

Approvals and Site Assessment

A number of submissions sought that the self-assessment process be replaced with an approval process that included a site assessment by government authorities. It was noted that the Bush Fire Environmental Assessment Code was a good model with Bush Fire Hazard Reduction Certificates issued by the NSW RFS in most cases along with local government in some cases.

The 10/50 Scheme was introduced by the Government to reduce red tape and provide for landowners to self-manage vegetation on their property in areas at risk from bush fire events. Establishing an approval process would not align with this intent. In addition, the NSW RFS is not resourced to operate to address requests by the residents of NSW to clear single trees.

The Review does not support the replacement of the self-assessment process with an approval process that includes a site assessment.

Landowners are still able to utilise the *Bush Fire Environmental Assessment Code* with bush fire hazard reduction certificates if they fall outside the 10/50 vegetation clearing entitlement area or wish to have a site assessment.

Councils may prepare comprehensive Koala Plans of Management under SEPP 44 that include mapped core koala habitat. These maps have not been collated for NSW; they reside with the individual councils.

The Review agrees that additional protections for core Koala habitats be provided under the 10/50 scheme.

The Department of Planning and Environment has agreed to collate core koala habitat areas identified in comprehensive Koala Plans of Management for inclusion into the NSW Rural Fire Service online tool. Core koala habitat identified within site specific Koala Plans of Management will not be excluded from the operation of the 10/50 scheme. These sites have been subject to merit assessment and conserve core koala habitat by controlling subdivision and development through conditions of consent and other legal agreements.

This amendment will be achieved through an update to the 10/50 Vegetation Clearing Code of Practice and the NSW Rural Fire Service online tool.

Recommendation 2 – exclude core koala habitat in comprehensive Koala Plans of Management

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within mapped core koala habitats for comprehensive Koala Plans of Management as provided by the Department of Planning and Environment, from the operation of the 10/50 scheme.

Excluding threatened species, habitat or ecological communities from the operation of the 10/50 scheme is problematic as mapping for all threatened entities is not complete nor accurate at the property scale, particularly near homes on private properties. It is also of note that the intent of the 10/50 scheme is to provide for bush fire safety considerations, and that the operation of the scheme is close to homes, where habitat characteristics are likely to be highly managed environments.

The NSW Scientific Committee under the *Threatened Species Conservation Act 1995* determines listings of threatened species and ecological communities and decides on their level of risk, from the most at risk of extinction ('critically'), through to 'vulnerable'. Critically endangered plants, and (where appropriate mapping is available), critically endangered ecological communities could be excluded.

Critically endangered animals include mobile and often wide ranging species; as the existing mapping is not accurate at the site scale, it is not feasible to exclude all potential habitat areas from the 10/50 Code.

Areas where fine scale mapping is available for Critically Endangered Ecological Communities, along with records of Critically Endangered Plants could be used to exclude properties from the operation of the 10/50 scheme. These 10/50 excluded ecological communities are:

- a) Agnes Bank woodland in the Sydney Basin Bioregion
- b) Blue Gum High Forest in the Sydney Basin Bioregion

- c) Cumberland Plain Woodland in the Sydney Basin Bioregion
- d) Elderslie Banksia scrub forest
- e) Hygrocybeae community of Lane Cove Bushland Park
- f) Kincumber Scribbly Gum Forest
- g) Shale Sandstone Transition Forest in Sydney Basin Bioregion
- h) Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion.

Critically Endangered Ecological Communities for which fine scale maps do not exist will not be excluded from the operation of the 10/50 scheme. It should be noted that these are not located in densely populated areas.

Other Threatened Ecological Communities are generally not mapped at the fine scale.

Although identified areas will be excluded from 10/50 arrangements, landowners may still apply for a bush fire hazard reduction certificate where required.

The Review subsequently recommends that listed critically endangered ecological communities and records of critically endangered plants be excluded from the operation of the 10/50 scheme.

Critical habitat as mapped by the Office of Environment and Heritage will also be excluded from the operation of the 10/50 Code. This will be achieved through an amendment to clause 7.2 of the 10/50 Vegetation Clearing Code of Practice and an update to the NSW Rural Fire Service online tool.

Recommendation 3 – exclude certain critically endangered ecological communities, critically endangered plants and critical habitat

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within:

- a) Agnes Bank woodland in the Sydney Basin region
 - Blue Gum High Forest in the Sydney Basin Bioregion
 - Cumberland Plain Woodland in the Sydney Basin Bioregion
 - Elderslie Banksia scrub forest
 - Hygrocybeae community of Lane Cove Bushland Park
 - Kincumber Scribbly Gum Forest
 - Shale Sandstone Transition Forest in the Sydney Basin Bioregion
 - Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion
- b) records of critically endangered plants and
- c) land mapped as critical habitats.

from the operation of the 10/50 scheme. These areas will be mapped in the 10/50 online tool based on information provided by the Office of Environment and Heritage.

A review of submissions and discussion with agencies identified that all land associated with areas of high environmental significance identified as part of the bio-certification of the Sydney Growth Centres should be excluded from the operation of the 10/50 scheme. This is supported by the Review.

Recommendation 5 – exclude vegetation identified as part of the bio-certification of the Sydney Region Growth Centres

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude land parcels (lots) which are wholly or partly within mapped areas of high environmental significance identified as part of the bio-certification of the Sydney Region Growth Centres based on information provided by the Department of Planning and Environment from the operation of the 10/50 scheme.

State Environmental Planning Policy No 71—Coastal Protection applies to the NSW Coastal Zone and aims to foster a strategic and consistent approach to coastal planning and management.

A review of submissions and discussion with agencies identified that all land parcels (lots) that are wholly or partly within 100 metres of the NSW coastline (including all estuaries) should be excluded from the operation of the 10/50 scheme. This is supported by the Review.

To ensure that the visual amenity of the coast is protected, to protect and preserve beach environments and beach amenity, and to protect and preserve native coastal vegetation, removal of vegetation for bush fire risk management purposes would be more appropriate under existing hazard reduction and tree preservation assessment processes.

Recommendation 6 – exclude land parcels within 100 metres of the coastline or estuaries

That the 10/50 Vegetation Clearing Code of Practice be amended to exclude all parcels of land (lots) that are wholly or partly within 100 metres of:

- a) the NSW coastline map
- b) mapped estuaries

as provided by Land and Property Information from the operation of the 10/50 scheme.

Stakeholders also considered that all mangroves and saltmarshes (estuarine habitats which support a variety of fish, birds and other animals) be excluded from the operation of the scheme. Mangroves and saltmarsh have high biodiversity value and present a low bush fire risk.

Based on advice from NSW Fisheries, mangroves and saltmarsh are expected to occur only on public land. Current state-wide mapping of these vegetation types is not at an extent that could inform mapping on a property scale. The Review understands that NSW Fisheries have mangrove and saltmarsh Fact Sheets available to the public to assist in the identification of these types of vegetation.

The exclusion of mangroves and saltmarshes from the 10/50 scheme is also supported by the Review. Clause 7.2 of the 10/50 Vegetation Clearing Code of Practice will be updated to reflect this amendment and any relevant mapping incorporated into the online tool.

For Category 1 bushland this distance is based on the research above and accounts for approximately 85% of historical house loss. The Review considers that the current distances in the 10/50 Vegetation Clearing entitlement area are a pragmatic application that is available to the public in the absence of detailed site assessment and should be retained.

Removal of Category 2 vegetation from the 10/50 scheme

As Category 2 vegetation has a considerably lower bush fire risk, it is proposed that the operation of the 10/50 scheme will not apply in those areas (including the associated buffer).

The Review also recommends that councils have the ability propose the re-classification of small bushland reserves from Category 1 vegetation to Category 2 vegetation. To achieve this it is recommended that the Guide to Bush Fire Prone Land Mapping be amended to enable councils to re-classify small bushland reserves made up of Category 1 vegetation to be classed as Category 2 vegetation.

It is proposed that this re-classification be subject the requirement of a written justification by councils for the approval of the Commissioner of the NSW Rural Fire Service. The justification must be able to substantiate bush fire hazard requirements on which the re-classification is being sought.

Recommendation 19 – expand the re-classification of small bushland reserves for category 2 vegetation and exclude from the 10/50 vegetation clearing entitlement area

That:

- a) Category 2 vegetation be excluded from the operation of the 10/50 scheme.
- b) the *Guide to Bush Fire Prone Land Mapping* be amended to expand the classification of small urban bushland reserves made up of Category 1 vegetation to be classed as Category 2 vegetation.
- c) any re-classification of small urban bushland reserves from Category 1 to Category 2 vegetation be subject to a written justification by Councils for the approval of the Commissioner of the NSW Rural Fire Service. The justification must be able to substantiate the bush fire hazard requirements on which the re-classification is being sought.

As part of this amendment, a new category, Category 3 will be created which will contain grasslands and other vegetation such as arid shrubland and will have a 30 metre buffer. The map for Category 3 will be introduced initially as an interim map, solely for the purposes of 10/50, however it will be introduced into bush fire prone land mapping over a 3 year period as part of the standard re-certification process with councils.

Recommendation 20 – create a new Category 3 to provide a different buffer for grasslands and arid shrublands and retain current buffer distances for Category 1.

That a new Category – Category 3 be created to include grasslands, arid shrubland and other lower risk vegetation types. This category will have a 30 metre buffer and be subject to the 10/50 scheme.

- c. A pastoralist undertaking the rearing or grazing of livestock such as horses, cattle, and sheep for the purpose of selling them or their bodily produce.

However it does not include processing facilities that do not obtain any produce input from the same land that the processing facility occurs on.

It is proposed that section 100R(1) the *Rural Fires Act 1997* be amended to provide that the 10/50 scheme extends to the external wall of a building that comprises or is part of a farm shed.

