



PITTWATER COUNCIL

Agenda

Council Meeting

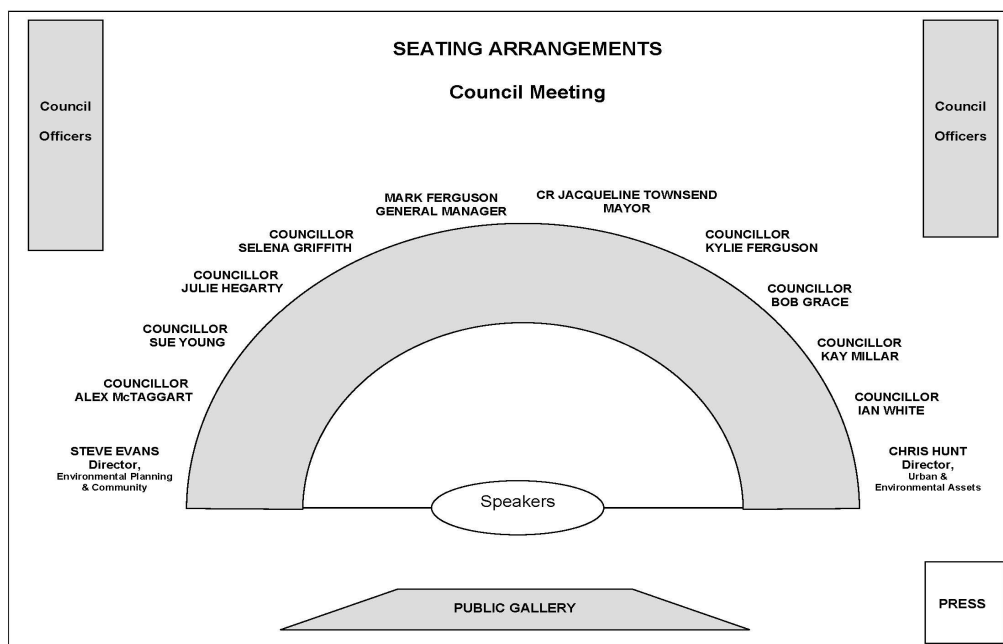
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

18 March 2013

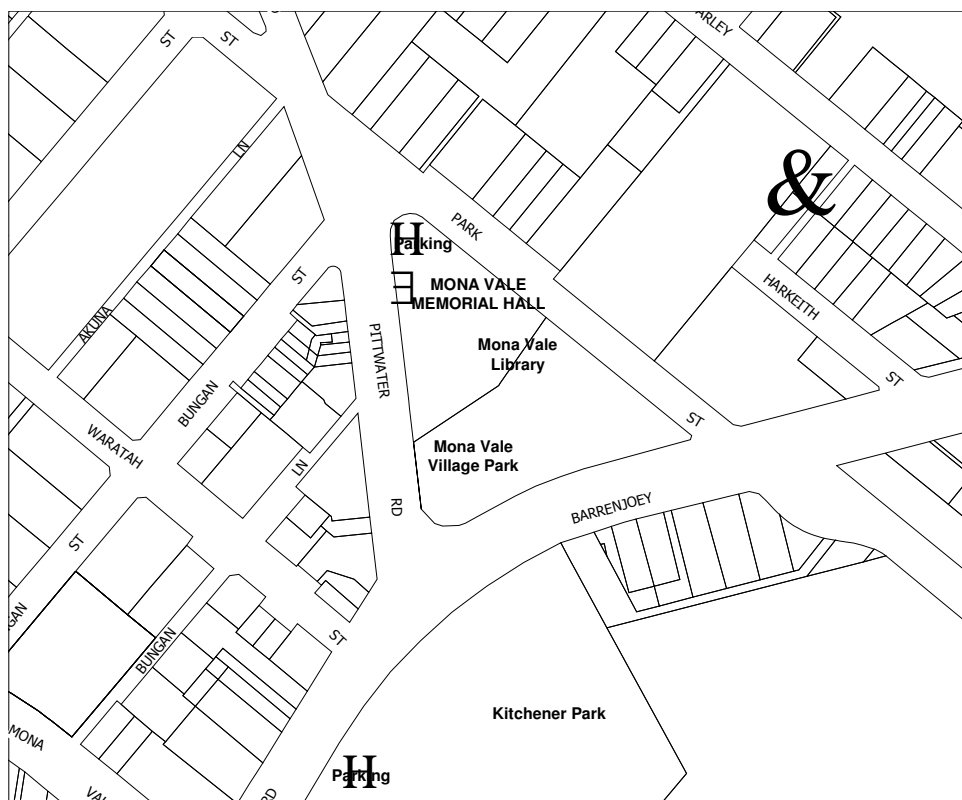
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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 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
C12.5	Tender T13/12 Management Services for Currawong Beach Cottages	179

Mark Ferguson
GENERAL MANAGER

Council Meeting

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Confidential Items (Appendix 1)

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.

Confidential - Tender Evaluation - Tender T13/12 Management Services for Currawong Beach Cottages

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

Council Meeting

1.0 Public Forum

GUIDELINES FOR RESIDENTS - PUBLIC FORUM

Objective

The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council Officers;
- There will be no debate or questions with, or by, Councillors during/following a resident submission;
- Council's general meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per meeting is permitted, with a maximum of 4 submissions in total per meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public submissions will not be permitted in relation to the following matters:
 - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
 - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

Mark Ferguson
GENERAL MANAGER

2.0 Resident Questions

RESIDENT QUESTION TIME

Objective

The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.

The following guidelines apply to any person addressing a Council / Committee meeting in relation to a Resident Question:

- 1. Residents Question Time is conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.*
- 2. A maximum of 10 minutes is allocated to Residents Question Time.*
- 3. Each Resident is restricted to two (2) questions per meeting.*
- 4. All questions are to be in writing or made electronically and lodged with the General Manager no later than 6.15pm on the day of the Council meeting at which it is to be considered.*
- 5. Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.*
- 6. A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.*
- 7. Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.*
- 8. There will be no debate or questions with, or by, Councillors during / following a resident question and response.*

3.0 Apologies

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

4.0 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.

5.0 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 4 March 2013.

6.0 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.*

7.0 Councillor Questions on Notice

Nil.

8.0 Mayoral Minutes

Nil.

9.0 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.

10.0 Council Meeting Business

C10.1	Notice of Motion - No support for Coal Seam Gas, exploration, extraction or 'fracking' in Pittwater or catchment areas that flow in to Pittwater
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Meeting: Council

Date: 18 March 2013

NOTICE OF MOTION

BACKGROUND

Coal seam gas extraction, commonly called 'fracking', is a poorly understood and regulated drilling technique used to release methane trapped in coal seams. It has been linked to drinking water contamination and reports of ill health from residents living near the gasfields.

CSG is extracted via wells that are drilled into the coal seams to release the trapped gas. The water in the coal seam is pumped out (known as de-watering) which reduces the pressure and allows the gas to be released. When there is not enough pressure or the flow of water/gas is too slow, hydraulic fracturing or 'fracking' is used.

Fracking is a technique used to create fractures that extend from the well bore into rock or coal formations. These fractures allow the oil or gas to travel more easily from the rock pores, where the oil or gas is trapped, to the production well. In order to create fractures, a mixture of water, proppants (consisting of alumino-silicates polymer spheres and / or sand), and chemicals (known as fracking fluid) are pumped into the rock or coal formation at high pressure. A well can be 'fracked' a number of times. Approximately, 40-50,000 kg of proppants are injected as part of the fracturing fluid mixture. These remain in the formation to hold open the fractures. [1]

There are already 259 CSG wells in NSW with thousands more planned.

Once an aquifer is contaminated there is no known way to fix it. [2]

The National Water Commission, in their report on coal seam gas say that the "potential impacts of CSG developments, particularly the cumulative effects of multiple projects, are not well understood... The Commission is concerned that CSG development represents a substantial risk to sustainable water management given the combination of material uncertainty about water impacts, the significance of potential impacts, and the long time period over which they may emerge and continue to have effect." [3]

Contamination of water is not the only risk. CSG mining uses an enormous amount of water, the National Water Commission says the CSG industry as a whole will extract more than 300 gegalitres of water each year; that's 300,000,000,000 litres of water!

Researchers at Southern Cross University have used a specialised measuring device and recorded highly elevated levels of methane in the air above the Tara coal seam gasfield in Queensland. The research suggests that the gas is probably migrating up from the coal seam via cracks and fissures in the ground. Methane is a far more potent greenhouse gas than carbon dioxide (at least 21 times more powerful than carbon dioxide) but current accounting of emissions under the carbon price ignores these types of uncontrolled emissions from the ground.

Residents in Tara have reported adverse health impacts following CSG activities near their homes.

There are many harmful chemicals involved that individually have been linked to cancers and other diseases, such as methanol and isopropyl alcohol. Due to proprietary information owned by the producers of these fracking chemicals and the mining companies we do not know the exact identity or volume of the chemical mixtures used, however many tonnes of chemical additive can be used in each fracking. The rest of the chemical mixture returns to the surface as 'flowback' and may contain other natural contaminants like the carcinogenic benzene, PAHs, naturally occurring radioactive materials (NORMs), heavy metals and other volatile organic compounds. Fracking releases these natural compounds from the coal seam.

Between 20 and 40% of the fracturing fluid may remain in the coal seam, which means the fluids could continue to be a source of groundwater contamination for years to come.

The National Industrial Chemical Notification and Assessment Scheme - Australia's industrial chemical regulator - has only assessed two out of the 23 known compounds used in fracking fluids but neither were assessed for use in CSG extraction. [4]

An estimated 31 million tonnes of waste salt will be produced by the coal seam gas industry, with no coordinated plan to dispose of it. [5]

- [1] Latest industry data, third quarter 2012. Australian Petroleum Production & Exploration Association Ltd (APPEA).
- [2] Senator Heffernan questioning Mark McFarlane of Santos in Federal Senate Inquiry. ABC radio, August 9, 2011.
- [3] National Water Commission Position Paper, December, 2010.
- [4] Hydraulic Fracturing in Coal Seam Gas Mining: The Risks to Our Health, Communities, Environment and Climate. National Toxics Network, June 2010.
- [5] Salt and other contaminants. ABC fact sheets and resources on this waste salt, and on toxic chemicals being released, April 3, 2012.

Risks to Pittwater.

The NSW state government has recently backed down on allowing fracking in urban areas.

LGA's, such as Pittwater, which have non urban areas and have aquifers and water catchment areas, such as the Narrabeen Lakes Catchment, falling outside urban classification, are still at risk of contamination if fracking were to occur in these areas.

MOTION

That council write to our Local Member Mr Rob Stokes, The Premier and Member for Kuringai Mr Barry O'Farrell, Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services Mr Andrew Stoner, the Minister for Resources and Energy Mr Chris Hartcher, the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW Mr Brad Hazzard, and Minister for the Environment Ms Robyn Parker to express that the people of Pittwater value the integrity of their natural environment and do not wish to put it at risk. That the people of Pittwater do not support CSG Mining or any fracking activity within the LGA or in any catchment area outside the LGA that feeds into the LGA.

Cr Selena Griffith

C10.2	Notice of Motion - No Support for Hunting NSW National Parks
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Meeting: Council

Date: 18 March 2013

NOTICE OF MOTION

BACKGROUND

In 2012, NSW Premier Mr Barry O'Farrell announced 77 national parks and reserves would be opened for amateur hunting of feral animals under a deal with the Shooters and Fishers Party to pass the government's electricity legislation in the Upper House. The program could see children as young as 12 to engage in these hunting activities. The controversial program was due to begin on March 1, but a risk assessment process has delayed its start date until late May 2013.

The risks to Pittwater are that it is surrounded by national parks and reserves. Each year many of our residents and visitors to our LGA enjoy the natural beauty of these parks and reserves in relative peace and safety. Allowing hunting activities in these national parks and reserves is undesirable as it compromises the amenity and safety of activities in these parks for visitors, residents and the native animals. Any accidental shooting of people as a result of the program would potentially tie up emergency and other services otherwise available to the local community and visitors of Pittwater.

Motion

1. That Council write to our Local Member Mr Rob Stokes, the Premier and Member for Kuringai Mr Barry O'Farrell, Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services Mr Andrew Stoner, The Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW Mr Brad Hazzard and Minister for the Environment Ms Robyn Parker to express:
 - That the people of Pittwater value the natural environment of national parks and reserves in and around Pittwater and do not wish to put the safety and amenity of users of these natural resources at risk, nor the safety and amenity of the native wildlife.
 - That the people of Pittwater do not support hunting as an activity in national parks and reserves within the LGA or in any area that borders the LGA.

Cr Selena Griffith

C10.3	Notice of Motion - Community Gardens Policy
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Meeting: Council

Date: 18 March 2013

NOTICE OF MOTION

BACKGROUND

Community Gardens, although not a new concept, are enjoying a renaissance amongst a global push by communities towards a more sustainable and social approach to living. There are many successful examples of community gardens both locally and internationally. Pittwater has a very successful community garden in Avalon, situated in the grounds of Barrenjoey High School. The benefits of community gardens are many and varied including community development and education, social networking, food security and precinct enrichment.

There are many good, very public, examples of community gardens such as Ceres in Melbourne, Randwick Community Garden, Perth City Farm and Costa Georgiadis's verge garden which appears regularly on the ABC gardening program. As public awareness grows of the social, health and sustainability benefits of such gardening activities, the demand for public space to run these will increase.

The risk to Pittwater is that Pittwater does not currently have policy to guide either verge planting or community gardens in public space. There is interest amongst many community members in all three wards of Pittwater in both activities.

Motion

That Pittwater Council work with the community to develop a policy for verge planting and community gardens that will provide a framework for guiding community members and groups who are interested in pursuing these activities.

Cr Selena Griffith

Governance Committee

11.0 Governance Committee Business

C11.1 Investment Balances as at 28 February 2013

Meeting: Governance Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: To Provide Effective Investment of Council's Funds

PURPOSE OF REPORT

To advise on the status of Council's Investment Balances as at 28 February 2013.

1.0 BACKGROUND

- 1.1 As provided for in Regulation 212 of the Local Government (General) Regulation, 2005, a report listing Council's investments (see **Attachment 1**) must be presented.

2.0 ISSUES

2.1 MONTHLY RETURN

Investment return for the month of February 2013:

Term deposits interest income:	\$105,035
Tradable CDO / Structured Note interest income:	\$0
Tradable CDO / Structured Note capital movement:	<u>\$13,951</u>
Net investment return for February 2013:	\$118,986

YEAR TO DATE RETURN

Investment return year to date February 2013:

Term deposits interest income:	\$1,076,039
Tradable CDO / Structured Note interest income:	\$3,597
Tradable CDO / Structured Note capital movement:	<u>\$38,351</u>
Net investment return year to date:	\$1,117,987

Projected investment return budget for financial year: \$1,519,000

2.2 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS

Annual returns of Council's portfolio for the last five years:

Year to	Net Return	Return on average funds invested
June 2009	\$ 534,575	2.4%
June 2010	\$ 1,364,315	6.1%
June 2011	\$ 1,521,223	5.9%
June 2012	\$ 1,679,693	6.4%
February 2013	\$ 1,117,987	5.0%
Projected Budget	\$ 1,519,000	4.5%

Note: Net investment return includes interest income and capital movements.

2.3 Early Redemption of Council's CDO - Zircon Coolangatta

Council's CDO Zircon Coolangatta with a face value of \$200,000 has been held in abeyance after the collapse of Lehman Bros and due to legal proceedings in the US Bankruptcy Court. On the 26th of February 2013, Zircon Coolangatta was redeemed and funds were returned to Note holders at \$98.97 cents in the dollar. Accordingly, based on the CDO's early redemption, Council has received in its bank account \$197,950.76 of the \$200,000 initial investment.

3.0 RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION

- 3.1 The Responsible Accounting Officer certifies that all investments have been made in accordance with Section 625 of the Local Government Act, 1993, the Local Government (General) Regulations, and Council's Investment Policy (No 143).