Recommendation 27 – extend the clearing entitlement to farm sheds

That section 100R(1) the *Rural Fires Act 1997* be amended to provide that the 10/50 scheme extends to the external wall of a building that comprises or is part of a farm shed.

National Parks

National Parks remain the cornerstone of biodiversity conservation in NSW and are managed for the purpose of conserving cultural and natural values. For national parks in NSW there is a pre-existing bush fire risk planning and management framework. There are also a range of approval mechanisms available to address vegetation clearing for bush fire hazard reduction on and around parks.

It is recommended that national parks be excluded from the operation of the 10/50 scheme by removal from the 10/50 Vegetation Clearing Entitlement Area. This removal will not remove any buffer (and therefore clearing entitlement) on adjoining land.

National parks are inclusive of any land that is dedicated or reserved, or acquired for the purpose of dedication or reservation under the *National Parks and Wildlife Act 1974* as mapped and provided by the Office of Environment and Heritage.

Recommendation 28 – exclude clearing within national parks and nature reserves adjacent to buildings

That National Parks be excluded from the operation of the 10/50 scheme; national parks being inclusive of any land that is dedicated or reserved, or acquired for the purpose of dedication or reservation under the *National Parks and Wildlife Act 1974*.

Online tool

As a general issue, submissions proposed that adjustments be made to the NSW Rural Fire Service on-line tool to improve its functionality and to ensure better correlation of data sources. This is supported by the Review. The NSW Rural Fire Service will work with Land and Property Information in the conduct of this work.

Recommendation 29 – improve the NSW Rural Fire Service on-line tool

That adjustments be made to the NSW Rural Fire Service online tool to improve its functionality. The NSW Rural Fire Service will work with Land and Property Information in the conduct of this work.

Practice Notes

Practice notes and planning circulars provide guidance from the Department of Planning and Environment to councils on issues relating to the implementation of the standard instrument, SEPPs, REPs, regional, metropolitan and draft subregional strategies.

It is proposed a series of practice notices be developed to guide understanding on the relationship between the 10/50 vegetation entitlement scheme and NSW planning system.

The Review recommends that the Department of Planning and Environment work with the NSW Rural Fire Service and local councils in the development of the practice notes.

Recommendation 30 – prepare practice notes to inform specific planning system interactions

That the Department of Planning and Environment work with the NSW Rural Fire Service and local councils in the development of practice notes to guide understanding on the relationship between the 10/50 vegetation clearing entitlement scheme and NSW planning system.

Clearing distances

Issues have been raised in relation to the allowable clearing distances of 10 metres for trees and 50 metres for vegetation. The Review noted that the 10/50 scheme could be amended to 30 metres of vegetation to align more closely with *Planning for Bushfire Protection* and the *Bush Fire Environmental Assessment Code*. A bush fire hazard reduction certificate allows for selective clearing of vegetation and trees up to 30 metres in distance, on a case by case basis.

Given that that these documents are for separate purposes, there does not appear to be a compelling reason to change.

Mark Beharrell, Manager - Natural Environment & Education
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13 November 2014

NSW Rural Fire Service
Manager Community Planning
Locked Bag 17
Granville NSW 2142

Email: 10.50@rfs.nsw.gov.au

Dear Sir

Re: Submission for the Review of the 10/50 Vegetation Clearing Code of Practice

Thank you for the opportunity to make a submission regarding review of the 10/50 Vegetation Clearing Code of Practice. The Pittwater Local Government Area is defined by large areas of locally native urban trees and bush land, particularly vegetated headlands and treed escarpments. The community, with Council, has worked relentlessly over many decades to maintain the urban forest with its multitude of threatened species and scenic vista's.

The Pittwater local Government area is not immune to bushfire, for many the memories of 1994 are still vivid. Pittwater Council with the NSW Rural Fire Service (RFS) and Fire and Rescue NSW (FRNSW) work tirelessly to manage bushfire risk through on-ground works, prescribed burns, planning practices and/or supporting volunteer bushfire fighters. However, the 10/50 Vegetation Clearing Code of practice is an oversimplified method aimed at mitigation that might not be necessary or worse not effective.

1.0 General Comments

This submission is structured around themes relating to the different aspects of the legislation. Overall Pittwater Council is seeking the repeal of the Code and its legislation and its replacement with a more appropriate risk management based approach to both vegetation management, the classification of bushfire prone land, environmental sustainability and preservation of scenic amenity.

Many of the issues raised previously during the submission period of the code have come to fruition. The unrealistic size of the entitlement area has led to a surge in the number of tree removals. These trees being removed are frequently in areas classed as low risk within the Warringah Pittwater Bushfire Risk Management Plan.

Pittwater Council has always supported the need for effective bushfire hazard management, however we feel the 10/50 Code is unsupported by any solid evidence or rationale and undermines the good work already undertaken by the RFS in partnership with local and state government agencies to manage bushfire risk across the State. The Code represents a one-size-fits-all approach that is unsuited to urban coastal environments.

Pittwater will lose a generation of trees that will irreversibly impact the environment. They will never be retrieved.

The Code was introduced hastily after inadequate consultation, until recently there was no recognition of consultation feedback. It contains no monitoring or enforcement mechanisms, thus precluding any assessment of its impacts and actual effectiveness at reducing bushfire hazard.

2.0 Rural Fires Amendment (Vegetation Clearing) Bill 2014

2.1 Development Assessment

The Bill has impacted on the way that councils assess development applications and the ability for the retention of vegetation or mitigation of impacts with vegetation is now extremely uncertain. Existing council controls, policies, conditions and court judgements can be overridden by the changes brought about by the Bill. This includes Section 88B restriction/s as to user under the EP&A Act, SLEP 2014 clauses, DCP provisions and conditions of consent relating to the protection of landscape characteristics, significant vegetation, screening and habitats. This impacts on councils ability to regulate vegetation management through the assessment and approval processes. Development assessment and rezoning proposals need to consider wider potential impacts associated with land owners legal clearing options.

Councils are required to assess the impacts a proposal will have in accordance with section 5A of the *NSW Environmental Planning and Assessment Act 1979 (EP&A Act)*. Any development that will require clearing of native vegetation must include an assessment of impacts on threatened species listed under the *NSW Threatened Species Conservation Act*. This is referred to as a Section 5A Assessment or Flora and Fauna Assessment.

The proposed 10/50 entitlement results in this assessment having to *assume* that areas within 50 metres of a proposed dwelling may be cleared and trees within 10 metres may be removed within the entitlement area and may therefore need to be assessed as part of Council's statutory obligations under s5A of the EP&A Act. To remove uncertainty, the Bill should immediately be amended to:

- Return to the original draft wording ***“Vegetation may not be cleared if the owner of the land on which vegetation clearing works may be carried out is under a legal obligation to preserve that vegetation by agreement or otherwise.”*** This would infer that conditions of consent can be used to manage vegetation during the development application process and provides certainty to the consent authority and the applicant.
- That the code to not be available to those properties that have been approved utilising the requirements of “Planning for Bushfire Protection” and AS 3959. These properties already have a formal assessment and mitigation of bush fire risk.

2.2 Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)

The Bill is silent on the EPBC Act; the 10/50 provisions and does conflict where EPBC-listed species or communities exist. Pittwater Council has had instances where the Commonwealth has requested details of a landowner clearing vegetation listed by the Commonwealth. The Commonwealth made it clear in writing that the 10/50 Code does not override the EPBC Act. In that case the impact was likely to be not significant; however, landowners may and will be in breach of the Act.

3.0 The 10/50 Code Of Practice

3.1 The 10/50 Code of Practice does not meet the obligations of the Bill.

It is to be admired that the use of such a tool is being used, for ease of use by the public. However, the one-size-fits-all approach is clearly a mistake, the constraints within the code are extremely limited and the code needs to be more powerful in addressing constraints and site specific issues.

The NSW Rural Fire Service Commissioner is charged with preparing the code of practice including: types of vegetation that can be removed; managing soil erosion and landslip; protection of riparian lands; protection of aboriginal and other cultural heritage.

However, many of these issues have been placed in the too hard basket glossed over or made so generic as to be meaningless. In respect of these issues:

1. Types of vegetation that can be removed - there are only two protected species or communities with both of these being marine. The code in its current form will lead to local extinctions and loss of biodiversity across NSW.

The Office of Environment and Heritage (OEH) provided minimal advice and undertook no assessment to determine the outcomes short or long-term. This is unusual given the excessive nature of the entitlement area. It is unclear if OEH was even aware of the size of the entitlement area during consultation with the RFS. Given no other agency or individual was aware of this during the exhibition period and given the size of the entitlement area particularly in areas such as Pittwater, it would be assumed that some form of assessment would have been undertaken and ongoing monitoring implemented.

OEH has indicated that they view protection of life and property as more important than the environment. However, the reality is that the majority of the vegetation removal is unlikely to protect life and property but is going to impact on the natural environment and scenic amenity.

2. Managing soil erosion and landslip – this is clearly difficult to define and ensure relevant action. How would the average landowner know what an 18 degree slope looked like? There is no definition of where the slope starts finishes, is it across the block, under the tree, is it the canopy, etc?

Once again Pittwater Council seeks to highlight the issue of vegetation removal and landslip. Pittwater Council's last submission indicated that the uninhibited removal of 50m of vegetation under 3m at any time will potentially lead to landslip. The same management practice for trees should apply to other vegetation as it may be potentially more important in slope stabilisation.

3. There are no prescribed streams in the Sydney metropolitan area but clearly there are lots of riparian buffers. The section is non-compliant with the requirements of the Bill and this should be consistent with controlled activities on waterfront land. Foreshore lands should also be included as these areas are frequently where most of the unintended consequences of the code are being undertaken.
4. There is no consideration of local cultural heritage with no ability to place any of Council's known heritage items into the assessment tool.

3.2 Land Management Agreements

There is a limited number of land management agreements covered in the Code. None of these provide a mechanism for councils to consider mitigation or retention of vegetation when addressing development applications. A formal and identified mechanism must be created to allow this to occur and be binding beyond.

Land management agreement must include the Bio-Certification process as detailed in 7AA of the Threatened Species Conservation Act 1995. Without addressing this issue there is significant uncertainty over large area land release and their sustainability.

4.0 The 10/50 vegetation clearing entitlement area

4.1 Evidence and rationale

The main contention and reason for such a devastating impact of the code is the size of the entitlement area. The science behind the entitlement area and the justification of removal of vegetation over that area is marginal and overstated.

The Bushfire CRC paper "Bushfire Penetration into Urban Areas in Australia: A spatial Analysis" paper is cited by the RFS as the reasoning for the size of the entitlement area. The paper identifies poor building and planning controls as the main issue with bushfire penetration into urban areas.

The Bushfire CRC paper concludes that:

- Up to 90% of properties are damaged within 100m of a forest (the same distance as planning controls for category 1 vegetation);
- Bushland in the study has a patch size of 5ha, double the patch size in bushfire prone land mapping;
- There is no investigation or indication on the causative of property damage, associated with ember attack within the paper. The presence of individual trees and vegetation is not mentioned as a factor, particularly beyond 100m where radiant heat and direct flame will not occur.

From the RFS Website it also clearly indicates that factors other than vegetation are important in ember attack ***"evidence indicates ember attack as being responsible for most bushfire related house and structure fires. These hot embers are driven by the strong hot winds associated with a bushfire and enter into vulnerable areas of a building, such as openings under the structure, the roof space, door jams and open windows or even closed doors and windows which have been damaged by debris"***.

Other Bushfire CRC papers discuss the reasons for property loss (up to 90% in many of the fires investigated) from ember attack in more detail. A report into the Canberra fire by the Bushfire CRC found that a building and/or its surrounds have a susceptibility which is a measure of how likely the ember and associated debris is to create a localised flame. The susceptibility can be described through the following range of properties:

- **Openings** – opportunities for embers to enter the structure and access combustible
- **Furnishings**;
- **Configuration** – a measure of the structure's susceptibility for embers and debris to accumulate;

- **Combustibility** – the material's ability to support localised flame development;
- **Human activity** plays an important role to mitigate this risk.

Ember attack has many modes of igniting houses, most due to structural issues and no consideration of bushfire in the properties construction. A bushfire CRC report on the Victoria bushfires of 2009 postulates that there was an increase in houses lost to bushfires at 100m because of the 100m threshold of planning requirements and that these buildings were structurally not prepared and had no specific building requirements. There was no evidence for or against trees and vegetation present leading to an increased risk to structures.

Various studies indicate it would be wiser to increase the buffer for bushfire prone lands and building code requirements of AS3959 and ensure retrofitting and maintenance of property potentially through enforcement of the mitigation of hazards of properties. Obviously this is an unpalatable solution and difficult to resource. Vegetation and trees in particular appear to be a soft alternative. There is no definitive evidence to suggest that the 10/50 code will improve bushfire safety where direct flame and radiant heat are not factors.

4.2 **Expectation that land managers will implement the code**

The current entitlement area creates an unrealistic expectation that these distances will be mirrored within the public reserve system. This concern has been raised with various NSW Rural Fire Service representatives from assistant commissioners to local office staff. At all times the NSW Rural Fire Service has indicated that a risk management approach using expert knowledge and RFS guidelines will be used to determine actions to minimise and manage risks in these reserves. That is why area based and specific local bushfire risk management plans have been developed.

Clearly this opinion is at odds with the 10/50 entitlement area, the perception via the code is clearly that trees and other vegetation need to be cleared for the protection of properties. Why have a risk management based approach in one location and one-size-fits-all approach in another.

5.0 **Supporting tools and documents**

5.1 **Supporting documents**

Supporting tools and documents need to be updated to provide:

- an emphasis on the public being legally required to meet the requirements of the code;
- improve the definitions to provide certainty of what can be done and what will be considered a breach;
- ensure that entry to properties be provided to an Authorised Officer and the need to provide any required documentation to an Authorised Officer when requested.

For example Council's compliance officers have indicated there is no requirement for someone using the code to produce a Geotechnical report when required by an authorised officer;

- provide details of the requirements to be contained in any report required by the code.

5.2 Guidelines for Mapping Bushfire Prone Lands

Whilst there have been changes to the way in which Bushfire Prone Vegetation is determined, these have made little difference to the entitlement area within the Pittwater Local Government Area. It is interesting that the Frequently Asked Questions includes the comment ***“Local councils also have the ability to redesignate smaller parcels of bush land. This may also reduce the area covered by the 10/50 rule”***.

It was put forward at a recent meeting between the RFS and Local Government representatives that the RFS would consider the removal of areas from Bushfire Prone Land based on fire interval and risk, however, to date no detail has been provided. Potentially significant areas of vegetation in urban areas could be removed from bushfire prone land mapping when taking into account bushfire risk, recent fire history and mitigation programs.

6.0 The 10/50 online assessment tool

There is an ability to utilise the online assessment tool to build in more constraints to manage many of the issues that exist with the code currently. For example most councils can readily generate 18 degree slope maps. These could be consolidated into a map layer and utilised by the assessment tool to show that people need to obtain the relevant geotechnical approval. The RFS has experience in this consolidation with bushfire prone land mapping provided by councils being consolidated to a state layer.

Additionally, all streams, creeks and waterways can be provided either through councils own GIS or via the Surveyor General hydrologic or topographic layer.

7.0 Further actions

7.1 Risk Management Approach

It has been estimated that the risk of a home near the urban–bushland interface being damaged by bushfire is about a sixth of the risk of a structural fire. Even in devastating bushfires up to 90% of homes burn down within the first 100m. Why then would we not use risk management to manage the risk instead of a ham fisted one size meets all approach that potentially doesn't provide the solution we are all after.

Bushfire management plans have been around for many years and determine the level and location of mitigation programs. Additionally, planning controls have been successfully implemented to address issues around those properties at greater risk. Given the statistics above surely a risk based approach based on protection of life and property as well as environmental sustainability could be developed.

7.2 Hazard reduction certificate and community engagement

There is potential to develop an improved hazard reduction certificate program that provides a holistic approach to properties protection addressing not only vegetation issues but other property maintenance and structural issues. This has proved successful in several high risk locations in Pittwater, including:

- **Scotland Island** - with Council and the Warringah Pittwater Office of the NSW Rural Fire and their volunteers specifically targeting residents with significant risks to their properties; and

- **Bilgola Bends** where the Council and the Warringah Pittwater Office of the NSW Rural Fire provided a one-off service to show residents how to create an effective asset protection zone as well as managing weeds at the sometime.

8.0 Conclusions

In summary Pittwater Council urges the NSW Rural Fire Service to amend the code, and further, that the Rural Fire Service should advise the current State Government to address the following concerns with the current code. These include:

1. A moratorium on the application of the 10/50 Vegetation Clearing Code of Practice until the completion of the review.
2. Amend the Code to ensure that vegetation clearance is only undertaken for bushfire risk reduction purposes.
3. The existing entitlement area of 350 metres is excessive and must be reduced significantly in line with risk management and environmental sustainability.
4. Development conditions and other protections developed in conjunction with relevant planning for bushfire protection provisions must be recognised to ensure that development assessment can be undertaken by councils as required by the Environmental Planning and Assessment Act.
5. Vegetation clearance requirements must be based on accepted scientific evidence and should not be cleared without any assessment of the impact, particularly where there is no evidence it will improve bushfire protection.
6. The one-size-fits-all approach established by the Code is inappropriate for many council areas, because it does not attempt to consider the actual bushfire risk and fails to take into account the real environmental impacts of clearing.

Council would welcome the opportunity to discuss this further.

Yours sincerely

Mark Ferguson
GENERAL MANAGER

CC The Hon. Rob Stokes, MP – Minister for the Environment
The Hon. Stuart Ayres, MP - Minister for Police and Emergency Services

C10.2	Review of Section 94 Contribution Plans No 2 for Open Space, Bushland & Recreation; No 3 for Public Library Services; No 18 for Community Services and No 19 for Village Streetscapes
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Meeting: Natural Environment Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY:

- Corporate Management Strategy

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide the community with a broad range of quality natural and built assets in a sustainable manner to meet the needs of current and future generations

DELIVERY PROGRAM ACTION:

- Continue to implement Council's suite of developer contributions plans
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

This report provides an overview of the recent review of Pittwater's suite of residential Section 94 Contributions Plans (excluding Warriewood Valley) and seeks Council's endorsement to publicly exhibit a new section 94 plan for all residential development outside of Warriewood Valley.

This review was undertaken as part of a rolling review of Council's range of section 94 contributions plan. The review was undertaken with input from the Business Unit Managers of Reserves and Recreation, Place Management and Community and Library, as well as Council's internal Section 94 Committee.

Following the review of Plans No. 2 for Open Space, Bushland & Recreation; No. 3 for Public Library Services; No. 18 for Community Services; and No. 19 for Village Streetscapes, it is recommended that for clarity a single section 94 plan applying to all residential development outside of Warriewood Valley should be introduced to replace the four separate plans that are currently in force.

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* (tabled separately to this report) is recommended to be publicly exhibited for a period of 28 days.

At the close of the exhibition period all submissions received will be considered and if warranted, changes will be made to the draft Plan. The outcomes of the public exhibition will be reported back to Council for its consideration.

2.0 RECOMMENDATION

1. That Council endorse the public exhibition of the *Draft Pittwater Section 94 Contributions Plan for Residential Development* for a period of 28 days.
2. That the outcomes of the public exhibition of the *Draft Pittwater Section 94 Contributions Plan for Residential Development* be reported to Council following the conclusion of the exhibition period.