4.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

5.0 EXECUTIVE SUMMARY

- 5.1 The net investment return as at 28 February 2013 is \$1,117,987.

RECOMMENDATION

That the information provided in the report be noted.

Report prepared by
Renae Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER



PITTWATER COUNCIL

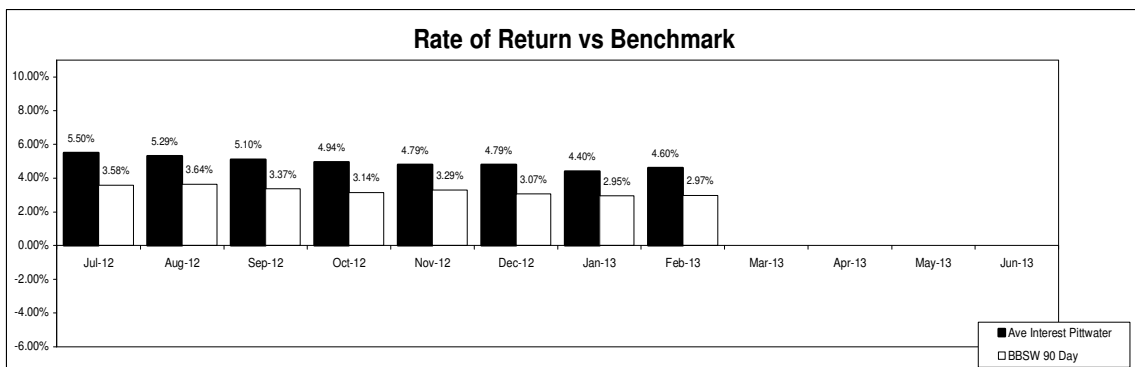
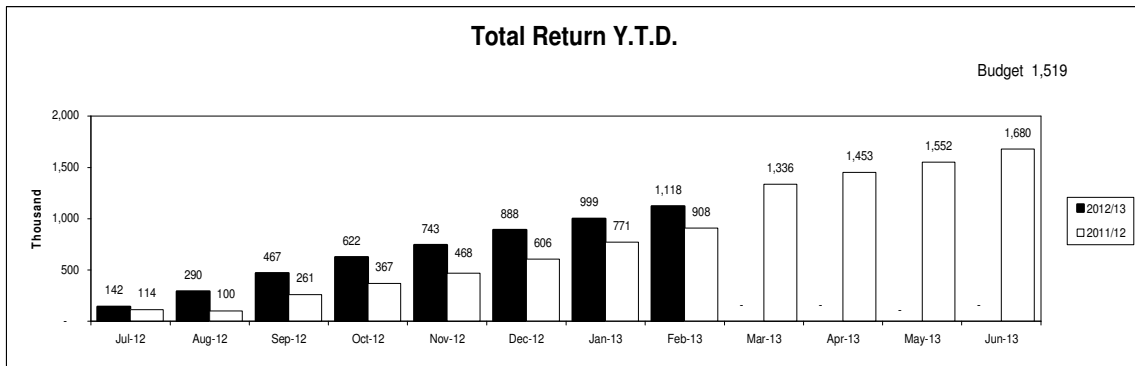
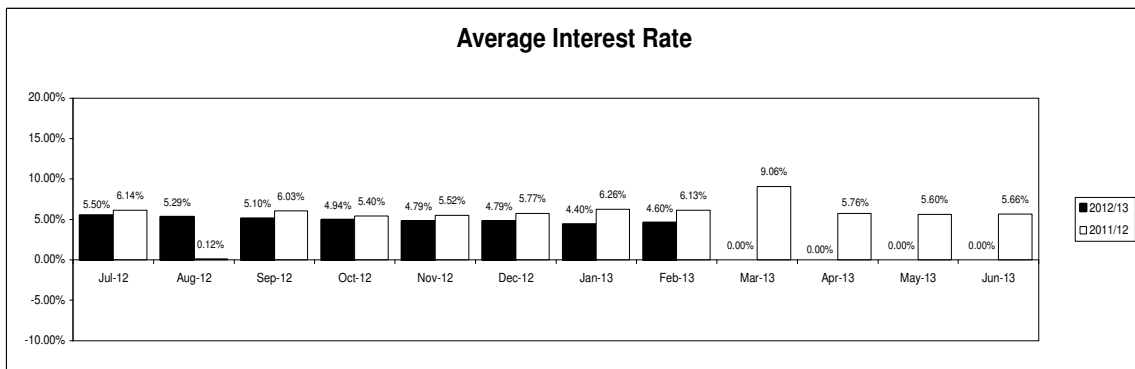
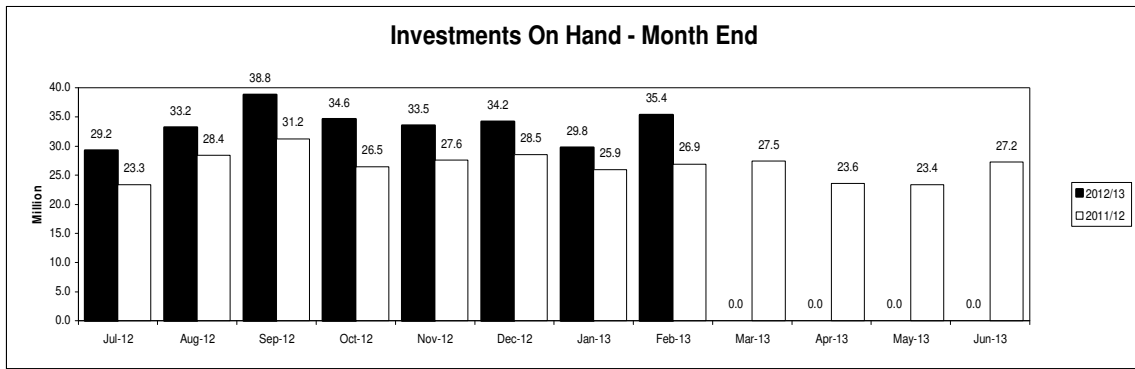
INVESTMENT BALANCES

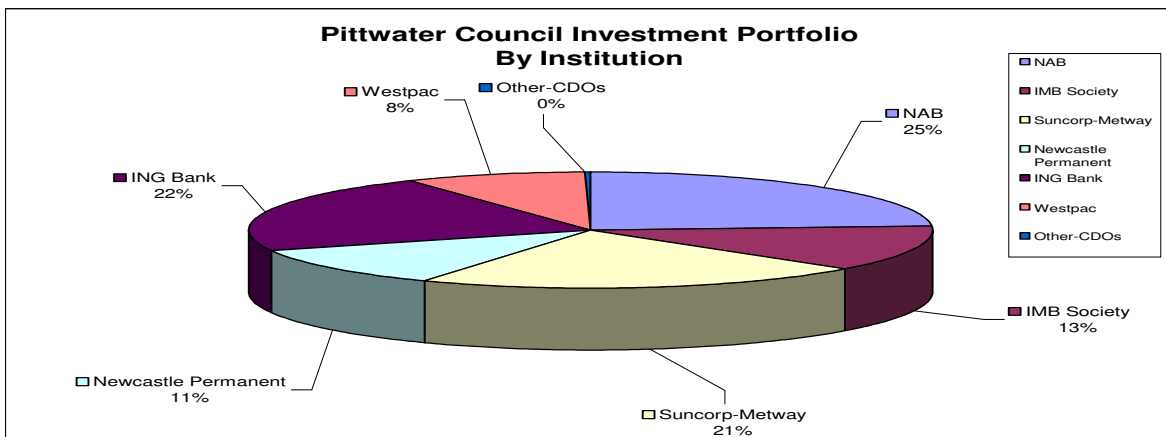
As at 28th February 2013

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA-	2,500,000.00 *	At Call	At Call	1	3.50%
At Call Total			2,500,000.00				
Term Dep	IMB Society	BBB	1,000,000.00	6-Dec-12	7-Mar-13	91	4.50%
Term Dep	IMB Society	BBB	1,000,000.00	11-Dec-12	11-Mar-13	90	4.50%
Term Dep	IMB Society	BBB	1,000,000.00	17-Dec-12	18-Mar-13	91	4.50%
Term Dep	IMB Society	BBB	1,000,000.00	14-Jan-13	15-Apr-13	91	4.30%
Term Dep	IMB Society	BBB	500,000.00	18-Feb-13	13-May-13	84	4.12%
Investee Total			4,500,000.00				
Term Dep	Suncorp-Metway	A+	1,000,000.00	23-Nov-12	20-May-13	178	4.55%
Term Dep	Suncorp-Metway	A+	1,000,000.00	5-Dec-12	3-Jun-13	180	4.60%
Term Dep	Suncorp-Metway	A+	500,000.00	6-Dec-12	4-Jun-13	180	4.60%
Term Dep	Suncorp-Metway	A+	1,000,000.00	10-Dec-12	8-Apr-13	119	4.50%
Term Dep	Suncorp-Metway	A+	500,000.00	12-Dec-12	11-Jun-13	181	4.53%
Term Dep	Suncorp-Metway	A+	1,000,000.00	11-Feb-13	6-May-13	84	4.28%
Term Dep	Suncorp-Metway	A+	500,000.00	18-Feb-13	17-Jun-13	119	4.20%
Term Dep	Suncorp-Metway	A+	1,000,000.00	25-Feb-13	26-Aug-13	182	4.23%
Term Dep	Suncorp-Metway	A+	1,000,000.00	27-Feb-13	26-Aug-13	180	4.18%
Investee Total			7,500,000.00				
Term Dep	Westpac	AA-	1,000,000.00	3-Dec-12	5-Mar-13	92	4.61%
Term Dep	Westpac	AA-	1,000,000.00	28-Feb-13	28-May-13	89	4.32%
Term Dep	Westpac	AA-	1,000,000.00	28-Feb-13	28-May-13	89	4.32%
Investee Total			3,000,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	26-Nov-12	4-Mar-13	98	4.50%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	3-Dec-12	4-Mar-13	91	4.50%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	21-Jan-13	29-Apr-13	98	4.30%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	25-Feb-13	27-May-13	91	4.15%
Investee Total			4,000,000.00				
Term Dep	ING Bank	A	1,000,000.00	10-Sep-12	12-Mar-13	183	5.00%
Term Dep	ING Bank	A	1,000,000.00	17-Sep-12	18-Mar-13	182	5.02%
Term Dep	ING Bank	A	500,000.00	27-Nov-12	27-May-13	181	4.73%
Term Dep	ING Bank	A	500,000.00	12-Dec-12	11-Jun-13	181	4.74%
Term Dep	ING Bank	A	500,000.00	8-Jan-13	27-Jun-14	535	4.47%
Term Dep	ING Bank	A	1,000,000.00	14-Jan-13	15-Jul-13	182	4.54%
Term Dep	ING Bank	A	1,000,000.00	22-Jan-13	22-Jul-13	181	4.42%
Term Dep	ING Bank	A	750,000.00	4-Feb-13	6-Aug-13	183	4.48%
Term Dep	ING Bank	A	500,000.00	18-Feb-13	19-Aug-13	182	4.31%
Term Dep	ING Bank	A	1,000,000.00	27-Feb-13	27-Aug-13	181	4.35%
Investee Total			7,750,000.00				
Term Dep	NAB	AA-	1,000,000.00	3-Sep-12	4-Mar-13	182	5.04%
Term Dep	NAB	AA-	1,000,000.00	4-Dec-12	3-Jun-13	181	4.65%
Term Dep	NAB	AA-	1,000,000.00	10-Jan-13	1-Apr-13	81	4.45%
Term Dep	NAB	AA-	1,000,000.00	18-Jan-13	22-Apr-13	94	4.34%
Term Dep	NAB	AA-	1,000,000.00	25-Feb-13	24-Jun-13	119	4.21%
Term Dep	NAB	AA-	1,000,000.00	27-Feb-13	17-Jun-13	110	4.21%
Investee Total			6,000,000.00				
	* Arranging Institution						
Floating Rate CDO	* Merrill Lynch	D	132,000.00	14-Dec-11	20-Mar-13		bbsw + 1.70%
Floating Rate CDO	* Morgan Stanley	D	0.00	15-Aug-06	20-Jun-15		bbsw + 3.30%
Investee Total			132,000.00				
					February BBSW Close		2.97%
TOTAL INVESTMENTS			\$35,382,000.00				

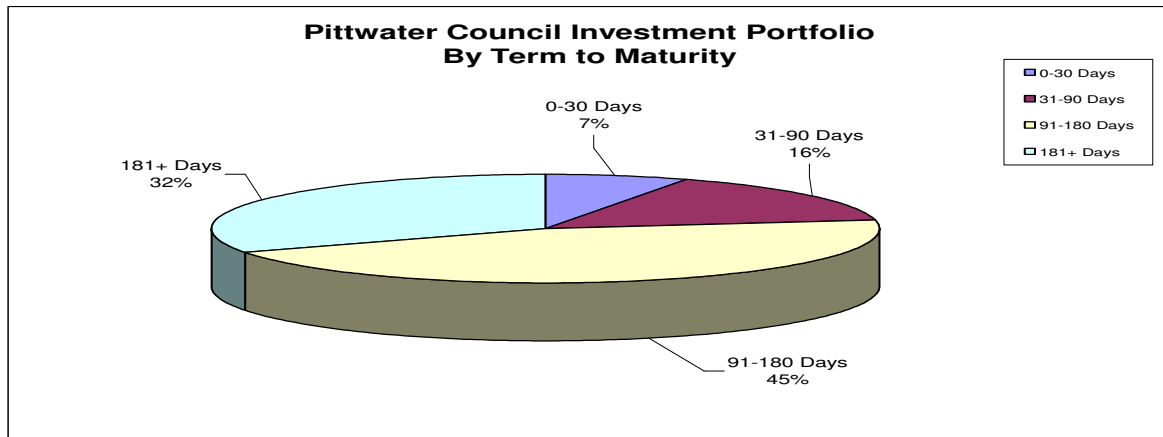
Note: Investments denoted with an * are held in Cash and Cash Equivalents in Council's Balance Sheet along with Cash at Bank and Floats.

All other investments are held as Investment Securities in Council's Balance Sheet

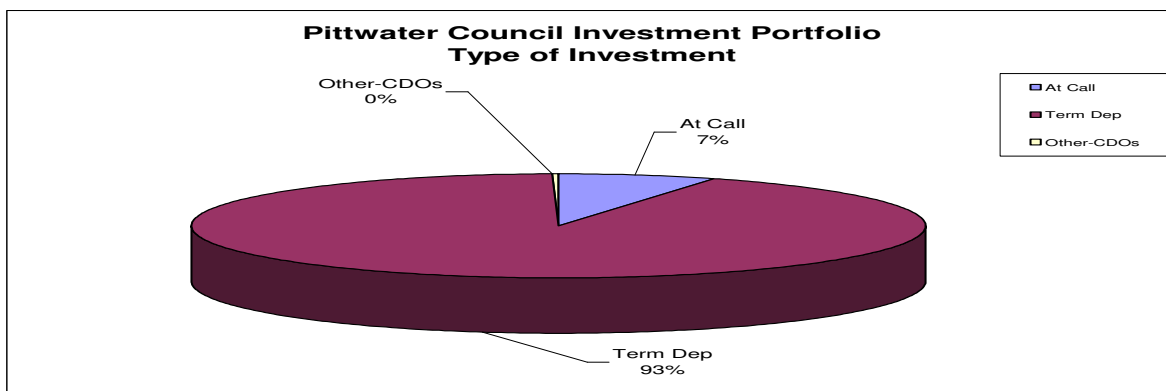
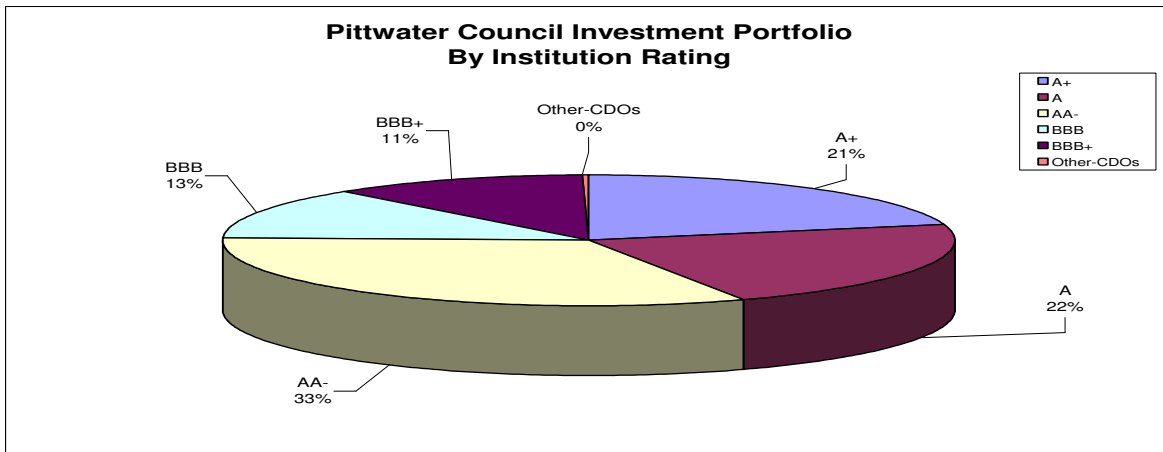




Note: Council Policy - No Institution can hold more than 25% of Council's Total Portfolio



Note: Council Policy - No Term to Maturity can be greater than two years



Investment Information:

Types of Investments

At Call refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

A **Floating Rate CDO** or Collateralised Debt Obligation is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit Ratings are assigned to these investments as detailed in the investment balances listing.

Credit Rating Information

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA	<i>Extremely strong capacity to meet financial commitments (highest rating)</i>
AA	<i>Very strong capacity to meet financial commitments</i>
A	<i>Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances</i>
BBB	<i>Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments</i>
BB	<i>Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions</i>
B	<i>More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation</i>
CCC	<i>Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments</i>
CC	<i>Currently highly vulnerable</i>
C	<i>Highly likely to default</i>
D	<i>Defaulted</i>

The **Bank Bill Swap Rate (BBSW)** is the average mid rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

C11.2 Management Report - 2012/2013

Meeting: Governance Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Develop a structure / framework for integrated Corporate Planning

PURPOSE OF REPORT

To report on first 6 months of the 2012/2013 financial year for the 2012-2016 Delivery Program and Budget.

1.0 BACKGROUND

- 1.1 Council is required to report every 6 months on the progress of the 2012-2016 Delivery Program and Budget. This is a report on the first 6 months the 2012/2013 financial year. Budget results per Key Direction and associated Strategies are all detailed in the **Financial Report for the Period ending 31 December 2012 of the 2012-2013 Financial Year** that was presented to Council on 18 February 2013. The 6 Month Management Report has been circulated separately and will be formally tabled at the meeting.

2.0 ISSUES

2.1 Reporting on the 2012-2013 Delivery Program

This 6 Month Management Report provides an update as to the progress of the 412 actions that are contained in the 2012-2016 Delivery Program. For consistency the same format has been used for this report as in the Delivery Program.

The report is broken down by Council's 5 Key Directions and then by strategies and ultimately the operational actions. The report provides an update to each operational action as well as additional comments relating to the progress of the action.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The activities below all have a positive effect on community connectedness and continue to provide a variety of services across the community:

- Major Market Days at Avalon, Newport and Mona Vale co-ordinated. Twilight Markets held at Village Park on Friday nights, and monthly markets run at Palm Beach
- Building of new commuter wharf at Church Point for offshore residents
- New community space in former scout hall at Avalon's Dunbar Park
- Midnight Basketball program
- Provided advice and support to Big Air Skate comp at Avalon Skate Park
- Co-ordinated the 10th year of 24/7 Youth Film Festival with over 40 teams entering
- Citizenship ceremonies held
- Conducted Australia Day activities

3.2 Valuing & Caring for our Natural Environment (Environmental)

The activities below all reflect the philosophy of protecting and enhancing the human and natural environment for current and future generations:

- Maintenance of walkways carried out at Avalon Beach
- Council have finished maintenance and painting to Mona Vale, Newport Surf Clubs, started work on Palm Beach surf club
- New walking track at Ingleside
- New steps and pathway connecting the Serpentine to Bilgola beach
- Rehabilitation of Nareen wetland, North Narrabeen, Cannes Reserve, McKay Reserve, Stapleton Reserve, Angophora Reserve & Deep Creek Reserve
- Amenities building at Bilgola Beach has been refurbished
- Pram ramps installed at Nth Mona Vale Headland and Warriewood to improve access for people with disabilities

3.3 Enhancing our Working & Learning (Economic)

Council continues to provide life-long learning opportunities for all sectors of the community. Council commits to local economic development initiatives that do not have a negative impact on the local natural environment:

- Fridge Buy Back Program brochure distributed to 23,000 households
- 6 author talks held 3 reading groups per month at Mona Vale Library
- 88,968 visits to Mona Vale Library 141,009 loans at Mona Vale Library
- 15,600 visits and 21,723 loans at Avalon Community Library
- Career Expo attended by Council staff
- Program of free business workshops and events
- Pittwater Business Limited supported
- Council continues to work very closely with all business chambers across Pittwater

3.4 Leading an Effective & Collaborative Council (Governance)

The activities below all contribute towards Council's ongoing commitment to transparency and accountability when dealing with the community and to continual business improvement:

- Ageing Workforce Strategy being developed by staff
- Council continues to effectively manage Lakeside Holiday Park & Currawong Beach Cottages
- On-line community mapping tool now live and being used in Warriewood Strategic Review
- 24 formal and 278 informal GIPA applications processed
- Council adopted a new set of Core Values
- Major review has started for Pittwater 2020
- Customers at front desk at Avalon = 1437
- Customers at front desk at Mona Vale = 4180
- Council implementing new Risk Management Plan

3.5 Integrating our Built Environment (Infrastructure)

All the highlights below are aimed at enhancing the provision and use of public space as well as ensuring that Council adhere to environmental principles:

- 10kw of solar panels installed at Boondah Depot
- Energy Management Review completed in February. Identified key actions for implementation in future years
- Warriewood Valley Strategic Review completed and Placed on Public Exhibition
- New playground at Warriewood and Apex Park
- New pontoon and wharf at Careel Bay
- Upgraded car park at McCarrs Creek Reserve
- Avalon Beach car park, steps and landscaping upgrades
- LED lighting installations continue

4.0 EXECUTIVE SUMMARY

In providing Council with this information for the period ending 31 December 2012 the following information should be noted as a summary, there are 412 active operational actions for the period 2012/13.

	6 Months
Completed	39 (9%)
Progressing*	341 (83%)
Not Progressing	32 (8%)

* Progressing includes those actions that are only scheduled to start in the last quarter; these actions are still scheduled to start, as planned, in this quarter.

RECOMMENDATION

That the 6 Month Management report for the period ending 31 December 2013 (6 months) be noted.

Report prepared by

Paul Reid,
MANAGER, CORPORATE STRATEGY & COMMERCIAL

C11.3	Minutes of the Community, Recreation & Economic Development Reference Group Meeting held on 6 February 2013
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Meeting: Governance Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Community, Recreation & Economic Development Reference Group Minutes of 6 February 2013 (**Attachment 1**).

1.0 BACKGROUND

1.1 The Community, Recreation & Economic Development 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.

1.2 The strategic objectives within the associated key directions are:

- Building Communities
- Recreational Management
- Community Learning
- Economic Development

1.3 To fulfil its role the Community, Recreation & Economic Development 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

2.0 ISSUES

2.1 The following reference points were made by the Committee during their discussion on various agenda items:

Item CRED4.1 Community Strategic Plan Review Update

Reference Points:

1. *The Reference Group thanked Simonne Johnston, Corporate Planner for her presentation.*
2. *In conjunction with the finalisation of the Community Strategic Plan, the next step is to develop the Delivery Program 2013-2017. This includes translating community objectives into Delivery Program Actions for the next four years. Actions will be developed using the CSP workshop outcomes as well as a range of plans such as the Social Plan, Economic Development Plan, LEP, Walks & Rides, Open Space Strategy, Plans of Management etc. The Reference Group noted the timing between the Community Strategic Plan and Delivery Plan.*
3. *A Budget will also be developed in line with the action planning and the draft Delivery Program & Budget will be on public exhibition for a month following the Council meeting held on 15 April 2013. The Reference Group noted the timing of the Delivery plan process.*

Item CRED4.2 Social Plan 2012-2016 - First Emerging Issues Paper - Arts Paper

Reference Points:

1. *The Reference Group thanked Melinda Hewitt and Zoe Johnson for their presentation.*
2. *The Reference Group noted the development of an Arts Paper as the first emerging issues paper for the Social Plan 2012-2016. Council staff will present to the Reference Group the overall framework, the community engagement strategy, and workshop key topics with the group. Feedback and suggestions from the discussion will be included in the overall findings for the development stage of the Arts Paper.*

Item CRED4.3 Council consideration of Aquatic Facility Development - Market Demand and Cost of Provision

Reference Points

1. *The Reference Group thanked Mr Mark Eriksson for his thorough report and for his presentation.*
2. *That Council consider the contents of this report in conjunction with Councils long term financial plan.*
3. *That the reference Group note the recommendation of the consultant being:*

“That Council should not consider the development of an indoor aquatic centre until at least the end of the 2017 financial year.

Item CRED4.4 Review of Council's Reference Groups

Reference Points

1. *All members are commended on their valuable efforts and contributions to the Community, Recreation and Economic Development Reference Group. Council wishes to acknowledge that their input has made a valuable impact on the Pittwater Community.*
2. *That the survey findings highlighted in this report be noted.*

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

The minutes of the Community, Recreation & Economic Development Reference Group of the meeting of 6 February 2013 are attached for Council's consideration.

RECOMMENDATION

That the Minutes of the Community, Recreation and Economic Development Reference Group Meeting of 6 February 2013 (refer **Attachment 1**) be noted.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Community, Recreation & Economic Development Reference Group

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

6 February 2013

Commencing at 4.02pm

Attendance:

Cr Kay Millar
Cr Kylie Ferguson

Members

Clareville & Bilgola Plateau Residents Association – Ms Jennie MacKenzie
Surf Life Saving Northern Beaches – Mr Steve McInnes
West Pittwater Community Association – Mr Paul Purvis
Pittwater Community Gardens Association Incorporated – Mr Heath Blanshard
Sustainability Pittwater – Mr Anthony Robinson
Newport Residents Association – Mr Hans Hui
Pittwater Resident Representative – Mr Alan Porter

and the following Council Advisors

Mr Lindsay Godfrey, Manager, Community, Library & Economic Development
Ms Melinda Hewitt, Social, Community & Economic Development Coordinator
Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy
Ms Sherryn McPherson, Administration Officer/Minute Secretary
Ms Zoe Johnson, Community Development Officer

Community, Recreation & Economic Development Reference Group Meeting

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CRED4.4	Review of Council's Reference Groups	
5.0	Emerging Business	
6.0	Next Meeting	

1.0 Apologies

1. Apologies were received from:

Mr Steve Evans, Director, Environmental Planning & Community
Mr Chris Hunt, Director, Urban & Environmental Assets
Mrs Fiona Winter - Community Care (Northern Beaches) Inc.
Mrs Sandra Skelly - Barrenjoey High School P&C
Ms Bronwyn Hammond - Pittwater Community Arts
Ms Mischa Moraza - Pittwater Resident Representative
Mr Les Wingham - Pittwater Resident Representative

and leave of absence was granted from the Community, Recreation & Economic Development Reference Group meeting of 6 February 2013.

2. The Reference Group members accepted the apologies.

(Lorrie Morgan / Cr Millar)

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

1. That the Minutes of the Community Recreation and Economic Development Reference Group Meeting held on 7 November 2012 as amended by Cr Miller at Council meeting 3 December 2013, be confirmed as a true and accurate record of that meeting.
2. That 5.0 Emerging Business title be amended to read General Business.

(Cr Miller / Jenny Makenzie)

4.0 Discussion Topics

CRED4.1 Community Strategic Plan Review Update

Proceedings in Brief

Ms Simonne Johnston, Corporate Planner addressed the meeting on this item.

A PowerPoint presentation was given on the Community Strategic Plan Review and is attached to the Minutes at **Attachment 1**

A Public workshop will be held in March to obtain feedback from the Community regarding Community engagement outcomes for the objectives, challenges and opportunities within Pittwater.

Members of the Community Recreation and Economic Development Reference group were commended on the highest attendance and for their input into the Community Strategic Plan.

Discussion Points:

Q: What is Councils process for finalising Budgets in relation to the Community Strategic Review? Do the Councillors have an input into the budget for upcoming projects and list of priorities?

A: Council staff prepare a draft budget and advise Councillors who have ultimate sign off on budget and prioritisation for spending. The Delivery Plan outlines the actions and projects Council will undertake over the next four year period.

Council's Draft Delivery Plan and Budget will be on public exhibition in May and will consider any community input/ submissions that are made during that time. After this point it will go back to Council for adoption in June 2013.

Q: What will happen to items that are not classified as a high priority? Will these projects be disregarded when they are deemed a low priority and be postponed until the next Community Strategic Plan is created.

A: The Community Strategic Plan is a 10 year document so not all objectives will be achieved within the first 4 year Delivery Program & Budget. However, the Delivery Program and Budget is reviewed annually so priorities can be reassessed then.

The Community Strategic Plan works in conjunction with the Delivery Program which feeds into the Budget process with the aim to achieve outcomes for the community. If certain items are raised yet out of our control (E.g Public Transport) Council can lobby with the other Government Agencies to have these needs recognised and addressed.

For this particular term, Council is placing the Community Strategic Plan and Delivery Program on exhibition at the same time so the community can recognise the link between the two (2) planning documents and how they create action items for Council.

An Invitation will be sent to Reference group members to a workshop regarding the draft Community Strategic Plan in March

REFERENCE GROUP RECOMMENDATION

1. The Reference Group thanked Simonne Johnston, Corporate Planner for her presentation.
2. In conjunction with the finalisation of the Community Strategic Plan, the next step is to develop the Delivery Program 2013-2017. This includes translating community objectives into Delivery Program Actions for the next four years. Actions will be developed using the CSP workshop outcomes as well as a range of plans such as the Social Plan, Economic Development Plan, LEP, Walks & Rides, Open Space Strategy, Plans of Management etc. The Reference Group noted the timing between the Community Strategic Plan and Delivery Plan.
3. A Budget will also be developed in line with the action planning and the draft Delivery Program & Budget will be on public exhibition for a month following the Council meeting held on 15 April 2013. The Reference Group noted the timing of the Delivery plan process.

(Paul Purvis / Steve McInnes)

CRED4.2 Social Plan 2012-2016 - First Emerging Issues Paper - Arts Paper

Ms Melinda Hewitt - Social, Community & Economic Coordinator, Ms Zoe Johnson – Community Development Officer addressed the meeting on this item.

Discussion Points:

A PowerPoint presentation on the Arts Paper development process was given, which also included a survey see **Attachment 2**.

Reference Group members broke up into 2 groups for a workshop. The results of the discussions are attached to the Minutes at **Attachment 3**.

REFERENCE GROUP RECOMMENDATION

The Reference Group thanked Melinda Hewitt and Zoe Johnson for their presentation.

The Reference Group noted the development of an Arts Paper as the first emerging issues paper for the Social Plan 2012-2016. Council staff will present to the Reference Group the overall framework, the community engagement strategy, and workshop key topics with the group. Feedback and suggestions from the discussion will be included in the overall findings for the development stage of the Arts Paper.

(Lorrie Morgan / Jennie MacKenzie)

CRED4.3 Council consideration of Aquatic Facility Development - Market Demand and Cost of Provision

Proceedings in Brief

Mr Mark Eriksson, Principal Officer, Landscape Architect addressed the meeting on this item.

Discussion Points:

Reference group members commended Mr Eriksson on the detailed report contained in the Agenda.