3.0 BACKGROUND

3.1 PURPOSE

The purpose of this report is to:

- Provide an overview of the recent review of Pittwater's suite of residential Section 94 Contributions Plans – No. 2 for Open Space, Bushland & Recreation; No. 3 for Public Library Services; No. 18 for Community Services; and No. 19 for Village Streetscapes.
- Seek Council's endorsement to publicly exhibit the *Draft Pittwater Section 94 Contributions Plan for Residential Development*.

3.2 BACKGROUND

- 3.2.1 Council initially developed Section 94 Plans for Open Space, Bushland and Recreation, Public Library Services, Community Service Facilities and Village Streetscapes to ensure provision of appropriate infrastructure to support the needs of future residents of Pittwater.
- 3.2.2 The most recent review of these plans was undertaken in early 2009. This review took into account the predicted economic downturn and the Minister for Planning's direction which capped contribution rates as \$20,000 per dwelling.
- 3.2.3 Given it has been five years since the previous review, it is necessary that the plans be examined again to take into account current economic conditions to ensure continued quantity and quality of public services and facilities across the LGA.
- 3.2.4 This review was undertaken as part of a rolling review of Council's range of section 94 contributions plan. The review was undertaken with input from the Business Unit Managers of Reserves and Recreation, Place Management and Community and Library, as well as Council's internal Section 94 Committee.

3.3 POLICY IMPLICATIONS

Pittwater LGA Section 94 Contributions Plans No. 2 for Open Space, Bushland & Recreation; No. 3 for Public Library Services; No. 18 for Community Services; and No. 19 for Village Streetscapes are adopted policies of Council. The plans provide the legal framework and funding mechanism for the provision of local infrastructure and services necessary to meet the needs of the incoming population of Pittwater.

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* is intended to replace the existing suite of Section 94 Plans and if adopted would be the single plan applying to all residential development, outside of Warriewood Valley.

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* is intended to apply to land in Ingleside. Ingleside is currently zoned for rural development and currently being investigated as a potential urban release area. Should the Ingleside land release proceed and the area rezoned for residential development, it is envisaged that a section 94 plan specifically applying to Ingleside would be developed. Should this occur, this Plan would be amended to exclude development within the suburb of Ingleside.

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* has been prepared to satisfy the requirements of the Environmental Planning and Assessment Act 1979 and Regulation.

3.4 RELATED LEGISLATION

Environmental Planning and Assessment Act 1979, Part 4, Division 6.
Environmental Planning and Assessment Regulation 2000, Part 4.

3.5 FINANCIAL ISSUES

3.5.1 Budget

Over the past five years Pittwater LGA Section 94 Contributions Plans No. 2 for Open Space, Bushland & Recreation; No. 3 for Public Library Services; No. 18 for Community Services; and No. 19 for Village Streetscapes combined have generated an average of income of approximately \$900,000 per year. These funds are used to provide adequate infrastructure and services for new development in order to ensure that the existing community is not burdened by the provision of additional infrastructure.

The recent review of Pittwater's suite of residential section 94 plans is aimed to ensure continued quantity and quality of infrastructure and services across the LGA. Given it has been five years since the previous review of these plans, it is necessary that the plans be examined account for current economic conditions to ensure provision of adequate infrastructure and services and ensure that the existing community is not burdened by the provision of additional infrastructure.

3.5.2 Resources Implications

Regular updates to all of Council's Section 94 Plan are necessary to take account of projected growth, the community's needs, cost of local infrastructure and services and progress in providing scheduled works.

4.0 KEY ISSUES

4.1 Consolidation of existing Section 94 Plans

- 4.1.1 It has been determined that for clarity a single section 94 plan applying to all residential development outside of Warriewood Valley should be introduced to replace the four separate plans that are currently in force.
- 4.1.2 Currently residential development in Pittwater (outside of Warriewood Valley) is subject to the Pittwater Section 94 Contributions Plan No. 2 for Open Space, Bushland & Recreation; No. 3 for Public Library Services; No. 18 for Community Services; and No. 19 for Village Streetscapes. This arrangement is not only confusing for the public, but also administratively inefficient.

- 4.1.3 This review has provided an opportunity to address this issue through the consolidation of all four plans into a single plan applying to all residential development outside of Warriewood Valley. The review has also been an opportunity to revise the plan to ensure compliance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation and relevant practice notes.
- 4.1.4 The *Draft Pittwater Section 94 Contributions Plan for Residential Development* has adopted an 'element' approach. Under the current arrangement, specific infrastructure requirements were managed under separate section 94 plans. Under the draft Plan, what were individual plans, are now separate chapters, or elements, of a single plan.
- 4.2 Update to income and expenditure assumptions**
- 4.2.1 Earlier versions of the section 94 plans assumed up to 100 additional dwellings/lots per year being developed in Pittwater (outside of Warriewood Valley). The forecast income and expenditure was based on this assumption. In reality, due to the economic downturn, this figure over the past five years has been closer to 50 additional dwellings/lots per year.
- 4.2.2 The *Draft Pittwater Section 94 Contributions Plan for Residential Development* has been prepared to account for this reduced level of income. In order to ensure adequate funding in priority infrastructure areas, income has had to be reallocation between the four elements of the Plan and a reduction in expenditure in some areas.
- 4.3 Contributions cap**
- 4.3.1 In 2009 a Section 94E Direction was issued by the then Minister for Planning capping section 94 contributions in developed areas to \$20,000 per dwellings/lot. At the time, the objective of cap was to ensure that section 94 contribution levies are consistent with the State Government's plans to boost housing supply and affordability as well as support business and provide a stimulus to the construction industry.
- 4.3.2 In 2011 a further Section 94E Direction was issued by the then Minister for Planning, reaffirming the \$20,000 contribution cap (refer to Attachment 1). This Ministerial Direction remains in force. Should a consent authority seek to levy beyond the \$20,000 per dwellings/lot cap, the section 94 plan is required to be submitted to the Independent Pricing and Regulatory Tribunal (IPART) for review and approval.
- 4.3.3 The *Draft Pittwater Section 94 Contributions Plan for Residential Development* has been prepared to comply with the Ministerial Direction. The contribution rate applying to new residential dwellings/lots in all areas of Pittwater (excluding Warriewood Valley) is \$20,000.
- 4.4 Public exhibition**
- 4.4.1 Should Council endorse the recommendations of this report, the *Draft Pittwater Section 94 Contributions Plan for Residential Development* will be exhibited for a period of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 4.4.2 In accordance with Council's Community Engagement Policy, a public notice will also be placed in the Manly Daily and information on the proposed changes will be published on Council's website. Copies of the exhibition documents will be made available for viewing at Mona Vale and Avalon Customer Service Centres and libraries.

4.5 **Post exhibition**

- 4.5.1 At the close of the exhibition period all submissions received will be considered and if warranted, changes will be made to the exhibited masterplan documents.
- 4.5.2 The outcomes of the public exhibition will be reported back to Council for its consideration

5.0 **ATTACHMENTS / TABLED DOCUMENTS**

- **ATTACHMENT 1** – Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2011, dated 3 March 2011.
- **TABLED DOCUMENT** – *Draft Pittwater Section 94 Contributions Plan for Residential Development*

6.0 **SUSTAINABILITY ASSESSMENT**

6.1 **GOVERNANCE & RISK**

6.1.1 **Community Engagement**

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* is recommended to be placed on public exhibition for a period of 28 days, during which any person may make a submission on the draft plan.

The exhibition of the draft Plan will be in accordance with Council's Community Engagement Policy.

6.1.2 **Risk Management**

This review has provided an opportunity to ensure compliance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation and relevant practice notes.

6.2 **ENVIRONMENT**

6.2.1 **Environmental Impact**

Funds levied for under the *Draft Pittwater Section 94 Contributions Plan for Residential Development* will assist the conservation and enhancement of bushland, waterways and biodiversity as future residential development in Pittwater occurs.

6.2.2 **Mitigation Measures**

Funds levied for under the *Draft Pittwater Section 94 Contributions Plan for Residential Development* will assist in mitigating the environmental impact of residential development in Pittwater.

6.3 **SOCIAL**

6.3.1 **Address Community Need & Aspirations**

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* establishes the legal framework and funding mechanism that will allow the continued enhanced of the health, safety and well-being of residents in Pittwater by facilitating the delivery of necessary infrastructure within the LGA to meet future demand.

6.3.2 Strengthening local community

The *Draft Pittwater Section 94 Contributions Plan for Residential Development* establishes the legal framework and funding mechanism that will allow the continued liability of the LGA by facilitating the delivery of necessary infrastructure to meet future demand.

6.4 ECONOMIC

6.4.1 Economic Development

Funds levied for under the *Draft Pittwater Section 94 Contributions Plan for Residential Development* will allow timely delivery of necessary infrastructure to facilitate economic growth within the LGA.

Report prepared by
Tija Stagni, Local Infrastructure Coordinator

Simonne Johnson
A/MANAGER, COMMERCIAL PROPERTY & PROJECTS

Melinda Hewitt
MANAGER, PLACE MANAGEMENT

Les Munn
MANAGER, RESERVES AND RECREATION

Lindsay Godfrey
MANAGER, COMMUNITY & LIBRARY SERVICES



PLANNING circular

PLANNING SYSTEM

Local planning

Circular	PS 11-012
Issued	15 March 2011
Related	PS10-022

Section 94E Direction – Development contributions

The purpose of this circular is to provide councils, accredited certifiers and the community with information regarding the revocation and issuing of a new Section 94E Direction in relation to the capping of development contributions.

Background

Development contributions help provide new and growing communities across NSW with appropriate infrastructure. These contributions are levied under the *Environmental Planning and Assessment Act, 1979* (the EP&A Act).

The Minister for Planning (the Minister) issued a Direction under Section 94E of the EP&A Act which took effect on 16 September 2010.

That Direction provided for the following in relation to the contributions that can be levied under Section 94 of the EP&A Act for residential development:

- a cap of \$20,000 per dwelling/lot for established areas,
- a cap of \$30,000 per dwelling/lot for greenfield areas,
- an exemption for areas where development applications been lodged (including those that had been determined) and remain valid, as of 31 August 2010, for more than 25% of the expected yield from the development area or contributions plan.
- the Minister to consider, on the application of a council and request of a developer, approving a higher contribution amount.

Overview of the changes

The changes to the Section 94E Direction relate specifically to the Schedules to the Direction. Although the format of the Direction has changed, the requirements relating to the cap on contributions have not.

Changes to the Schedules

Certain land is exempted from the requirements of the direction (Schedule 1). Where a council has adopted a new plan (following the Minister's agreement that it is a refinement of the previous plan) the reference to the plan has been updated. This change will ensure that the exemptions from the cap continue to apply to certain land within the Liverpool City, Ku-ring-gai and Shoalhaven City Local Government Areas.

New greenfields areas have also been included in Schedule 2 for the Shoalhaven City, Wollongong City, Nambucca Shire and Blacktown City Local Government Areas. The maximum contribution in these areas is \$30,000.

Timing of changes

The Direction takes effect on 4 March 2011 and applies to consents granted after that date.

Savings and transitional arrangements

The Direction does not apply to Section 94 contribution conditions imposed before 4 March 2011.

The Direction revokes the earlier Direction that took effect on 16 September 2010.

The revocation of the earlier Direction does not affect the operation of a condition of a development consent imposed in accordance with that direction.

C10.3	Minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group held on 13.08.15
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Meeting: Natural Environment Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Disaster, Emergency & Risk Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To promote a well-informed community and that the Council knows how to effectively respond to disaster and emergency situations before during and after
- To effectively respond to disasters, emergency situations and provide effective relief measures
- To work effectively with all emergency and utility agencies to improve emergency response
- To adhere to best practice risk management principles to facilitate more effective decision-making
- To manage public liability and risks associated with public infrastructure
- To increase community awareness on effective risk management
- To incorporate risk management in all business activities
- To plan for risks due to natural and manmade hazards
- To provide for business continuity in the event of a major disruption to the Council

DELIVERY PROGRAM ACTION:

- Develop and implement programs to increase resilience to flood and coastal storms
 - Develop, review and implement flood and coastal storm risk studies and plans in accordance with NSW Government guidelines
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

1. The working Group has been formed to provide advice in the preparation of the McCarrs Creek, Mona Vale & Bayview Flood Study.
 2. The Draft Working Paper 4 has been completed for the Flood Study
-

2.0 RECOMMENDATION

That the information provided in the report on the draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group meeting held 13 August 2015 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To consider the draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group meeting held at the conference room, Mona Vale Customer Service on 13 August 2015 (refer **Attachment 1**).

3.2 BACKGROUND

- The McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group is a forum that assists Pittwater Council in the preparation, development and implementation of floodplain management plans for all flood prone properties in the suburbs of Mona Vale, Bayview, Church Point and parts of Ingleside. The Working Group is administered by Pittwater Council.
- The formation of the Floodplain Working group by Council is the first formal step in the Floodplain Management Process, as outlines in the NSW Governments Floodplain Development Manual.
- The primary function of this working group is to be an advisory body to Council on matters concerning the development, implementation and review of the McCarrs Creek, Mona Vale & Bayview Flood Study. The working group meetings provide a forum for the discussions between Council staff, local residents, interested groups and government authorities on technical, social, economic, environmental and cultural issues.

3.3 POLICY IMPLICATIONS

- Nil

3.4 RELATED LEGISLATION

NSW Government Flood Prone Land Policy and Floodplain Development Manual (2005)

3.5 FINANCIAL ISSUES

3.5.1 Budget

- Nil

3.5.2 Resources Implications

- Nil

4.0 KEY ISSUES

Pittwater Council is commencing the first stages of the Floodplain Management Process with the McCarrs Creek, Mona Vale & Bayview Flood Study to identify possible flood risks and hazards for the study area.

Royal HaskoningDHV, an independent company specializing in flooding and floodplain risk management, is currently undertaking the study.

Under the NSW Government Flood Prone Land Policy, management of flood prone land is primarily the responsibility of councils. The Floodplain Management Process that councils follow in order to identify, understand and manage flood risk is outlined below:

- The Flood Study (current stage) defines the nature and extent of the flood problem.
- The Floodplain Risk Management Study assesses management options with respect to existing and proposed development.
- The Floodplain Risk management Plan provides Council with a management plan for the floodplain, and is often undertaken in conjunction with the Floodplain Risk Management Study.
- Implementation of the Plan involves enacting the recommendations of the Floodplain Risk Management Plan to mitigate flood risks to life and property.

Community consultation is an important component of the McCarrs Creek, Mona Vale & Bayview Flood Study. The local knowledge of residents and business operators personal experiences of flooding are an important source of information.

There are a number of ways Council is engaging with the owners of flood prone land in the study area:

- Through an online questionnaire. The questionnaire greatly assists in collating people's knowledge and experience about previous flooding history and existing flood problem areas.
- A Community Working Group has been formed from self-nominated community representations.
- A webpage has been established to keep the community informed on the study progress.

McCarrs Creek, Mona Vale & Bayview Flood Study Update – A verbal update by Royal HaskoningDHV was provided on the progress of the flood study.

5.0 ATTACHMENTS

Attachment 1 - Draft minutes of the McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group Meeting on 13 August 2015

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required as a consequence of this minutes report.

Report prepared by
Melanie Schwecke, A/Principal Officer – Floodplain Management

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE



Minutes

McCarrs Creek, Mona Vale & Bayview Flood Study Community Working Group

Date:	4:00 pm – 6:00 pm, 13 August 2015	
Location:	Mona Vale Customer Service Centre, Village Park, 1 Park Street, Mona Vale	
In Attendance:	Cr Kylie Ferguson (Pittwater Council Member) Cr Sue Young (Pittwater Council Member) Rob (Roberta) Conroy (Citizen Representative) John Lindsay Gordon (Citizen Representative) David Stone (Bayview Golf Club, Citizen Representative) Dr Jenny Rosen (Bayview Church Point Residents Association, Stakeholder Representative)	Daniel Cunningham (Sydney Water) Greg Davis (OEH) Wayne Lyne (Unit Controller, SES Warringah/Pittwater Unit), Paul Hart (Royal HaskoningDHV) Jennifer Pang (Pittwater Council) Melanie Schwecke (Pittwater Council)

Apologies:

Item	Discussion Topics
	WELCOME Cr Kylie Ferguson opened the meeting at 4:08pm.
	INTRODUCTION
1.0	Apologies
2.0	Declaration of Pecuniary Interest Nil.
3.0	Confirmation of Minutes of Previous Meetings Moved: Rob Conroy Seconded: David Stone
4.0	Matters Arising from Previous Business - Nil
5.0	Committee Business
5.1	Progress update on the Flood Study – Paul Hart (attachment 1) Discussion points

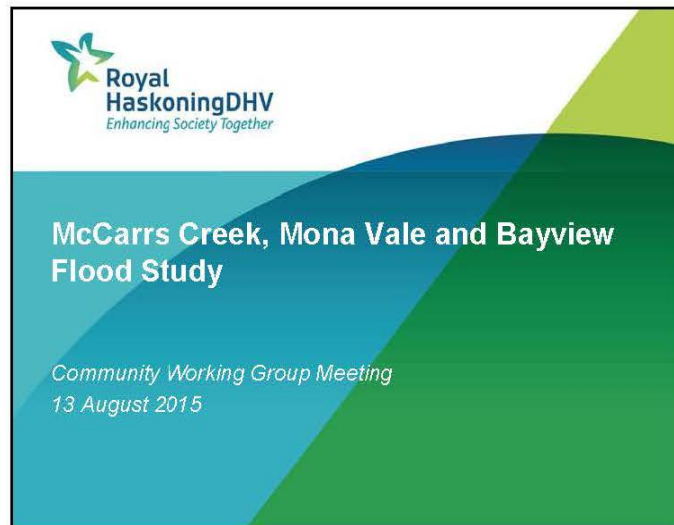


Item	Discussion Topics
	<ul style="list-style-type: none"> • The flood model was run for different rainfall sensitivities and was found to be particular sensitive to short duration, intense rainfall events. More properties were found to be at risk when rainfall was increased. • Climate change scenarios were modelled with 0.4m and 0.9 sea level rise and varying rainfall intensities. • The cut off point for s149 planning notations is the PMF. There are 6181 properties considered in the study area with 3577 within the PMF extent. The planning notation is used to denote floodwaters occurring on any part of the lot and is not indicative of whether a building is impacted by above floor flooding. • The numbers of properties predicted to be affected by flooding is not surprising, as the model is more advanced than the previous model. However, there will always be persons who will wish to reject the findings due to lack of flooding history in the floodplain. • Community consultation is proposed to be based on a one-on-one format to help people understand the flood affectation on their property. • The climate change flood scenarios apply when there is an intensification of use with development applications. • Ideally, real estate agents should be providing information about the s149 planning notations. However, at point of property sale, it is mandatory for the s149 planning notation to be obtained by the purchaser but this does not guarantee that the information is read by the purchaser, particularly as the matter is handled by a solicitor. • The Flood Planning Levels were found to be sensitive to the allocated amount of freeboard. Variable freeboards are being considered to define the flood planning area. The freeboard is used as a buffer for various uncertainties in the modelling. • The stage following the current flood study will be when flood risk management options would be considered. • Council's flood mapping/database information has not been provided to insurance companies for their use. Flood study documents however, are publicly available. Insurance companies have their own models, although they tend to be at coarser scales. Council can also provide flooding information on mapping extents per property and this can be used by the individual to discuss the level of affectation with their insurer. Note, that the definitions of flooding, overland flow, stormwater may be different for different insurers. • Development in the floodplain will change with time, and flood studies are typically revised on average every 10 years to account for such changes. • The Flood Planning Level is applied when the DA is determined and not applied retrospectively. • Complying development can occur in floodprone areas in accordance with SEPP (Exempt and Complying Development Codes) 2008 Clause 3.36C Development Standards for flood control lots. Complying development is approved by private certifiers, a system which is outside of Council's control. The only recourse for development that has been approved by private certification but should have been a DA is to report the matter to the Building Professionals Board for resolution.
6.0	<p>General Business</p> <p>Discussion on Conditions of Consent for development as it applies to building colours.</p>