It would be highly beneficial an Aquatic Facility in Pittwater for the reasons contained in the report and also for:

- Pittwater's ageing demographic for exercising or rehabilitation classes,
- School swimming carnivals for Pittwater Schools and also for surrounding Local Government Areas,
- Nippers and younger generations learning to swim.

However a number of constraints were identified:

- Replacement cost of the asset would be very hard to fund. (e.g When the steel in the pool rust it must be replaced which is very expensive.)
- It must be a Wet Dry Facility and be able to keep up with the latest trends to maintain a high amount of interest and income.
- Finding a location, demand and capital cost (how to finance the Wet Dry Facility, ongoing operating cost including depreciation).

Q: Would it be beneficial for Council to engage with a private operator to build and run the facility?

A: Pittwater Council has received interest in the past from private operators wishing to join with Council however discussions have not made it further than the cost of implementing and ongoing running costs for the pool.

Q: In order to gas heat the pool costs \$300k which could possibly be significantly reduced by solar heating, however are there any Government Grants we could apply for?

A: State and federal Granting options are very scarce and in most cases are on a dollar basis. To date, Council has been largely unsuccessful in obtaining large scale grants due to this type of major infrastructure project.

REFERENCE GROUP RECOMMENDATION

1. The Reference Group thanked Mr Mark Eriksson for his thorough report and for his presentation.
2. That Council consider the contents of this report in conjunction with Councils long term financial plan.
3. That the reference Group note the recommendation of the consultant being:

"That Council should not consider the development of an indoor aquatic centre until at least the end of the 2017 financial year."

(Anthony Robinson / Hans Hui)

CRED4.4 Review of Council's Reference Groups

Proceedings in Brief

Ms Jane Mulroney - Principal Officer, Community Engagement addressed the meeting on this item.

Discussion Points:

Reference Group members commended the report presented by Ms Mulroney and recognised while they are not the ultimate decision making authority, it was agreed that the Reference Groups are valuable as they provide the opportunity for Community Groups and Representatives to meet, discuss and put forward ideas to Council for areas of improvement. Members appreciate the opportunity to have a say in what happens in OUR Community.

Q: Will the Community Groups be able to nominate alternate members within their local Associations and share their role within the group?

A: In the next term of appointment for Reference Group members, it is recommended that 1 member commit to attending the meetings. In the instance a member is unable to attend an Alternate Delegate is able to attend.

Wherever possible delegates should avoid using their alternates as the value of having the same delegate is very important and creates an environment for more effective discussion.

Q: Is it possible to have more than one representative be elected as part of the Reference Group?

A: Council appreciates and welcomes the communities input at the reference group meetings. However in the next term Council will consider limiting the number of members from 16 to 14. Council would like to have as many community representatives involved as possible but it is thought that limiting numbers provide more opportunity for each member appointed to have an input on each topic.

REFERENCE GROUP RECOMMENDATION

1. All members are commended on their valuable efforts and contributions to the Community, Recreation and Economic Development Reference Group. Council wishes to acknowledge that their input has made a valuable impact on the Pittwater Community.
2. That the survey findings highlighted in this report be noted.

(Jenny Mackenzie / Paul Purvis)

5.0 General Business

Mr Lindsay Godfrey – Manager, Community, Library & Economic Development congratulated and thanked all members of the Community Recreation and Economic Development Reference Group for their valuable contributions to Council on behalf of the Community and encourages for all members to reapply for another term.

6.0 Next Meeting

That the next meeting of the Community, Recreation and Economic Development Reference Group will be held on 1 May 2013 at the Coastal Environment Centre commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.14pm
ON WEDNESDAY, 6 FEBRUARY 2013.**

C11.4	Minutes of the Community Engagement, Information and Governance Reference Group Meeting held on 27 February 2013
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Meeting: Governance Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 27 February 2013 (**Attachment 1**).

1.0 BACKGROUND

- 1.1 The Community Engagement, Information & Governance Reference Group has a primary role of assisting the Pittwater 2020 Strategic Plan process by critically analysing and reviewing the Strategic Goals aligned to leading an effective and collaborative Council and providing Reference Points for further consideration by Council.
- 1.2 The Community Engagement, Information & Governance Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals and associated Key Direction Strategies.
- 1.3 At the meeting of 27 February 2013 the Community Engagement, Information & Governance Reference Group considered the following topics:

CEIG 4.1 *Community Strategic Plan Review Update*

CEIG 4.2 *Review of Council's Reference Groups*

CEIG 4.3 *Council's Financial Reporting Framework*

2.0 ISSUES

2.1 CEIG 4.1: *Community Strategic Plan Review Update*

Reference Points

- Draft Indicator Review document to be circulated to members for their comments (see Appendix 1).
- Copy of PowerPoint presentation to be circulated to members (see Appendix 2).
- Sustainability Pittwater - Mr Jessup wishes to address key indicators in terms of sustainability at the next meeting.

2.2 CEIG 4.2: Review of Council's Reference Groups

Reference Point

- That unsuccessful suitable applicants for appointment to the reference group be placed on a merit based list to fill any vacancies.

2.3 CEIG 4.3: Council's Financial Reporting Framework

Reference Point

- Annual Report to Council to detail breakdown of expenditure by each Business Unit to be investigated.

2.4 General / Emerging Business:

CEIG 5.1 Redraft of Letter 1A - Notification of Development Applications

CEIG5.2 Update on Eco-Markers

Reference Point

- Further update be brought to the next meeting.

CEIG 5.3 Bayview-Church Point Residents Association - Public Liability Insurance

Reference Point

- B-CPRA to write to Council with formal request – Policy now due so response required asap please.

CEIG 5.4 Clean Up Pittwater Day

Reference Point

- Community Engagement Officer to follow up with Environmental Compliance Officers.

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 The Community Engagement, Information & Governance Reference Group has a specific focus on governance related matters in the context of the Pittwater 2020 Strategic Plan and its quadruple bottom line sustainable living approach.

4.0 EXECUTIVE SUMMARY

- 4.1 The Community Engagement, Information & Governance Reference Group has provided a number of Discussion and Reference Points that will assist Council and the community.

RECOMMENDATION

1. That the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 27 February 2013 be noted.
2. That the initiatives discussed and Reference Points in relation to:
 - ***CEIG 4.1 Community Strategic Plan Review Update***
 - ***CEIG 4.2: Review of Council's Reference Groups***
 - ***CEIG 4.3 Council's Financial Reporting Framework***

be taken into consideration for future Reference Group Meetings and when developing / updating Council's Delivery Plan and Strategic documents.

Report prepared by

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS

Minutes

Community Engagement, Information & Governance Reference Group

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

27 February 2013

Commencing at 4.03pm

Members of the Committee, namely

Cr Sue Young, Chairperson

The following community representatives:

Mr Gavin Butler, Newport Residents Association
Mr Graeme Crayford, Scotland Island Residents Association
Mr Storm Jacklin, Palm Beach and Whale Beach Association Inc.
Mr Graeme Jessup, Sustainability Pittwater
Mr Tony Tenney, Clareville and Bilgola Residents Association
Mr David Williams, Bayview-Church Point Residents Association

And the following Council Advisors

Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Paul Reid, Manager, Corporate Strategy & Commercial
Mr Mark Jones, Chief Financial Officer
Ms Jane Mulroney, Community Engagement Officer
Ms Pamela Tasker, Administration Officer/Minute Secretary

COMMUNITY ENGAGEMENT, INFORMATION & GOVERNANCE REFERENCE GROUP MEETING

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5.0	Emerging Business	
5.1	Redraft of Letter 1A - Notification of Development Applications	
5.2	Update on Eco-Markers	
6.0	Next Meeting	

1.0 Apologies

REFERENCE GROUP RECOMMENDATION

That apologies be received and accepted from the following members:

- Ms Sarah Hatcher, Pittwater Resident Representative
- Mr Peter Middleton, Newport Residents Association
- Mr Bill Gye, Scotland Island Residents Association
- Ms Gillian Clive – Pittwater Resident Representative
- Ms Lynne Czinner, Peninsula Music Club
- Mr John Gillham, Northern Beaches Community Services
- Ms Brigitte Mahler-Mills, West Pittwater Community Association

and that leave of absence be granted from the Community Engagement, Information & Governance Reference Group Meeting held on 27 February 2013.

(Storm Jacklin / Graeme Jessup)

Notes:

1. Mr Graeme Crayford attended as alternate delegate for the Scotland Island Residents Association.
2. A letter of resignation from Mr Hans Carlborg (Pittwater Resident Representative) was tabled at the meeting. Mr Carlborg has moved to Melbourne. He asked that his best wishes be conveyed to all members of the Reference Group.

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Community Engagement & Information Reference Group Meeting held on 28 November 2012, copies of which were circulated to all Reference Group Members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Mr Butler / Mr Jacklin)

4.0 Discussion Topics

CEIG4.1 Community Strategic Plan Review Update

Proceedings in Brief

Mr Paul Reid, Manager - Corporate Strategy & Commercial - addressed the meeting on this item.

DISCUSSION POINTS:

- Although the 12 strategies are allocated under the 5 key directions in practice they are all connected. The 5 key directions are not silos - the strategies interact across them.
- Indicator Review - we will use the SHOROC regional indicators tailored to a Pittwater perspective. There are a whole range of indicators used to assess values: Environmental, Community, Economic, Social, etc.

Q: Will the SHOROC indicators be too broad – an issue in Manly for instance may not be an issue specific to Pittwater??

A: There are 50 indicators and they are very broad. But we will be collecting our own data so it will be specific to Pittwater.

Q: Won't it be hard for people to focus on specifics when the indicators are so broad?

A: These are community indicators about perceptions – safety, childcare, etc. Specific indicators will be tackled when we start looking at performance which will tie in with the delivery program. The Community Strategic Plan is not necessarily about Council performance. Actual KPI's will be applied to measuring our success at Delivery Program stage.

The State Government is currently looking at measurement of Council performance ...

Sue Young talked about a SHOROC meeting – Chair of Independent Review of Government very impressed with Pittwater Strategic Plan framework.

Until completion of the Eol process and the appointment of new members, all correspondence, notices and other material will continue to be sent to the current membership. We will be canvassing you for your opinions, feedback, etc.

Q: I was disconcerted when I saw specific reference to sustainability left out of the draft Strategic Plan. Will more detail on sustainability now be in the Delivery Plan? Will leaving it out of the draft Strategic Plan risk it being dropped from the framework?

A: One of the foundation references in the Delivery Plan will be Sustainability. Like Community Education, it is one of those strategies which is incorporated across all 5 key directions. We are not just concentrating on environmental issues, but we have to plan for sustainability across the board, financial sustainability for instance. Sustainable development and initiatives is an issue Pittwater has always been strong on.

When we did strategic plan we were already ahead of the game – clarity between strategic plan and delivery program – will show how strategies flow through to projects.

Current delivery plan ongoing – rolling four years – will cross reference – pick up existing projects with incoming projects.

Remapping and rewording some actions as trying to achieve clarity to maximize progress over the next 10 years.

In the next term, it is likely the CEIG Reference Group will be focussing on the key direction of "Leading an Effective and Collaborative Council". There is a report going to Council this Monday (4 March 2013) concerning reference groups and their alignment with the key directions. This group will focus on Enhancing Our Working and Learning. The group may even be renamed ***Leading & Learning Reference Group***.

REFERENCE POINTS:

- **Draft Indicator Review document to be circulated to members for their comments (see Appendix 1).**
- **Copy of PowerPoint presentation to be circulated to members (see Appendix 2).**
- **Sustainability Pittwater - Mr Jessup wishes to address key indicators in terms of sustainability at the next meeting.**

CEIG4.2 Review of Council's Reference Groups

Proceedings in Brief:

Ms Jane Mulroney, Community Engagement Officer, addressed the meeting on this item.

DISCUSSION POINTS:

Survey Results:

An objective of the review was to consider how we broaden involvement from Community Groups. For example, it was noted that some areas did not have active Resident Associations when members were appointed in 2011 (Mona Vale and Elanora Heights). More effort to involve the Chambers of Commerce is also planned for the future, especially given the greater focus on economic development across Pittwater.

As discussed earlier, a report on Reference Groups is going to Council this Monday (4 March 2013). The realignment of strategies will be reflected in changes to Reference Group charters. The Chair strongly recommended all members read the report.

In future, Reference Group Meetings will incorporate procedures to strengthen Reference Points put forward to Council. In future it has been recommended that Councillors consider the progression of reference points when minutes are tabled at Council meetings.

Discussion took place regarding changes to the charter allowing only one delegate per community association. Some Resident Associations have found it useful to have more than one delegate as each person has different expertise to contribute to discussion. If the opportunity arises (ie: a reference group being under-subscribed) more than one delegate per resident association would be preferable.

This change was initiated due to the formation of some new Resident Associations over the past few years. The restriction to one delegate per group would enable a fair representation and involve those community groups currently under-represented. It was noted that members can also apply as a Pittwater Resident Representative. Membership of a resident association would not preclude eligibility. Resident Associations were also asked to nominate Alternate Delegates and observers to meetings were always welcome.

Q: Is it possible to keep a list of interested parties / candidates to over-subscribed groups from the EoI process. Then if someone does drop out of a group during the term, an offer can be extended to the next person on the list?

A: This is a good idea. Jane Mulroney suggested that Councillor Young raise this issue at the Council meeting. The report has already been distributed as part of Council Business Papers and therefore can not be amended at this time.

Q: Is the key objective of reference groups dissemination of information to Council?

A: Reference groups are not just about information dissemination. The focus of discussion within reference groups is progressing the Community Strategic Plan, in accordance with the Terms of Reference. Further information is disseminated outside reference group meetings.

Q: Pittwater Resident Representatives – did they volunteer or were they approached by Council?

A: An Expression of Interest process was undertaken in 2011 calling for individual residents as representatives. Pittwater Residents were appointed from the applications received.

REFERENCE POINT:

- **That unsuccessful suitable applicants for appointment to the reference group be placed on a merit based list to fill any vacancies.**

Note:

Mr Williams joined the meeting at 4.55pm.

CEIG4.3 Council's Financial Reporting Framework

Proceedings in Brief:

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

DISCUSSION:

The examples provided have been reported on the current platform of 20 Strategies. Reporting will be converted to the new strategy / key directions framework as soon as it is adopted by Council.

Q: Surely it is difficult to allocate account codes to strategies?

A: It does require some subjective judgement in the allocation of income and expenditure

Q: Given that the allocation of account codes across strategies and/or key directions is arbitrary, wouldn't it be better to just allocate to Business Units? Showing total expenditures is fine but by allocation to strategies rather than Business Units doesn't show who is directly responsible for expenditure.

A: Historically, Council has reported on business units but this was changed due to IP&R requirements and as a result of community feedback at that time. Under integrated planning we are required to report in line with long term strategies. However, we do internal accounting of budgets and expenditures across the Business Units. The overview based on Strategic Reporting is still clear as to what is being spent by Council.

Q: Is it possible to report both ways?

A: It would require double reporting and would add 20 pages approximately to the quarterly financial reports to Council. It may be possible to be incorporated into the annual accounts, forming some sort of business snapshot. Of course, reporting on the annual Financials is the busiest time for any Finance Department but the information is there so it may be able to be presented to Council on an annual basis subject to the General Managers approval.

Q: Do you report on the number of staff per unit? There was a Staff & Contractors report which was reported to Council each month - can that report be reinstated?

A: The Monthly Contractors and Staff Report detailed the recruitment and termination of permanent staff together with expenditure on monthly contractors. It was a lot of work to compile for little community benefit and the information provided was more for information purposes at Council Meetings so it was discontinued.

Q: Is the fall in land valuations impacting on rates revenue? There must be a shift in percentages as the land values in some suburbs decrease and others increase?

A: We are now in the first rates period reflecting changes in valuations and there is a shift – some suburbs are going up and some going down. However, rates can only be raised due to a permissible rate increase, a special variation or by supplementary notices. In addition Council's rate structure allows for a high minimum rate therefore ensuring all ratepayers pay a fair share of rates. So overall revenue does not change radically.