PITTWATER COUNCIL

Item	Discussion Topics
	The meeting was closed at 5:05pm.
7.0	Next Meeting Date – Thursday 5 November Time – 4:00 pm – 6:00 pm Location – Mona Vale Customer Service Centre, Village Park, 1 Park Street, Mona Vale

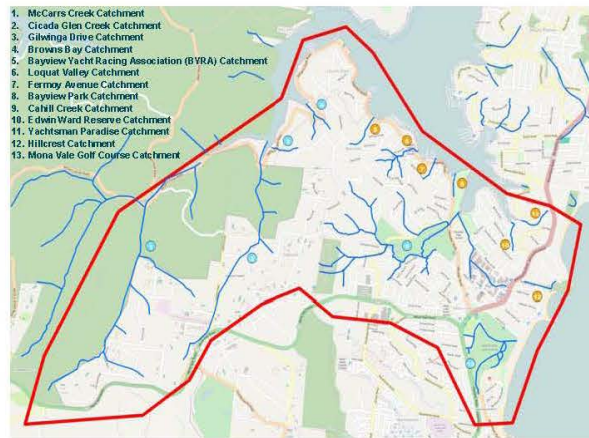


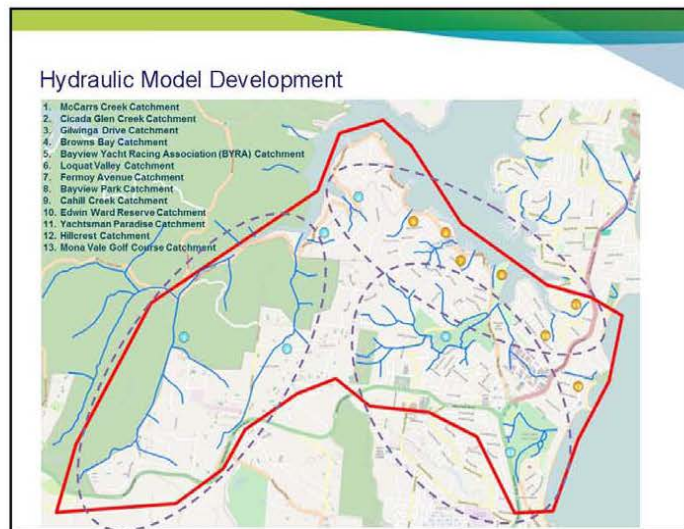
Flood Study Aims and Objectives

1. To understand the nature of the flood risk within Mona Vale, Bayview, Church Point and Ingleside suburbs – 13 sub catchments;
2. To take into account all potential sources of flooding: mainstream, overland and tidal;
3. To understand the existing and future flood risk. Climate change being taken into account through increased rainfall and sea level rise;
4. To understand the potential change in flood risk associated with the Ingleside land release area development.

Study Area

1. McCarrs Creek Catchment
2. Cicada Glen Creek Catchment
3. Gilewaga Drive Catchment
4. Browns Bay Catchment
5. Bayview Yacht Racing Association (BYRA) Catchment
6. Loquat Valley Catchment
7. Fernsey Avenue Catchment
8. Bayview Park Catchment
9. Cahill Creek Catchment
10. Edwin Ward Reserve Catchment
11. Yachtswan Paradise Catchment
12. Hillcrest Catchment
13. Mona Vale Golf Course Catchment



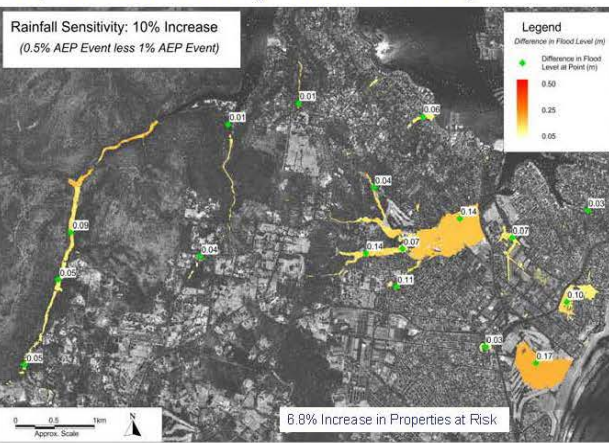


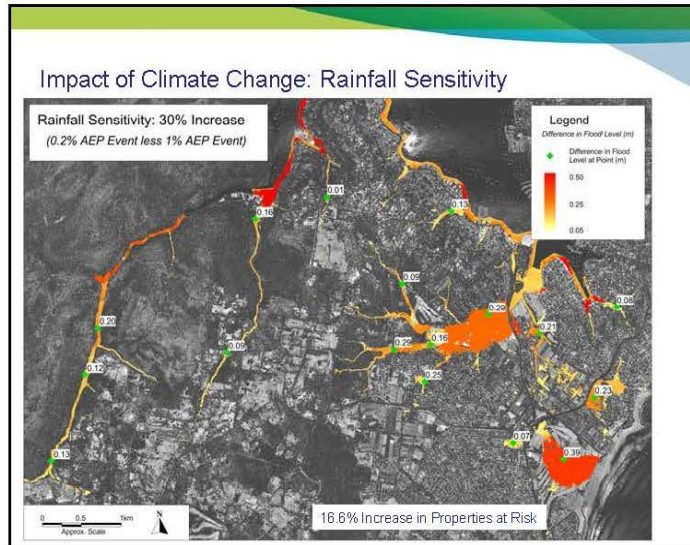
- Work Undertaken To Date**
1. Community consultation
 2. Data collection and review
 3. Topographic survey
 4. Hydrologic and hydraulic model development
 5. Calibration of models to historic events (as far as possible)
 6. Development of draft 10 and 100 year return period flood maps
 7. Ground truthing of draft maps

Impact of Climate Change: Rainfall Sensitivity

- Aims to test the model sensitivity to changes in the intensity of flood producing rainfall events:
- 0.5% AEP event (200 year ARI) was compared to the 1% AEP Event (100 year ARI). Increase in rainfall for this event is $\approx 10\%$.
- 0.2% AEP event (500 year ARI) was compared to the 1% AEP Event (100 year ARI). Increase in rainfall for this event is $\approx 25\%$.

Impact of Climate Change: Rainfall Sensitivity





Impact of Climate Change: Sea Level Rise

- From 1990 levels, DECCW (2010b) suggests:
 - 0.4 m increase in sea level for 2050 climate conditions; and
 - 0.9 m increase in sea level for 2100 climate conditions.
- DECCW (2010a) recommends discounting 3mm/year for sea level rise that has already occurred since 1990.

Table 1: Adopted Tairāwhiti Boundaries (Peak Level in Tidal Cycle)

Event	Pittwater Estuary Peak Level (mAHD)	Ocean Boundary Peak Level (mAHD)
1% AEP Event	1.49	2.60
2050 climate change scenario	1.77	2.86
2100 climate change scenario	2.32	3.58

Properties at Risk (Preliminary)

- Property 'Tagged' if flood waters encroach on lot boundary (Council criteria).
- Detailed database to include the following information:
 - Address, lot and DP No.
 - Land use
 - Flood levels for all design events
 - Flood depth for all design events
 - Flood planning levels and minimum floor levels
 - Flood velocity and hazard categories
 - Council's flood categories
 - Percentage of property affected by flooding
 - Climate change levels

Properties at Risk (Preliminary)

Table 2: Properties at Risk (Preliminary Numbers)

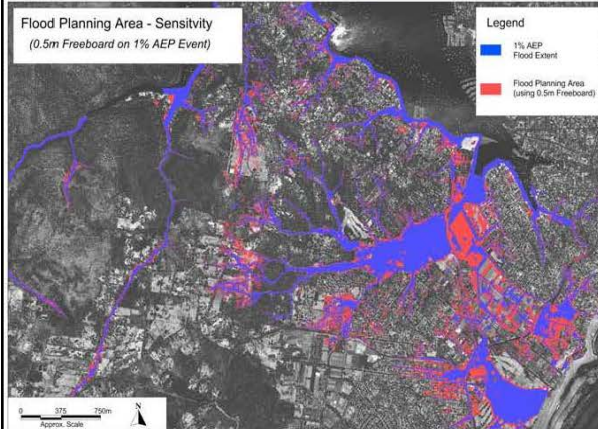
Annual Exceedance Probability	Average Recurrence Interval	Number of Flood Affected Properties in Study Area
10%	10 Years	1,482
5%	20 Years	1,676
2%	50 Years	1,817
1%	100 Years	1,959
0.5%	200 Years	2,092
0.2%	500 Years	2,284
PMF Event	≈1E ⁶ Years	3,577

NOTE: Total of 6,181 properties exist within the study area (based on cadastral boundaries)

Flood Planning Levels and Flood Planning Area

- Flood Planning Level (FPL) sensitivity undertaken using 0.3m and 0.5m freeboard.
- Lateral extension of the flood planning area limited to the PMF flood extent.
- Lateral extension may overstate risk to property in upstream overland flow areas under this methodology...

Flood Planning Levels and Flood Planning Area



Flood Planning Levels and Flood Planning Area

Table 3: Flood Planning Area Sensitivity

Event	Number of Flood Affected Properties	Percentage Increase on 1% AEP
1% AEP Event	1,959	-
FPL (0.3m Freeboard)	2,727	39%
FPL (0.5m Freeboard)	2,804	43%

- Around 40% increase in number of flood affected properties in both tests
- Limit on lateral flood extension (shorter than the PMF extent) may be required:
 - Limit on extension distance; or
 - Limit to lower return event flood extents (i.e. 0.2% AEP rather than PMF).

Flood Planning Area (FPA): The 1% AEP Flood Planning Area is that area

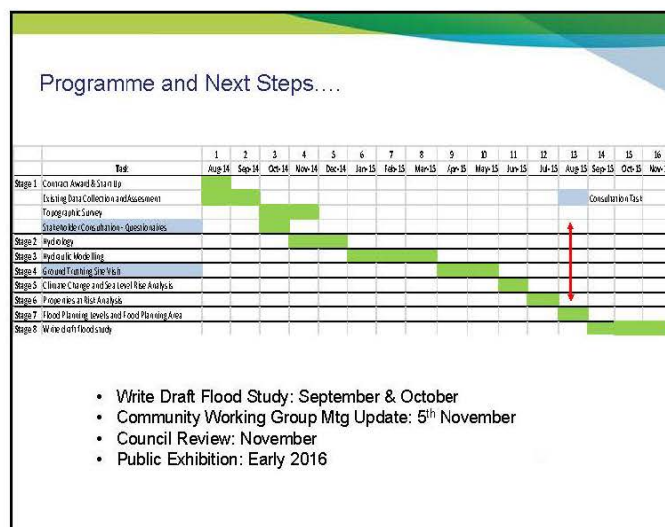
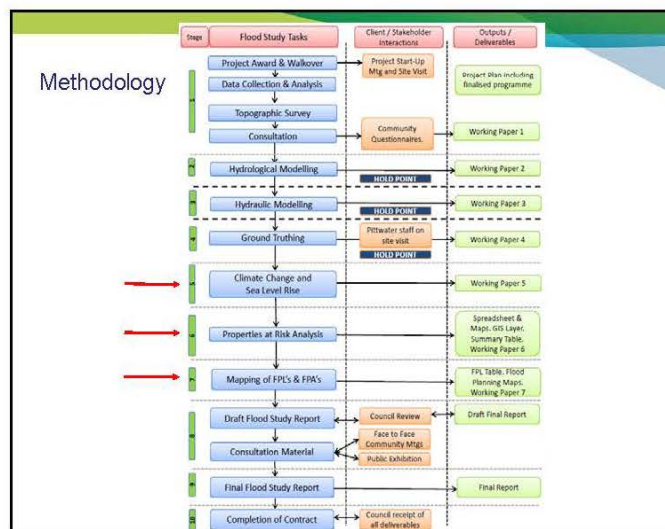
- (a) below the 1% AEP mainstream flood level + adopted freeboard; or
- (b) inundated by overland flooding of greater than 0.05 m depth during the 1% AEP; or
- (c) within 5 m horizontal distance of an area inundated by overland flooding of greater than 0.3 m depth during the 1% AEP.

Community Consultation

- Central to the study.
- Community confidence in process and results very important
- Two way process.
- 4 stages
 - Community Questionnaire. Online Survey & hardcopy (ongoing)
 - Ground Truthing of Initial Results (May)
 - **Public Exhibition of Draft Flood Study (early 2016)**
 - 1:1 Consultation Meetings (early 2016)



17-8-2015



C10.4	Minutes of the Natural Environment Reference Group Meeting held on 13 May 2015
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Meeting: Natural Environment Committee

Date: 7 September 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective

DELIVERY PROGRAM ACTION:

- Maintain and Service Council's Range of Committees
 -
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 12 August 2015 Meeting considered the following discussion topics:

- Pittwater Waterways Review
 - Phone Application – *Walking Pittwater*
 - Sydney Water Presentation
 - Dunes Damage Survey Update
 - Delivery Program & Budget 2015-2019
 - Community Strategic Plan Focus
 - Update of Woolcott Reserve Community Garden
-

2.0 RECOMMENDATION

1. *That Council note the Minutes of the Natural Environment Reference Group Meeting held on 12 August 2015 that relate to the discussion on:*

- *Pittwater Waterways Review*
- *Phone Application – Walking Pittwater*
- *Sydney Water Presentation*
- *Dunes Damage Survey Update*
- *Delivery Program & Budget 2015-2019*
- *Community Strategic Plan Focus*
- *Update of Woolcott Reserve Community Garden*

2. *That Council Note the following reference points from that meeting:*

Pittwater Waterways Review:

Investigate the impact of changes to Crown Lands Act.

Investigate the impact of Aboriginal Lands Rights Claim on Crown Lands.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council for consideration, Minutes of the Natural Environment Reference Group Meeting held on 12 August 2015 (refer **Attachment 1**).

3.2 BACKGROUND

The Natural Environment Reference Group has a primary role of assisting the Pittwater 2025 Strategic Plan by critically analysing and reviewing the Strategic Goals aligned to the Pittwater Natural Environment and providing Reference Points for further consideration by Council.

The Natural Environment Reference Group has a specific focus on Key Direction 2 – Valuing and caring for our Natural Environment with the primary aims to:

- Reduce our ecological footprint
- Protect our bushland and biodiversity
- Improve the health of our beaches and waterways.

As per the Charter of the Natural Environment Reference Group (Reporting Procedures):

Minutes of meetings to be reported to the Natural Environment Committee of Council for consideration.

3.3 POLICY IMPLICATIONS

Nil.

3.4 RELATED LEGISLATION

Nil

3.5 FINANCIAL ISSUES

Budget & Resources Implications

Reference points arising from Reference Groups are considered by Council as part of the Delivery Plan process

4.0 KEY ISSUES

- Pittwater Waterways Review
- Phone Application – *Walking Pittwater*
- Sydney Water Presentation
- Dunes Damage Survey Update
- Delivery Program & Budget 2015-2019
- Community Strategic Plan Focus
- Update of Woolcott Reserve Community Garden

5.0 ATTACHMENTS

Attachment 1 – Minutes of the Natural Environment Reference Group Meeting held on 12 August 2015.

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS

MINUTES

Natural Environment Reference Group Meeting

held at the Coastal Environment Centre,
Lake Park Road, North Narrabeen on

12 AUGUST 2015

Commencing at 4:07pm

ATTENDANCE:**Members of the Committee:**

Cr Alex McTaggart, Chairperson

Community Representatives:

Ms Wendy Attrill, Clareville and Bilgola Plateau Residents Association

Ms Brita Benjamin, Pittwater Community Gardens

Ms Roberta Conroy, Bayview–Church Point Residents Association

Mr James De Vitt, Radio Northern Beaches

Mr Andrew Ginns, Pittwater Resident Representative

Ms Susie Kennedy, Palm Beach & Whale Beach Association

Ms Sharon Kinnison, Scotland Island Residents Association

Ms Margaret Makin, Pittwater Resident Representative

Mr Dave Murray, Mona Vale Residents Association

Mr Martin Porter, Surfrider Foundation

Mr Anthony Robinson, Sustainability Pittwater

Ms Selena Webber, Newport Residents Association

Council Advisors:

Mr Chris Hunt, Director, Urban & Environmental Assets

Ms Anne-Maree Newbery, Principal Officer Strategic Planning

Mr Philip Adams, Strategic Planner

Ms Jenny Cronan, Landscape Architect

Mr David Bremner, Community Engagement Officer

Ms Pamela Tasker, Minute Secretary / Administration Officer

Natural Environment Reference Group Meeting

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NE4.2	Phone Application – <i>Walking Pittwater</i>	
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5.1	Sydney Water Presentation	
5.2	Dunes Damage Survey Update	
5.3	Delivery Program & Budget 2015-2019	
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5.5	Waste Management – Hard Waste Collection	
5.6	Update on Woolcott Reserve Community Garden	
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1.0 Apologies

Notes:

1. The following apologies were received:
 - Mr Bill Thompson, Newport Residents Association
 - Ms Susie Kennedy, Palm Beach & Whale Beach Association
 - Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society
2. The apologies were accepted by the members and leave from the Natural Environment Reference Group Meeting of 12 August 2015 was granted.
3. Ms Selena Webber attended as alternative delegate on behalf of the Newport Residents Association.
4. Ms Merinda Rose attended as alternative delegate on behalf of the Palm Beach & Whale Beach Association.

2.0 Declarations of Pecuniary Interest / Non-Pecuniary Conflict of Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 13 May 2015 be accepted as a true and accurate record of that meeting.

(Mr De Vitt / Ms Makin)

4.0 Discussion Topics

Notes:

1. Ms Jessica Hensman, Operations Manager for the Surfrider Foundation, was unable to attend and the presentation on Boomerang Bags has been deferred until the next Natural Environment Reference Group Meeting on 11 November 2015.
2. In place of the presentation on Boomerang Bags, Ms Anne-Maree Newbery, Principal Officer Strategic Planning, presented to members on the Pittwater Waterways Review.

NE4.1 Pittwater Waterways Review

Proceedings in Brief:

Ms Anne-Maree Newbery, Principal Officer Strategic Planning, addressed the meeting on this item. A copy of the PowerPoint presentation has been provided by Ms Newbery and is at Appendix 1 to the Minutes.

The identification of important issues to be addressed in the review included:

- Growth in boat ownership and vessel size.
- Moorings, marinas, boating infrastructure, in particular pump out facilities, dinghy storage, etc.
- Protection of areas of high environmental value.
- Recreation.
- Tourism.
- Economic and employment.
- Water quality.
- Governance.
- Planning Controls.