Q: Prior to the last trip to I-Part this Council was concerned about revenue – what has changed?

A: Financial sustainability is paramount and Council continually achieves this. Although Council has ageing infrastructure we are addressing this via the special rate variation which has seen a moderate increase in funding but has ensured a delivery program that is now in place to renew and refurbish infrastructure. Overall, the long term aim is to provide the community with better infrastructure and services. By putting our assets to best use we hope to ensure the best return possible on funds expended.

Q: There is a lot of talk currently regarding regional council amalgamations. Has this been investigated from a financial point of view?

A: We have been concentrating on ensuring we are financially sustainable and we think we are doing well as a Council. The original split from Warringah was because Pittwater was under-resourced and amalgamation could mean revenue from the north being again directed south to fund projects. We do work with our regional neighbours under the umbrella of SHOROC and this affords us many of the advantages of the larger organisations.

Reference point:

- **A suggestion that Council's Final Quarterly Financial Review include a detail breakdown of expenditure by each Business Unit. (To be investigated and subject to General Managers approval).**

5.0 General / Emerging Business

5.1 Redraft of Letter 1A - Notification of Development Applications

Apologies from Mr Peter Middleton (Newport Residents Association). This matter has been deferred until the next meeting.

5.2 Update on Eco-Markers

Mr Graeme Jessup (Sustainability Pittwater) addressed the meeting providing a progress update on the Eco-Marker initiative.

The trial is going ahead this month. If successful it will move to the next stage of installing approximately 100 markers. However, the evaluation of "success" needs to be explored further.

The website to relate back to each eco-marker has been established. Website visits are being counted, but the value of website hits in evaluating the success of the project may be limited.

The Community Engagement Officer suggested that the project be promoted via methods including social media and community group networks.

Reference point:

- **Further update to be brought to next meeting.**

5.3 Bayview-Church Point Residents Association - Public Liability Insurance

The public liability insurance policy is now due for this Residents Association. The delegate queried how other organisations deal with their insurance and one all encompassing policy to cover the Resident Associations was possible as this could contribute to substantial cost savings.

Reference point:

- **B-CPRA to write to Council with formal request – Policy now due so response required asap please.**

5.4 Clean Up Pittwater Day

The possibility of holding a Clean Up Pittwater Day was raised at a meeting last year but has not been followed through. The Community Engagement Officer undertook to raise this matter with the Manager of Environmental Compliance, Mr Jeff Lofts, and the Environmental Compliance Education Team.

Reference point:

- **Community Engagement Officer to follow up with Environmental Compliance Officers.**

6.0 Next Meeting

The next meeting of the Community Engagement, Information & Governance Reference Group is scheduled to be held on 22 May 2013.

**There being no further business
the meeting closed at 6.12pm on
Wednesday 27 February 2013**

Planning an Integrated Built Environment Committee

12.0 Planning an Integrated Built Environment Committee Business

C12.1 N0311/12 - 1157 Barrenjoey Road Palm Beach - alterations and additions to the existing dwelling

Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Land Use Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of development application N0311/12 for alterations and additions to the existing dwelling at 1157 Barrenjoey Road Newport (Lot 7A DP 13374).

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 7 March 2013 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0311/12 for alterations and additions to the existing dwelling at 1157 Barrenjoey Road Newport (Lot 7A DP 13374).

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is a policy requirement of the NSW Department of Planning that applications involving a State Environmental Planning Policy No. 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected council for determination.
- 2.2 This application involves a variation to the foreshore building line of greater than 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

The Development Unit at its meeting held on Thursday, 7 March 2013 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the granting of development consent for application N0311/12 for alterations and additions to the existing dwelling at 1157 Barrenjoey Road Newport subject to the conditions contained in the draft determination.

4.0 ISSUES

- Landscaping
- C1.4 Solar Access
- D12.5 Front building line
- D12.6 Side and Rear Building Line
- D12.8 Building envelope
- D12.10 Site coverage - Environmentally Sensitive Land

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 7 March 2013 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination.

RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development N0311/12 for alterations and additions to the existing dwelling at 1157 Barrenjoey Road Newport (Lot 7A DP 13374) be granted development consent subject to the conditions contained in the draft determination.

Report prepared by
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

SUBJECT: N0311/12 - 1157 Barrenjoey Road Palm Beach - Alterations and additions to the existing dwelling

**Determination
Level:**

Development Unit

Date: 7 March 2013

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY:	Sophie Litherland
APPLICATION SUBMITTED ON:	2/11/2012
APPLICATION SUBMITTED BY:	ROB BROWN CASEY BROWN ARCHITECTS LEVEL 1, 63 WILLIAM STREET, EAST SYDNEY 2010
OWNER(S):	WECHSLER, ALFRED WILLIAM (Own) WECHSLER, JULIE (Own)

1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) Residential pursuant to Pittwater Local Environmental Plan 1993. The proposed works being alterations and additions are permissible with consent. The application is also subject to the following state and local government policies:

- Pittwater Local Environmental Plan 1993;
- Area 1 Dual Occupancy Map;
- Pittwater 21 Development Control Plan (Amendment 8);

2.0 NOTIFICATIONS

- Seven (7) property owners notified
- Nil submissions received

3.0 ISSUES

- C1.1 Landscaping
- C1.4 Solar Access
- D12.5 Front building line
- D12.6 Side and Rear Building Line
- D12.8 Building envelope
- D12.10 Site coverage - Environmentally Sensitive Land

4.0 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
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.16 Seagrass Conservation			Y	Y	Y
B4.17 Littoral Rainforest - Endangered Ecological Community			Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
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
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)			-	-	-
4.1 Integrated Development: Water Supply, Water Use and Water Activity			-	-	-
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-

Control	Standard	Proposal	T	O	N
4.8 Integrated Development - Rivers, Streams and Foreshores			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas		No works occurring within the waterway or below the MHWM.	Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land		The proposed works are not considered to a Controlled Activity	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		<p>The east west orientation and topography of the site reduces the ability to receive the required 3 hours of sunlight. The adjoining dwelling to the south (1155) is susceptible to overshadowing given the slope and orientation of the sites.</p> <p>The proposal is considered to be acceptable based on the reasonable impact to the adjoining property and sunlight being received to the areas of open space.</p>	N	Y	Y
C1.5 Visual Privacy		<p>The proposal includes a new 1.8m privacy screen to the northern elevation of the ground floor balcony and a further screen on the southern elevation to the front courtyard area.</p> <p>Windows have been kept to a minimum on the north and south side elevations of the dwelling and louvers have been proposed to protect visual privacy.</p>	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space		<p>Additional areas of private open space have been provided as part of the proposal including the new front courtyard and rear balcony areas.</p> <p>The proposed areas are considered to be acceptable and usable spaces given the steep topography of the site.</p>	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-

Control	Standard	Proposal	T	O	N
C1.17 Swimming Pool Safety			-	-	-
C1.19 Incline Passenger Lifts and Stairways		<p>The proposed new inclinator on the southern boundary will be setback in excess of 2m and provide a 1.7m high screen.</p> <p>Given the steepness of the front of the site, the inclinator rail is elevated however no piers or large support structures are proposed and significant landscaping will be provided to this area.</p>	Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C5.21 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D12.1 Character as viewed from a public place		<p>The proposed alterations and addition are sited in context to the topography of the site. The sloping roof of the dwelling reduces the mass of built form particularly when viewed from Pittwater.</p> <p>From the street level there will be minimal built form visible given the slope of the site.</p> <p>Additional landscaping has been proposed and the new ridge will be below the tree canopy as well as maintaining the dwelling as a two storey structure.</p>	Y	Y	Y
D12.3 Building colours and materials		<p>The proposal includes the use of natural timber and concrete as the primary materials. The proposed roof colour appears to be a light beige colour which given the waterfront location will result in unacceptable reflective glare.</p> <p>A condition of consent is recommended requiring a new roof colour which is in accordance with D12.3.</p>	N	Y	Y
D12.4 Height	8.5m	8.5m	Y	Y	Y
D12.5 Front building line	10m	<p>The proposed new inclinator platform is located within the 10m front setback area.</p> <p>See discussion below.</p>	N	Y	Y
D12.6 Side and rear building line	2.5m to one side 1m to the other	<p>North: 1m</p> <p>South: 900mm (maintenance of existing setback)</p> <p>Rear: FBL applies</p> <p>The proposal is correctly defined as alterations and additions and as such the variation provisions for the maintenance of the existing setback to the southern boundary are considered to be applicable.</p> <p>Given the location of the existing dwelling to the south, there will be minimal impact in terms of bulk and scale or privacy.</p>	N	Y	Y
D12.7 Foreshore building line		<p>The proposed new basement level balcony and part of the extended ground floor is located entirely within the Foreshore Building Line</p> <p>See SEPP 1 discussion above.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
D12.8 Building envelope		The existing dwelling breaches the building envelope particularly on the southern elevation as a result of the minimal setback to the side boundary. The new roof form will reduce the current non-compliance and the majority of the three dimensional built form will be built into the existing undercroft area of the dwelling. As such the proposed works are considered to have minimal impact in terms of bulk of the built form and will achieve the outcomes of the control.	N	Y	Y
D12.10 Site coverage - Environmentally Sensitive Land	Site coverage- 40% Landscaped area- 60%	Site coverage= 246m ² or 44% With variation provisions for the proposed front courtyard (31.45m ²) being an impervious area the total site coverage is reduced to 38.6% or 214.55m ² .	N	Y	Y
D12.11 Fences - General		None proposed	-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D12.14 Scenic Protection Category One Areas			Y	Y	Y
D15.9 Public foreshore access			Y	Y	Y
D15.11 Waterfront lighting			Y	Y	Y
D15.12 Development seaward of mean high water mark		No development proposed forward of the MHW	Y	Y	Y
SEPP No 71 Coastal Protection		The proposal has been considered under the provisions SEPP 71	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

*Issues marked with an x are discussed later in the report.
Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The site is known as 1157 Barrenjoey Road, Palm Beach (Lot 7A DP 13374). The site has an area of 556m² and is regular in shape. The site slopes steeply from Barrenjoey Road down to the Pittwater waterway. There is an existing 3 bedroom dwelling which is cantilevered to the rear of the site supported by concrete piers. There is no parking provided on site however, a parking platform is provided on the road reserve. Pedestrian access is provided via a set of stairs from the parking platform. There is also a boatshed existing above the MHW. The site is identified as being slip affected.

6.0 PROPOSAL IN DETAIL

The applicant seeks consent for alterations and additions to the existing dwelling including:

- Excavation of the foundation space at the rear to create a new bedroom, internal alterations;
- Excavations to create an enclosed courtyard and extension of the rear ground floor balcony;
- A new ground floor balcony on the lower ground floor adjacent to new bedrooms;
- A new skillion roof to replace the existing pitched roof; and
- Construction of an inclinor along the southern boundary.

7.0 BACKGROUND

The application was notified for 14 days and during this time, no submissions were received during this time. The application was referred to Council's Natural Resources officer and Development Engineer for comment.

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The applicant seeks to vary a development standard pursuant to the provisions of Clause 6 of SEPP no. 1. The assessment of the SEPP 1 objection has been prepared in accordance with the approach adopted by the Land and Environment Court in *Wehbe v Pittwater Council* (2007) NSW LEC 827 and *Winten Property Group v North Sydney Council* (2001) 130 LGERA 79 at 89.

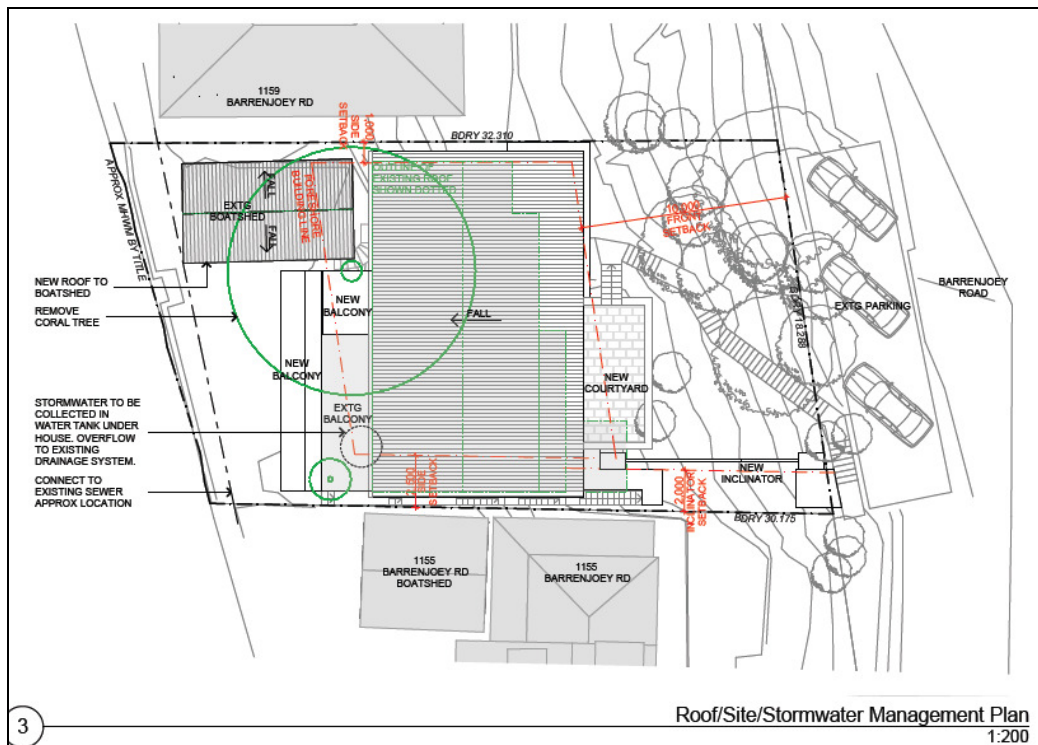
Development standard to be varied

Part IV 7(4) of Pittwater Local Environmental Plan (PLEP) 1993 which states: *"A building shall not be erected between the foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed."* Although not a numerical development standard, the encroachment of a 'building' over the foreshore building line can be considered a variation of a development standard as defined in Section 4 of the Environmental Planning and Assessment Act 1979.



Extent of variation.

The proposal involves the extension of the ground floor balcony and a new deck on the lower basement level. The proposed new balcony on the lower ground floor will extend 4m from the foreshore building line and the extension of the ground floor balcony will extend less than 1m. There is an existing boatshed which was approved in 2001 which encroaches the foreshore building line. The total area of the new works proposed which encroach over the FSBL is 24m² and the total including all existing works over the FSBL is 65m². The area between the FSBL and Mean High Water Mark is calculated to be 149m². Therefore, the new works result in a non-compliance of 16% and when including all structures over the FSBL the total non-compliance is 44%.



Is compliance with the development standard consistent with the aims of the Policy?

The aim of SEPP no. 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.*

The applicant has provided the following arguments as to why strict compliance with the development standard is unreasonable:

- *The proposed works are ancillary to the residential use of the site and satisfy the desired future character of the area;*

- *The location of the proposed infill works are most appropriate as they do not alter the bulk, scale or height of the existing building, noting that it would be possible to add another storey to the dwelling without exceeding the overall height limit;*
- *The portions of the proposal which intrude into the building line will not obstruct the primary view lines over the Pittwater Waterway when viewed from the adjoining properties. There will be a minor intrusion into the peripheral view lines which are over the rear yard of the adjacent properties, however these are already constrained by boatsheds and dwellings on the development site and those adjacent. Accordingly, the proposal will result in a greater level of view sharing than normally achieved by compliance with Council's Planning Controls and as demonstrated in the SoEE, the proposal satisfies the view sharing assessment procedures established by the Land and Environment Court;*
- *The proposal has no potential to obstruct views from Barrenjoey Road or the properties opposite the development site;*
- *The proposal requires the removal of a Coral Tree, a tree fern and a Rice Palm. However, this will be offset by proposed landscaping in the front and rear yards therefore, when view from the land or water the site will continue to make a positive contribution to the character of the area and Pittwater's natural context.*
- *The amenity of the foreshore area is not compromised by the proposal due to the relative location of the works and their relationship to development on the adjoining sites, also noting that there is no public access along this section of the foreshore.*
- *The nature of the proposed works within the foreshore building line are similar to and located further back on the site than others in the immediate locality;*
- *The proposal compliments the landscaped character of the locality, the private use of the development site and the adjoining properties.*
- *The proposal does not result in an unacceptable visual impact when viewed from the waterway due to its location at the toe of the escarpment and when viewed from the water the dwelling as altered will continue to be lower than the tree line and sandwiched between two distinct vegetative bands, thus significantly reducing its perceived bulk and scale;*
- *There is no public access along this section of the foreshore therefore the public's use of this area is restricted to the waterway and the proposal has no impact upon the waterway;*
- *The proposal does not result in a cluttering of the setback area due to its height and location within the site and the existing and proposed landscaping. It is noted that those parts of the proposal that intrude into the building in the immediate locality, thus further minimising their potential visual prominence.*
- *The proposal does require site modification however, this is confined to the existing building footprint therefore there will be no change to the perceived landform of the foreshore and adjacent escarpment.*

It is considered that the proposal is consistent with the aims of the Policy and strict compliance with the policy would restrict the amenity and areas of private open space of the dwelling. The proposed breach does not restrict the use of the foreshore area and proposed landscaping will enhance the natural environment.

The adjoining properties exhibit similar levels of built form which extend over the foreshore building line in order to achieve an adequate built footprint on a more level topography. The proposal will result in a reasonable and orderly use of a site which is current subject to difficulties including the topography and location of the existing dwelling.

Underlying Object or Purpose of the Standard

The underlying purpose of the development standard defined within Part IV, &(1) of PLEP 1993 is to restrict development along the foreshore to achieve a consistent character. The objectives of the standard are taken from those stated under Control D12.7 Foreshore Building Line of Pittwater 21 DCP.

- The proposal is considered to result in minimal bulk and scale as a result of the provided articulation of the decks and stepping in of the development to correspond with the topography. The proposal will be integrated into the existing dwelling and make use of the currently unused undercroft area in providing effective private open space. When viewed from the adjoining public areas (Palm Beach Ferry Wharf), the proposal will be screened by the existing vegetation, and given the location of existing adjoining built form will be sited in a similar context;
- The proposal will not impede on existing views received from adjoining property owners. The locations of the adjoining dwellings at 1155 and 1159 means that there will be minimal impact in terms of view loss. The primary views of these dwelling towards the west as well as land and water interface will be maintained. Furthermore, solar access has been thoroughly assessed below;
- The amenity and pedestrian access of the foreshore area will be maintained and not compromised by the proposal. There is limit access currently provided across the foreshore area as a result of the existing boatshed;
- The proposal will be screened by the existing and proposed vegetation on the site and provides a landscaped setting from both the adjoining sites and the public domain. The proposal will not clutter the foreshore area and maintain the existing character of the locality.



Existing dwelling as viewed from Pittwater

Reasonableness of requiring compliance with the Development Standard

The proposed non-compliance with the Foreshore Building Line does not raise any matter of significance in regards to State or Regional planning. In addition, the proposal will provide improved amenity and private open space for the occupants of the dwelling. Strict compliance with the development standard is not considered to be appropriate in this instance given the extent of the site which is affected by the foreshore building line. The maintenance of the existing dwelling and need to update the living arrangements of the dwelling makes compliance with the foreshore building line difficult to achieve while also providing a useable dwelling for the occupants.

Therefore, the submitted SEPP 1 objection is supported and considered to be an adequate justification for the proposed development.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B4.17 Littoral Rainforest - Endangered Ecological Community & C1.1 Landscaping**

Council's Natural Resources officer provided the following comments:

The property consists of a modified landscape typical of a suburban garden. The proposed works include excavation on the lower floor level into the rock, some internal alterations and other external additions to the front and rear of the house. There are no significant trees or vegetation in the vicinity of the proposed works. One Coral Tree is proposed for removal as it falls within the proposed building footprint. This tree is not protected under the Tree Preservation Order so therefore its removal is approved. The installation of the inclinor will require removal of a small Cypress tree in the rear yard (abutting the parking area) and also trimming of the surrounding Pittosporum. This work is approved. A landscape plan has been provided (Volker Klemm Landscape Design, DA1, 09/12) which provides a good selection of native plants which will increase amenity and provide screening from surrounding dwellings. This landscape plan also allows for the retention of the current landscaping in the rear of the property (between the dwelling and the parking area). There are no further natural resource issues.

- **C1.4 Solar Access**

As a result of the east west orientation and steep topography of the site as well as existing built form and vegetation, the proposed and adjoining dwellings do not receive the required 3 hours of direct solar access. The variation to the control does allow a merit assessment where a proposal does not comply with the standard provided the resulting development is consistent with the general principles of the control and desired future character of the locality. The variation also nominates specific constraints that may prevent compliance with the control including east-west site orientation and adverse slope or topography.

The site is located on the south westerly side of Barrenjoey Road, down a steep slope from the road. The site at current does not receive adequate sunlight, with only a small amount at 9am and again at 3pm. The proposed shadows as a result of the additions to the dwelling fall over the site and the extent of overshadowing is reduced as a result of the change in the roof profile proposed. As demonstrated below, the proposal is considered to meet the objectives of the control:

- The proposed alterations and additions have responded the topography and location of the existing dwelling. As a result, the proposed works will not further reduce the already non-complaint amount of solar access currently received by the adjoining properties;

- The submitted solar access diagrams confirm that, there is no additional overshadowing to no. 1155, at 12pm overshadowing is confined to the side boundary setback areas and rear yard of no. 1159. By 3pm both the adjoining and subject dwelling will be in complete shadow with the exception of small section at the rear of the dwelling which will benefit from the westerly sun.
- The main areas of private open space are located at the rear of the dwellings and on elevated rear decks. The adjoining properties will maintain the current level of sunlight received to these areas between 9am and 3pm. The proposed additions include a new courtyard area at the front of the site to obtain some north/ north-easterly sun.

Therefore, given the subdivision pattern, irregular topography and location existing dwellings it is difficult for the full extent of 3 hours of sunlight to be received during the winter solstice. The proposal is considered to meet the objectives of Pittwater 21 DCP and is recommended for approval.

- **D12.5 Front building line**

The proposed new inclinator platform is located within the 10m front setback area. The structure will be integrated into the existing stairs leading from the parking platform on the road reserve. Furthermore, the platform will be unroofed and will not create additional bulk or cluttering of the front setback area given the significant landscaping both proposed and existing. Therefore, the minor non-compliance is supported on merit.

- **D12.6 Side and Rear Building Line**

The proposal seeks to maintain the existing setback to the southern boundary of 900mm. The proposed extension of the basement level will maintain the non-compliant setback. However, the majority of these works will be located below ground level and will be not visible from the adjoining property. The proposal is supported for the following reasons:

- The maintenance of the existing non-compliant setback will be to the basement area which is primarily located in the undercroft area, hence minimise visual impact of the built form;
- Given the slope of the front section of the site, the utilisation of the existing undercroft area and hence maintenance of the existing setback allows for the occupants to make best use of the existing dwelling with minimal site disturbance;
- Amenity and privacy will be achieved by limiting glazed areas on the new works. As discussed above, solar access on the site is difficult to achieve. However, the proposed basement floor area will not result in further overshadowing impacts.

Therefore, given the above the proposed maintenance of the existing setbacks is considered to achieve the objectives of the control and is accordingly supported.

- **D12.8 Building envelope**

The existing dwelling results in a breach of the building envelope particularly on the southern elevation as a result of the minimal setback to the side boundary. However, the proposed new roof form will reduce this non-compliance. It is therefore recommended that the application be supported for the following reasons:

- The proposal will improve the overall visual impact of the built form by providing areas of articulation and a roof form which responds to the topography of the site;
- The proposal will be sited to respond to the context of the Locality and will be of a similar scale to adjoining properties;

- The proposal will maintain visual privacy and amenity to the adjoining dwellings;
- Proposed additional landscaping will further enhance the site and will assist in softening the built form elements.

- **D12.10 Site coverage - Environmentally Sensitive Land**

The proposal results in non-compliant site coverage of 246m² or 44%. With variation provisions for recreation space for the proposed front courtyard (31.45m²) the total site coverage is reduced to 38.6% or 214.55m². Although resulting in a technical non-compliance, the proposal is considered to be able to readily meet the outcomes of the control as follows:

- The proposal responds to the desired future character of the locality, with the proposed alterations and additions responding to the topography of the site and maintains view corridors;
- Bulk and scale has been minimised by providing a modulated built form;
- Amenity and solar access is maintained including adequate visual privacy;
- Vegetation will be improved with a revised landscaping scheme providing a large area of screen planting in the front setback area;
- Stormwater runoff is maximised by the use of impervious landscape materials for pathways, courtyards etc;

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 1993 and Pittwater 21 DCP and other relevant Council policies.

The proposed additions to the existing dwelling will result in a further encroachment of the foreshore building line. The proposal seeks to maintain the existing dwelling and increase the usable living and recreation space of the dwelling. Given the steep nature of the front of the site, the proposed encroachment is considered acceptable and will be similar to that of other adjoining dwellings. Strict compliance with the standard is considered to be unreasonable in this instance and the proposal is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 81 of Environmental Planning and Assessment Act 1979 grant consent to Development Application N0331/12 for alterations and additions to the existing dwelling and an inclinometer at 1157 Barrenjoey Road, Palm Beach to the conditions of the draft consent.

Report prepared by

Sophie Litherland
SENIOR PLANNER

DETERMINATION

CONSENT NO: N0311/12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

No applicants recorded against this application.

Being the applicant in respect of Development Application No N0311/12

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 N0311/12 for:

Alterations and additions to the existing dwelling

At: 1157 BARRENJOEY ROAD, PALM BEACH (Lot 7A DP 13374)

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 **drawings number DA01, DA02, DA03 & DA04 Rev. A prepared by Casey Brown Architects dated 29/10/2012; Landscape Plan prepared by Volker Klemm Landscape Design dated 9/12; BASIX Certificate A146779 dated 11th October 2012; Geotechnical Risk Management Report prepared by Jack Hodgson Consultants Pty Ltd dated 17th September 2012** 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:

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, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to 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.

5. 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:
 - a. 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.
 - b. 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.

6. 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.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. The Estuarine Planning level is 2.2m AHD.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. 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, 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.
4. 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.
5. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
6. In accordance with Pittwater Councils Tree Preservation Order, 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, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
7. 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.
8. Use of the inclinator being restricted to 24 movements per day during 7am and 10pm time period and two movements between 10pm and 7am (except in emergencies). The maximum noise level associated with the inclined passenger lift is not to exceed 60dB(A), when measured one metre from any adjoining premises.
9. The inclinator rail and support posts are to be painted dark green or similar, to limit its visual impact when viewed from the surrounding area.
10. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
11. All external glazing is to have a maximum reflectivity index of 25%.

12. The proposed new roof colour is to be a dark and earthy tone in accordance with Control D12.3 of Pittwater 21 DCP. No light, beige or white roofs are permitted.
13. Roofs to all structures are to be of dark or mid grey, brown and/or green tones only. No white or light coloured roofs are permitted.
14. 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. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
3. 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.
4. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
5. Structural Engineering details relating to the development 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 with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. A Certificate from a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.
7. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
8. A schedule of colours and materials is to be lodged prior to the issue of the Construction Certificate which complies with D12.3 of Pittwater 21 DCP.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
2. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
3. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
4. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
5. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
6. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

7. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
8. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
9. No skip bins or materials are to be stored on Council's Road Reserve.
10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.

11. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:

- Quantity of material to be transported
- Proposed truck movements per day
- Proposed hours of operation
- Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater

12. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
3. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

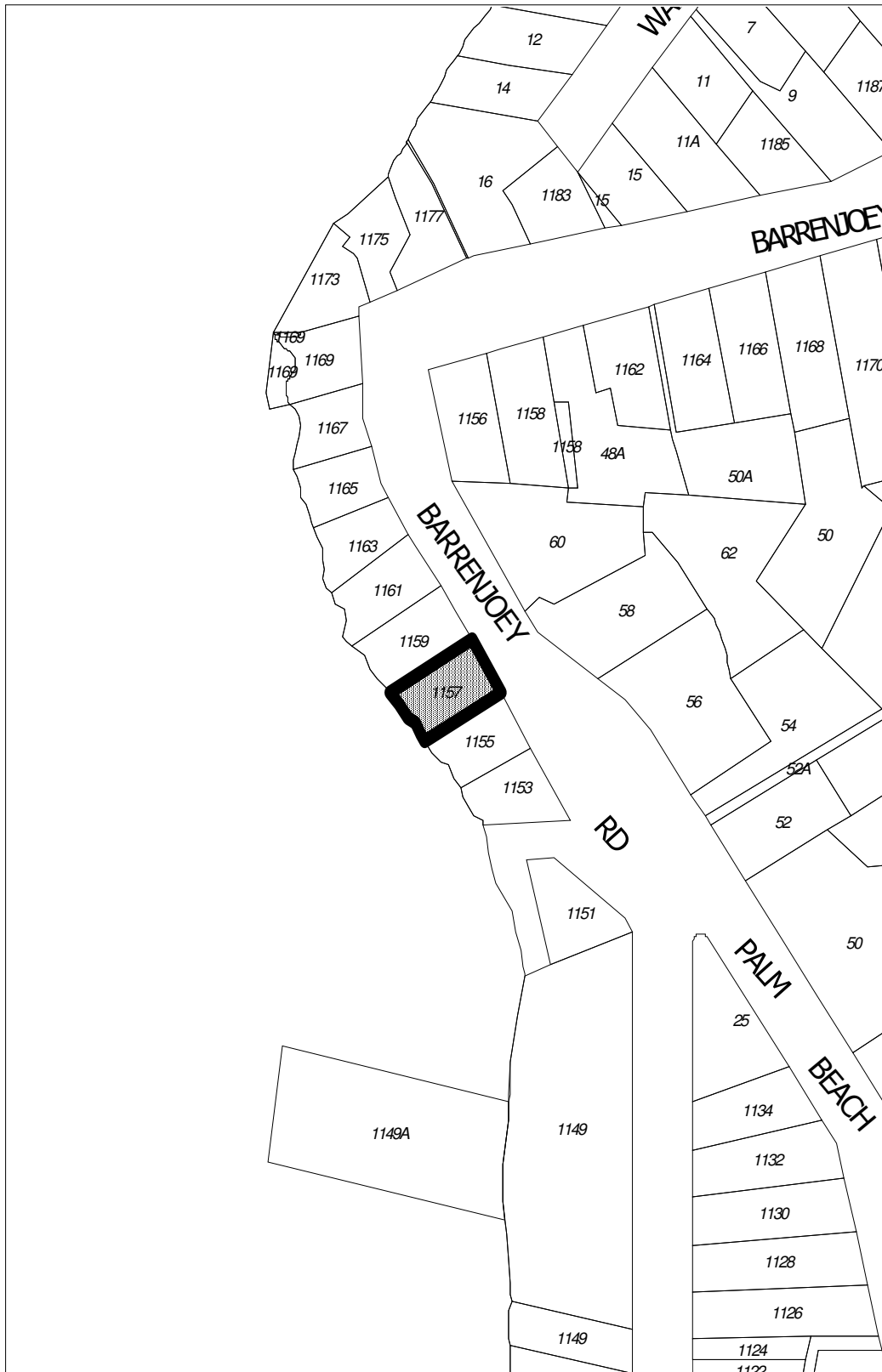
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