A brainstorming session followed in which members identified the following issues as being important in terms of the natural environment and the waterways:

Environment:

- Erosion: Movement and dragging of small craft, damages to existing natural edges on the waterway.
- Population and traffic increase leading to increased pollution and erosion
- Run off from catchment areas, including car washing, fertiliser, sewerage from Scotland island (sewerage overflows)
- Curlews and dogs, protected species and fauna protection. Conflict between pets and natural wildlife
- On water recreation conflicts, identification and resolution of these issues
- Maintenance of habitat for wildlife
- Homeport Marina (McCarrs Creek) must direct pump out to Careel Bay
- Bigger boats, bigger wash and speed issues
- Fishing controls
- Protection of Careel Bay salt flats
- Issues surrounding the dredging of the bays/ waterways.
- Sediment inflow
- Navigational issues within the waterway
- Maintaining a clear route in passageways and fairways
- Sea level rise
- Seagrass habitat protection

Economic:

- Maintenance services to Pittwater, e.g., barges, wharves
- The tension between demand for marina increase and the lack of space for marinas. 'No more marinas' was a particularly strong statement presented
- Transport – school / work commuters from offshore and Central Coast communities; commuting including bikes; skateboards; tourism walking and cycling; bikes and private transport

Social:

- History and heritage, both European and aboriginal. Historic walls that have been lost were mentioned
- Small craft access and storage (not including dinghy)
- Commuter issues i.e. Central Coast
- Open waterway space, access ways for on water movement
- Overcrowding of moorings causing a limitation in access to the waterway at McCarrs Creek
- Access Issues including people, animals, waterbirds and boats (ramps)
- Character identity of areas
- Impact of on street boat parking, potential restrictions

Government

- Boat speed and the proliferation of moorings
- Recognition and identification of environmentally sensitive onshore and offshore areas
- Ownership of the waterway
- LEP issues surrounding zoning of waterways
- Crown land issues (who owns the land?)
- Major stakeholders, who are the state bodies involved?
- Defining the civil sphere of influence and targeting outcomes accordingly
- Foreshore land tenure – part Crown Land
- Foreshore landowners: who looks after it? Communication and education on this particular interface
- Speed restrictions on the waterway
- Restriction of on street trailer parking
- Potential limit on the total number of moorings
- Wimmerer Bay land ownership issues
- NPWS (National Parks and Wildlife Service) impacts, role and involvement
- Private appropriation of public lands along the foreshore
- Ensuring all stakeholders work together, both government and private
- Deciding on who pays for the provision of infrastructure

Action Items:

- ***Investigate the impact of changes to Crown Lands Act.***
- ***Investigate the impact of Aboriginal Lands Rights Claim on Crown Lands.***

Notes:

1. The members noted the presentation and thanked Ms Newbery.
2. Ms Newbery and Mr Adams left the meeting at 4.59pm.

NE4.2

Phone App – Walking Pittwater

Proceedings in Brief:

Ms Jenny Cronan, Landscape Architect, addressed the meeting on this item. A copy of the PowerPoint presentation has been provided by Ms Cronan and is at Appendix 2 to the Minutes.

REFERENCE GROUP RECOMMENDATION

1. That the Group notes the presentation on the Phone App - 'Walking Pittwater' and that this app is now available for the community's use and enjoyment.
2. That the Group congratulates Ms Cronan on the app development and thanks her for her presentation.

(Ms Makin / Ms Conroy)

DISCUSSION POINTS:

Q: Does the app contain links to public transport?

A: One of the lessons from the development of the app was that apps are best with a single purpose. Public transport is a big topic. It would be hard to cover well within the walking app.

Q: What about events?

A: There is not a link on the app but there is an Events App available on the Pittwater Enliven site (see link below).

<http://www.pittwater.nsw.gov.au/enliven>

5.0 Emerging Business

5.1 Sydney Water Program Presentation

Proceedings in Brief:

Group members Margaret Makin and Martin Porter have been attending the Sydney Water Program on how we use water, particularly in relation to water overflows. Ms Makin and Mr Porter addressed the meeting giving a brief overview of the program which has included a tour of various Sydney Water sites. Please see Appendix 3 for Ms Makin's submission on this topic.

Both speakers noted their disappointment that Pittwater sites had not been included, and that pollution issues did not appear to have been sufficiently addressed. The program conveners cited a lack of money. The State Government takes a dividend out of Sydney Water which is allocated to higher priority infrastructure projects such as health, roads, public transport, etc. This results in a shortfall in funding for Sydney Water to implement critical upgrades.

Both speakers felt that the State Government was not doing enough to fund upgrades to Sydney Water's infrastructure or to address environmental concerns such as pollution.

Q: Do Sydney Water track how much effluent is pumped out per any set period of time?

A: It varies according to the volume of stormwater in the system which is the major cause of outflows. We inspected the stormwater retaining pits in Brookvale which do help contain outflows, but they are very expensive and there is not enough money allocated to build more.

Notes:

1. The Group noted the presentation and thanked Ms Makin and Mr Porter.
2. The Group encouraged Ms Makin and Mr Porter to continue their efforts in lobbying Sydney Water to address environmental concerns such as pollution.

5.2 Dunes Damage Survey Update

Proceedings in Brief:

At the last meeting Mr Bill Thomson (Newport Residents Association) tabled an email concerning a survey of the low dunes and track behind North Newport Beach following the recent storms. In addition to the storm damage some areas of noxious weed infestation were also investigated and a working group was being organized to do some voluntary restitution work.

Cr McTaggart suggested that members of the reference group could help design a template that could be used on a set schedule by volunteers to help monitor the health of the sand dunes. Having protective initiatives in place beforehand could head off some of the damage caused by storms and weed infestation and could lead to huge savings in remedial works. A working group of Natural Environment Reference Group members was proposed to work on a suitable template for regular dunes monitoring.

Cr McTaggart had investigated loading an Asset Management System app onto his phone and distributed literature on this to members. Members were asked to consider if they saw value in taking that forward and adapting it to Dunes Management. The app could empower local communities to take ownership of the natural environmental assets within their immediate area. The information is attached to the Minutes at Appendix 4.

Unfortunately Mr Thomson could not be present at this meeting and Cr McTaggart was keen to further discuss this matter with him. Mr Thomson will be back for the next meeting of the Natural Environment Reference Group on 11 November 2015 and this matter will be revisited at that meeting.

Notes:

1. Ms Conroy left the meeting at 5.47pm.
2. Ms Kinnison left the meeting at 5.57pm.

5.3 Delivery Program & Budget 2015-2019

The Delivery Program & Budget was adopted by Council at the meeting on 15 June 2015. It is now possible to check where funding has been allocated on projects relating to the Natural Environment Reference Group's strategic objectives and to track progress via the six monthly Program Reports (see link below to Council's website):

http://www.pittwater.nsw.gov.au/council/documents/Delivery_Program

It is also possible to track progress on all of Council's major projects via the following link:

<http://www.pittwater.nsw.gov.au/council/projects>

5.4 Community Strategic Plan Focus Areas

Proceedings in Brief:

Mr David Bremner, Community Engagement Officer, addressed the meeting on this item.

Mr Bremner advised that he would devise a brief e-survey which would be emailed to members. The aim of the e-survey was to focus on those areas within the Community Strategic Plan which were of particular relevance to the Natural Environment Reference Group and for members to identify what they would like to see brought forward as future agenda items.

5.5 Waste Management – Hard Waste Collection

Members requested an update on Waste Management in Pittwater and, in particular, how the changes to hard waste collection were working.

Action Item:

- ***That a representative from Environmental Waste Compliance be invited to present to the next Natural Environment Reference Group Meeting to be held on 11 November 2015.***
-

5.6 Update on Community Garden established at Woolcott Reserve

This is progressing well. The location is a particularly good one to start with as it is set in a densely populated area of mostly apartment dwellers so the organisers expected a good response from the local community.

This Community Garden will act as a template for the establishment of future gardens. Other sites are currently being canvassed.

6.0 Next Meeting

The next meeting of the Natural Environment Reference Group is scheduled to take place at 4.00pm on Wednesday 11 November 2015.

**THERE BEING NO FURTHER BUSINESS THE
NATURAL ENVIRONMENT REFERENCE GROUP MEETING
CLOSED AT 6.10PM ON WEDNESDAY 12 AUGUST 2015**

Council Meeting

**11.0 Adoption of Connecting Communities Committee
Recommendations**

**12.0 Adoption of Natural Environment Committee
Recommendations**

Confidential Advice

Confidential - 8 Orchard Street, Warriewood - Proposed Land Sale

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No: C9.3

Matter: Confidential Information – Proposed Land Sales – 8 Orchard Street, Warriewood

From: Simonne Johnston
A/Manager – Commercial Property & Projects

Meeting: Council

Date: 7 September 2015

The abovementioned matter is listed as Item No.C9.3 in Open Session in the Agenda.

Simonne Johnston
A/ MANAGER – COMMERCIAL PROPERTY & PROJECTS

Confidential – 8 Orchard Street, Warriewood – Proposed Sale

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Valuation Advice and Sale Price for 2A & 6A Orchard Street

Valuations were sought in August 2013 from Knight Frank. This included a range of valuations for each of the subject lots as follows:

- 2A Orchard Street valued at \$170,000 to \$200,000 (573m²); sold in 2014 at \$220,000
- 6A Orchard Street valued at \$85,000 to \$100,000 (284m²); sold in 2014 at \$110,000

Valuation Advice for 8 Orchard Street

Valuation was sought in June 2015 from Knight Frank. This included a valuation range for the subject lots as follows:

- 8 Orchard Street valued at \$130,000 to \$160,000 (511m²)

Negotiation with Adjoining Landowners

Utilising the upper level of this valuation advice plus a 25% increase to cater for property escalation, a sale price for the subject lot has been negotiated with the adjoining land owner as follows:

- Sale of 8 Orchard Street for the sum of \$200,000

RECOMMENDATION

1. That the Council owned land at 8 Orchard Street Warriewood, be sold to the adjoining land owner for the sale price listed below:
 - Sale of 8 Orchard Street for the sum of \$200,000
2. That the General Manager be authorised to sign all associated legal documentation under power of attorney.