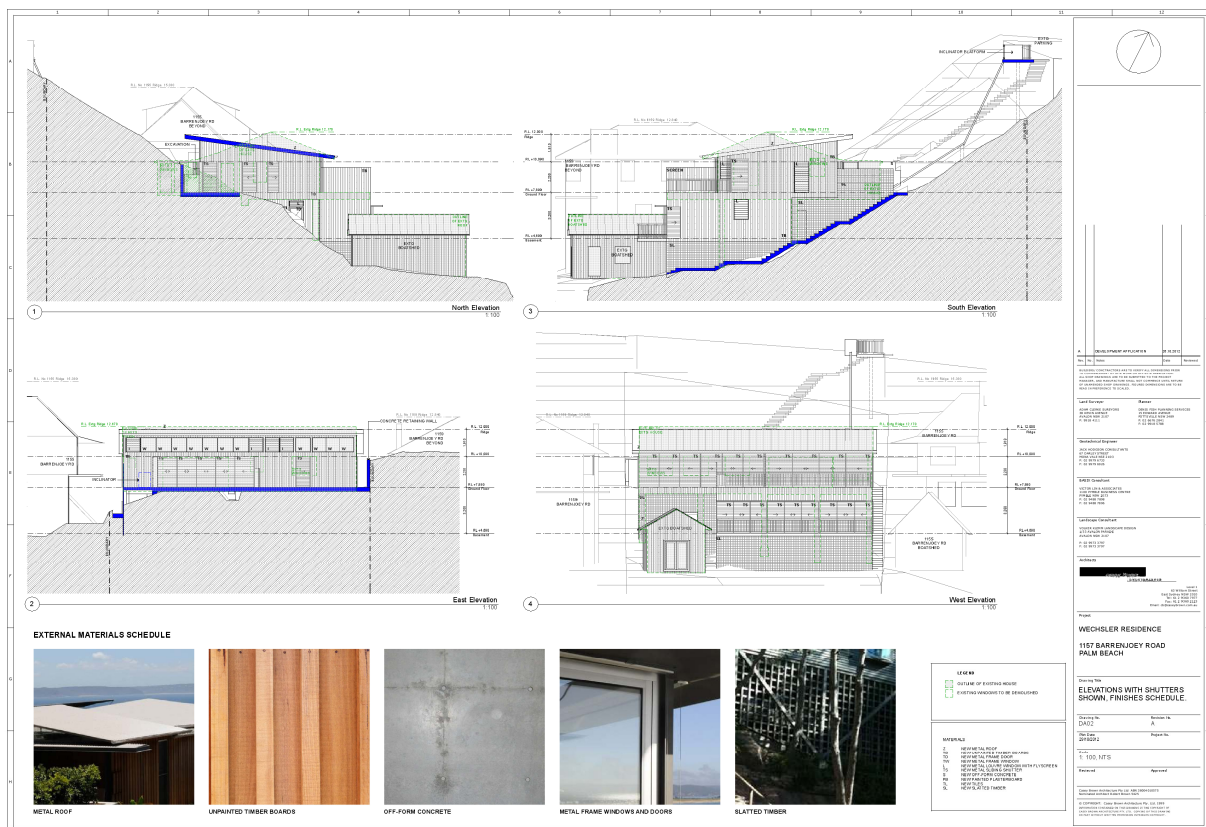
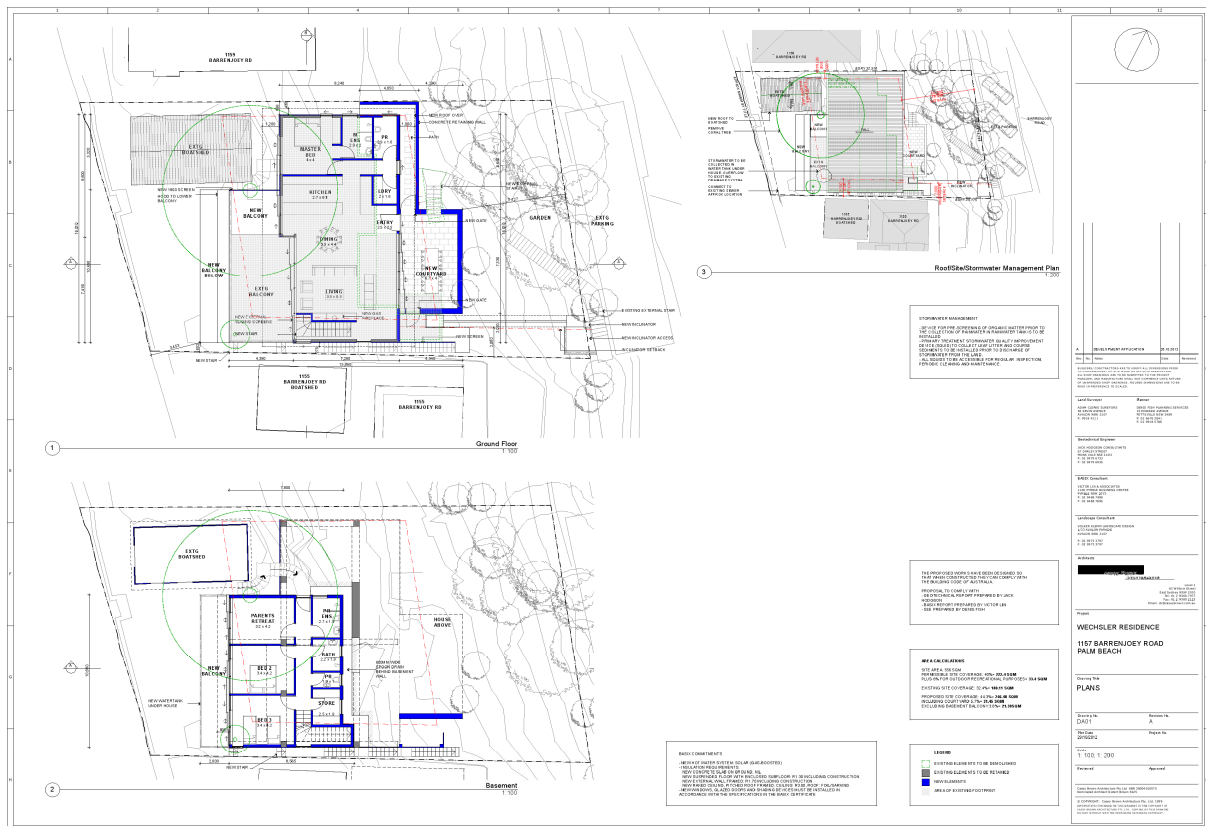
G. Advice:

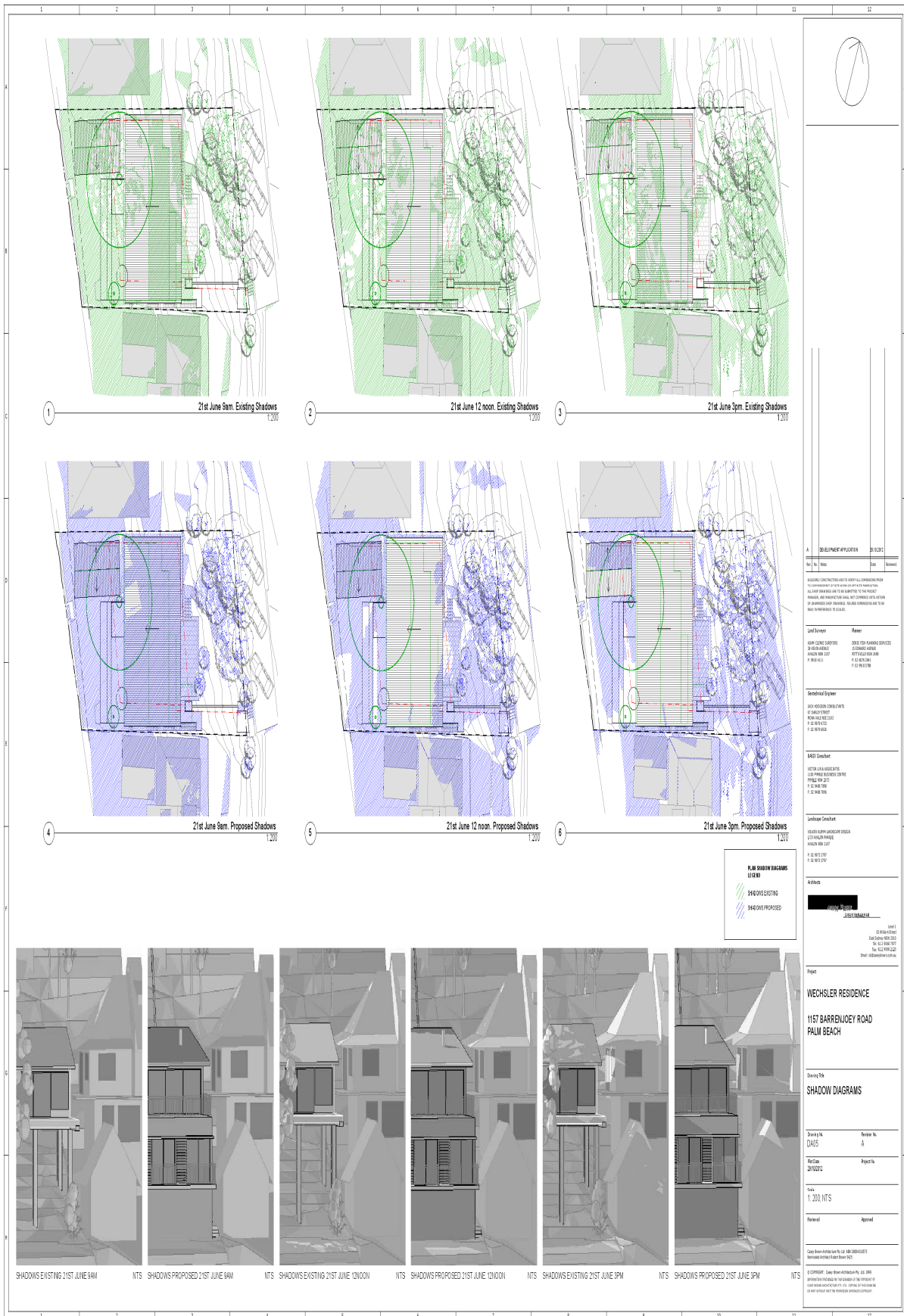
1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

LOCALITY MAP



NOTIFICATION PLANS





C12.2	N0345/12 - 35 & 37 Ocean Avenue Newport - Demolition of all existing structures, construction of a multi unit housing development with basement carpark, landscaping and strata subdivision
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Land Use Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of development application N0345/12 for demolition of all existing structures, construction of a multi unit housing development with basement carpark, landscaping and strata subdivision at 35 and 37 Ocean Avenue Newport(Lots A and B DP 18415).

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 7 March 2013 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0345/12 for demolition of all existing structures, construction of a multi unit housing development with basement carpark, landscaping and strata subdivision at 35 and 37 Ocean Avenue Newport (Lots A and B DP 18415).

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is a policy requirement of the NSW Department of Planning that applications involving a State Environmental Planning Policy No. 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected council for determination.
- 2.2 This application involves a variation to the density development standard of 11.9%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

The Development Unit at its meeting held on Thursday, 7 March 2013 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the granting of development consent for application N0345/12/12 - 35 & 37 Ocean Avenue Newport for the demolition of all existing structures, construction of a multi unit housing development with basement carpark, landscaping and strata subdivision, subject to the conditions contained in the draft determination and the following amended and additional conditions of consent:

Additional Conditions:

- B33 Design and construction of a 1.5 metre wide concrete footpath in the public road reserve for the full frontage of the site.

- C18 Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
- a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - b. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - c. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
- E15 A Deed of Agreement indemnifying Council must be entered into for construction of a coloured or cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).

Amended Conditions:

- C14 A contribution of **\$54,000** is to be made to Cashier Code SOPS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C15 A contribution of **\$12,000** is to be made to Cashier Code SLEL, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C16 A contribution of **\$21,000** is to be made to Cashier Code SCSF, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C17 A contribution of **\$30,000** is to be made to Cashier Code SVSS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19.

The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

4.0 ISSUES

- B2.5 Dwelling Density and Subdivision - Multi-Unit Housing
- C1.4 Solar Access
- C1.20 Undergrounding of Utility Services
- C1.23 Eaves
- D10.4 Building colours and materials
- D10.5 Height (excluding Newport Commercial Centre)
- D10.7 Front building line (excluding Newport Commercial Centre)
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.11 Building envelope
- D10.12 Site coverage – General
- D10.14 Fences – General

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 7 March 2013 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination.

RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0345/12 for the demolition of all existing structures, construction of a multi unit housing development with basement carpark, landscaping and strata subdivision at 35 and 37 Ocean Avenue Newport (Lots A and B DP 18415) be granted development consent subject to the conditions contained in the draft determination and the following amended and additional conditions of consent:

Additional Conditions:

- B33 Design and construction of a 1.5 metre wide concrete footpath in the public road reserve for the full frontage of the site.

- C18 Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
- d. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - e. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - f. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
- E15 A Deed of Agreement indemnifying Council must be entered into for construction of a coloured or cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).

Amended Conditions:

- C14 A contribution of **\$54,000** is to be made to Cashier Code SOPS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C15 A contribution of **\$12,000** is to be made to Cashier Code SLEL, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C16 A contribution of **\$21,000** is to be made to Cashier Code SCSF, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

- C17 A contribution of **\$30,000** is to be made to Cashier Code SVSS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19.

The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

Report prepared by
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

SUBJECT: N0345/12 - 35 & 37 Ocean Avenue Newport - Demolition of all existing structures, Construction of a Multi Unit Housing Development with basement carpark, landscaping and Strata Subdivision

Determination Level:

Development Unit

Date: 7 March 2013

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Rebecca Englund
APPLICATION SUBMITTED ON:	5 December 2012
APPLICATION SUBMITTED BY:	BAYVIEW LINKS PTY LIMITED 43D EDGECLIFF BOULEVARDE COLLARROY PLATEAU 2097
OWNERS:	ELLIS, STEPHEN MARK (Lot A) KRITSERNVONG, DHANYAPORN (Lot B)

1.0 SITE DETAILS & ZONING

The works proposed within this application are located over two (2) separate land titles, legally referred to as Lots A and B in Deposited Plan (DP) 314041, and known as 35 and 37 Ocean Road, Newport. Lot A has an area of approximately 663m² and Lot B has an area of approximately 746m², which when consolidated form a total site area of 1409m².

The site is located on the corner of Ocean Road and Coles Parade, with current vehicular and pedestrian access gained via the 29.67m wide street frontage to the west (Ocean Avenue) and the 39.08m wide street frontage to the south (Coles Parade). The two (2) Lots each currently contain a single storey weatherboard cottage with a detached single garage and small outbuildings. Both Lots also feature low fences along the front boundary, combined with hedging of a greater height.

The surrounding properties are a mix of differing forms of residential development, with multi-unit housing to the north, south, south-east and south-west of the subject site and single dwellings to the east, north-east, west, and north-west. Off-street parking adjacent to the subject site is limited, with "No Parking" signs displayed for the full length of the street frontage to Coles Parade.

Both Lots A and B are zoned 2(b) Residential "B" under the provisions of *Pittwater Local Environment Plan 1993*, as shown on the Zoning Map. The Zoning Map means the map marked "Pittwater Local Environmental Plan 1993 (Amendment No.37) Zoning Map and 2(b)

Residential "B" is shown in pink with a red border, or "coloured light scarlet with crimson edging".

The site is also shown edged in heavy black and identified by the symbols "MUH" on the Multi Unit Housing Map. The Multi Unit Housing Map means the map marked "Pittwater Local Environmental Plan 1993 (Amendments No.24)" as amended.

2.0 PROPOSAL

The applicant seeks consent for the following development to the site;

- Demolition of all existing structures, including the two (2) existing dwellings and outbuildings;
- Removal of seventeen (17) trees, including thirteen (13) native canopy trees and four (4) exempt species;
- Construction of a two (2) storey Multi Unit Housing Development with basement carparking below, as follows;
 - Basement: Nineteen (19) carparking spaces including four (4) adaptable residential spaces allocated to the adaptable units and three (3) visitor spaces, garbage room, electrical and plant rooms;
 - Ground Floor: Three (3) x three (3) bedroom residential units including two (2) adaptable units (Units 2 and 3), and one (1) x one (1) bedroom unit;
 - First Floor: Three (3) x three (3) bedroom residential units including two (2) adaptable units (Units 6 and 7), and one (1) x two (2) bedroom unit;
- Associated landscaping to the site and the adjoining road reserves; and
- Strata subdivision of the development.

3.0 LEGISLATION, PLANS & POLICIES

The following relevant state and local policies apply:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No.1 – Development Standards;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Pittwater Local Environmental Plan 1993;
 - Dual Occupancy Area 3
- Pittwater 21 Development Control Plan (Amendment 8);
 - Newport Locality;
 - Geotechnical Risk Management Policy for Pittwater;
 - Flood Risk Management Policy for Pittwater.

P21 DCP identifies the site as being;

- Category 1 – Low Hazard flood prone (Lot B only);
- Acid Sulphate Soils Category 4; and
- Requiring on-site detention (Lot A only).

4.0 NOTIFICATIONS

The Development Application was advertised for a period of thirty-one (31) days from 14 December 2012 through to 15 January 2013 in accordance with Council's Notification Policy. The application was also notified to forty-six (46) adjoining property owners and the Newport Residents Association. During the notification period, four (4) submissions were received from;

- The property owners of 40/44 Foamcrest Avenue, Newport;
- The property owners of 5/40 Foamcrest Avenue, Newport;
- The property owners of 14 Ocean Avenue, Newport; and
- The property owners of 4/39-41 Ocean Avenue, Newport.

These submissions raised concern with regard to the following;

- Off-street vehicle parking requirements;
- Traffic in Coles Parade during construction; and
- Visual Privacy.

Amended plans were notified to adjoining property owners, Newport Residents Association and those who raised concern following the initial round of notification, for a period of fourteen (14) days from 12 February through to 26 February 2013. During this time, No (0) further submissions were received.

5.0 BACKGROUND

17 October 2012

A Pre-lodgement Meeting was undertaken on 17 October 2012 with representatives from Council's Planning Department.

5 December 2012

Development Application N0345/12 was lodged at Council and referred to Council's Development Engineer and Natural Resources Officer for comments and/or recommendations.

23 January 2013

Following initial assessment of the proposed development, Council requested additional information with regard to the following;

- Dwelling Density and resultant amenity;
- Solar Access;
- Character as viewed from a public place, building colours and fences;
- Bicycle parking and accessible parking; and
- Plant, equipment boxes and lift overrun.

7 February 2013

Additional information was provided by the applicant, as follows;

- Amended architectural drawings showing an alteration to unit 4, from two (2) bedrooms to one (1) bedroom with an additional area of private open space to the east;
- Demonstration of bicycle parking and air conditioning units located within the basement carpark;
- Amended solar access diagrams;
- Photomontages as viewed from both Coles Parade and Ocean Avenue;
- Amended landscape plan showing greater articulation along the front fence line;
- Amended accessibility report;
- Revised schedule of colours and finishes;
- Amended statement of environmental effects discussing dwelling density; and
- Market opinions from local real estate agents.

6.0 PERMISSIBILITY

The construction of a "group building" on land zoned 2(b) Residential "B" is prohibited development as identified by the land use table in Clause 9 of PLEP. However, pursuant to Division 3B Clause 21N of PLEP, Multi Unit Housing (with the exception of shop-top housing) may be erected with the consent of Council on land within Zone 2(b) as shown edged in heavy black and identified by the symbols "MUH" on the Multi Unit Housing Map.

“Multi Unit Housing” is defined within PLEP as follows;

“multi unit housing” means residential development (other than dual occupancy development) which comprises:

- (a) a group building; or*
- (b) shop-top housing consisting of more than one dwelling; or*
- (c) cluster housing; or*
- (d) integrated residential development.*

“Group Building” is defined within PLEP as follows;

“group building” means a building consisting of 2 or more dwellings which are commonly known as group houses, villa homes, town houses, semi-detached or terrace buildings and the like, where each of those dwelling is designed, constructed or adapted for use as a separate dwelling.

The proposed development is not considered to meet any of the listed types of development identified under the definition of a group building within PLEP, however may be appropriately included given the words “and the like”. The appropriateness of defining a residential development that is not listed within the definition as a group building was explored by the Land and Environment Court of NSW in *Home Horizons Group v Pittwater Council [2009] NSWLEC 1006*.

Commissioner Brown found that the words “and the like” should be considered according to the “genesis rule”, which would allow for the inclusion of other residential developments which shared common and dominant features with those listed within the definition. Commissioner Brown found that the definition of “group building” is not intended to be exhaustive, and could include kinds of development whereby;

- there are two or more dwellings on each building,*
- each dwelling is capable of separate occupation; and*
- there are some kinds of shared infrastructure, such as carparking and landscaping but not infrastructure that is essential to separate occupation (such as kitchens and bathrooms).*

As each of the eight (8) proposed dwellings are capable of separate occupation, with common areas including the basement car park, entrance foyer, lift and landscaping, the proposed development is considered to be appropriately included within the definition of “group building”, and subsequently also meets the definition of “multi unit housing”. As such, the proposed development is permissible with consent.

7.0 STATE ENVIRONMENTAL PLANNING POLICY NO.1 (SEPP No.1) – DEVELOPMENT STANDARDS

1. Development Standard to be varied

The applicant seeks consent for a multi unit housing development containing 8 residential units on a site with an area of 1409m², resulting in a dwelling density of 1 dwelling per 176.125m².

Clause 21N Multi-unit housing in Zone 2(a) or 2(b) of PLEP is as follows;

- (1) Except as provided by this clause, the erection of multi-unit housing on land within Zone No. 2(a) or 2(b) is prohibited.*
- (2) Despite any other provision of this plan, multi-unit housing (except shop-top housing) may be erected with the consent of Council on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbols “MUH” on the multi-unit housing map.*

- (3) *Multi-unit housing referred to in subclause (2) shall not be erected at a density exceeding 1 dwelling per 200 square metres of site area.*

Subclause (3) of Clause 21N is considered consistent with the definition of a “development standard” as defined within the *Environmental Planning and Assessment Act 1979* as it is a provision of an Environmental Planning Instrument which specifies the intensity or density of the use of the land.

As such, a SEPP 1 Objection is required to vary PLEP Clause 21N(3) as the proposed development seeks consent to erect a multi-unit housing development with a density that exceeds 1 dwelling per 200m².

Area of the site = 1409m²

1 dwelling per 200m² = 7.045 dwellings

8 dwellings on 1409m² = 1 dwelling per 176.125m²

Quantitatively, the applicant seeks to vary the development standard by 11.9%.

2. Underlying Objective or Purpose of the Development Standard to be varied

PLEP does not specify any particular objectives or underlying purposes with regard to the prescribed dwelling density of 1 dwelling per 200m². However, the aims of multi-unit housing are identified by Clause 21L of PLEP and are as follows;

- (a) *encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure; and*
- (b) *provide additional opportunities for more compact forms of housing within residential areas which are not environmentally sensitive; and*
- (c) *assist revitalisation of existing commercial centres by providing increased opportunities for housing in certain business zoned to help reduce the journey to work by car and stimulate local employment through increased activity in those centres.*

Furthermore, dwelling density is also considered within P21 DCP control B2.5 Dwelling Density and Subdivision – Multi-Unit Housing. For the subject site, the dwelling density specified by this control is consistent with that identified by PLEP, however the DCP specifies that variations may be permitted if it can be demonstrated that the outcomes of the control are achieved. The outcomes of B2.5 of P21 DCP are as follows;

- *Achieve the desired future character of the Locality.*
- *The density and scale of development reflects the infrastructure capability of the area.*
- *Design opportunities and site layout efficiencies are improved through amalgamation of allotments.*
- *The development does not adversely impact upon adjoining residential development.*
- *To encourage development of sites with sufficient width to provide design opportunities and site integration and to avoid long, narrow "gun barrel" development.*

3. Consideration of the underlying objectives of the Development Standard to be varied

The aims of multi unit housing development as specified by Clause 21L of PLEP are considered as follows;

- (a) *encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure;*

As currently proposed, the multi unit housing development is comprised of 6 x 3 bedroom apartments, 1 x 2 bedroom apartment and 1 x 1 bedroom apartment. The applicant has put forward that should the application be required to comply with the prescribed dwelling density of 1 dwelling per 200m², thus reducing the proposed 8 unit development to 7 units, the 1 x 2 bedroom unit and the 1 x 1 bedroom unit would be converted into 1 x 3 bedroom unit. The resultant development would then be comprised of 7 x 3 bedroom units with very little change to the built form and also very little change to the population of the resultant building.

Whilst it is noted that the development could be altered to achieve compliance with the maximum density prescribed, the eight (8) unit development which is currently before Council is considered to achieve consistency with Clause 21L(a) despite an additional dwelling proposed on the site. Overall, the resultant development will provide greater diversity of housing types and wider housing choice to the Newport Locality, on a site close to Newport Commercial Centre and Newport Beach which is able to provide adequate physical and social infrastructure.

(b) provide additional opportunities for more compact forms of housing within residential areas which are not environmentally sensitive;

It is noted that the term “environmentally sensitive” is not defined within PLEP, however is defined by P21 DCP as follows;

“Environmentally sensitive land” means land contained in Area 1 of the Dual Occupancy Map.

The Dual Occupancy Map means the map marked “Pittwater Local Environment Plan 1993 (Amendment No. 37) Dual Occupancy Map” and Area 1 is identified in red. The subject site is located in Area 3 of the Dual Occupancy Map and as such is not considered to be located on an environmentally sensitive site in this regard.

With this in mind, it is considered that the proposed eight (8) unit development is able to provide additional opportunity for more compact forms of housing within a residential area on a site which is not environmentally sensitive, and as such is able to achieve this aim of Clause 21L despite non-compliance with the prescribed maximum density of 1 dwelling per 200m².

(c) assist revitalisation of existing commercial centres by providing increased opportunities for housing in certain business zones to help reduce the journey to work by car and stimulate local employment through increased activity in those centres.

The resultant development is considered to assist in the revitalisation of the Newport Commercial Centre by providing additional housing within close proximity to the Barrenjoey Road shopping/retail strip. The proposed development is also located within walking distance to a Sydney Buses Bus Stop which provides a public transport link to other localities throughout Pittwater.

The proposed development is considered to achieve this outcome of Clause 21L despite non-compliance with the prescribed maximum density of 1 dwelling per 200m².

The aims of multi unit housing development as specified by control B2.5 of P21 DCP are considered as follows;

- *Achieve the desired future character of the Locality.*

The subject site is located within walking distance of Newport Commercial Centre, Newport Beach and community facilities including Newport Surf Life Saving Club and Newport Community Centre. The proposed development is largely consistent with Council's height requirements and will be situated well below the canopy of existing established trees.

The built form of the resultant development is well articulated and the apparent size as viewed from Coles Parade and Ocean Avenue is considered to be minimised. Furthermore, the two storey development is consistent with the existing streetscape and is of a scale that is appropriate for the location.

The photomontages provided demonstrate that although the colours are lighter tones, the resultant development will harmonise with the natural environment and is considered to be reflective of the character of the Newport Locality.

Overall, the proposed 8 unit development is considered to be consistent with the desired character of the Newport Locality.

- *The density and scale of development reflects the infrastructure capability of the area.*

The applicant seeks consent for a greater dwelling density than that identified by PLEP and P21 DCP, which essentially results in one (1) additional dwelling on the site. As discussed above, the applicant has identified that should the proposed development be required to comply with the dwelling density of 1 dwelling per 200m², the proposed 1 x 2 bedroom unit and the 1 x 1 bedroom unit would be altered to create a two storey 1 x 3 bedroom unit instead.

Whilst the inclusion of an additional unit ultimately results in a greater dwelling density, it is noted that the population density of the resultant development is largely consistent, whereby either option results in the availability of 3 bedrooms.

Over the course of the assessment, the main concern identified by the adjoining residents is that of off-street parking along Ocean Avenue, Coles Parade and within the Newport Locality as a whole. With the current proposed development incorporating 8 residential units, the 1 x 2 bedroom unit and 1 x 1 bedroom unit are allocated a total of four (4) off-street parking spaces, which is one greater than requirements of P21 DCP. If this unit was to be replaced with a 1 x 3 bedroom unit, only two (2) off-street parking spaces would be required to be provided. As such, the proposed development results in two (2) additional off-street parking spaces to alleviate pressure from the adjoining residential streets.

The incorporation of an additional unit is not considered to unreasonably impact or place strain upon Pittwater Council's garbage collection service, Sydney Water's supply of water or reticulated sewerage system. The application was supported by a stormwater management plan to ensure that the resultant development is able to appropriately manage stormwater and overflow, which again, is not considered to be impacted by the provision of an additional unit.

As demonstrated by the photomontages provided to support the application, the resultant development is considered to be an appropriate scale for the corner site despite the provision of an additional unit. Furthermore, it can be said that if the development was made to comply with the prescribed dwelling density, the built form of the development would be unlikely to change.

Overall, it is considered that the density and scale of development is reflective of the infrastructure capability of the area.

- *Design opportunities and site layout efficiencies are improved through amalgamation of allotments.*

The proposed works are located over two separate sites which are to be amalgamated over the course of the development. The amalgamation of the two sites enables the resultant development to enjoy wide street frontages to both Coles Parade and Ocean Avenue to maximise natural light and open space.

- *The development does not adversely impact upon adjoining residential development.*

The application was publicly advertised in the Manly daily, notified to adjoining property owners by mail, and a sign was erected out the front of the site to alert the local community of the proposed development. Over the course of the assessment, four (4) submissions were received from adjoining property owners; three (3) with concerns about off-street parking and traffic, and one (1) with concerns about visual privacy.

As discussed in further detail in the compliance table below, the proposed development exceeds Council's parking requirements and is not considered to unreasonably impact upon adjoining properties with regards to visual privacy.

With the proposed driveway adjacent to an existing carport at 46 Foamcrest Avenue and the air conditioning units located in the basement, the development is not considered to adversely impact upon adjoining properties with regard to Acoustic Privacy. Furthermore, as discussed with regard to Solar Access, the resultant development is not considered to unreasonably impact upon adjoining properties with regard to overshadowing.

Overall, the proposed development is not considered to adversely impact upon the amenity currently enjoyed by the occupants of surrounding developments.

- *To encourage development of sites with sufficient width to provide design opportunities and site integration and to avoid long, narrow "gun barrel" development.*

The accumulation of the two sites has provided a corner lot which has allowed for a relatively square development which in no way could be considered a long, narrow "gun barrel" development.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this individual proposal?

In *Webhe v Pittwater* [2007] NSWLEC 827, Chief Judge Preston puts forward the following rationale;

Development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

In this instance, it is considered that the proposed 8 unit development is able to achieve consistency with the aims identified by PLEP for multi unit housing development within Pittwater, and the objectives of Control B2.5 Dwelling Density and Subdivision – Multi Unit Housing of P21 DCP, despite the incorporation of an additional unit and a dwelling density greater than that prescribed.

As such, it can be said that strict compliance with the development standard identifying a dwelling density of 1 dwelling per 200m² is unnecessary as the objectives are achieved anyway, and that the development standard is unreasonable as requiring compliance with the prescribed dwelling density would serve no real planning purpose.

5. Is compliance with the Development Standard consistent with the aims of SEPP No.1?

Clause 3 of SEPP 1 identifies the aims of the policy, as follows;

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.

Section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979* are as follows;

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

As discussed above, strict compliance with the prescribed dwelling density of 1 dwelling per 200m² is considered to be both unreasonable and unnecessary in this particular instance. Furthermore, it can be considered that as the applicant has satisfactorily demonstrated that the proposed 8 unit development is able to achieve the aims and objectives of Council's LEP and DCP controls, that requiring compliance with the prescribed dwelling density would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*.

Clause 8 of SEPP 1 is as follows;

The matters which shall be taken into consideration in deciding whether concurrence should be granted are:

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

In accordance with Clause 8 of SEPP 1 it is considered that the resultant additional dwelling and the technical non-compliance with Subclause (3) of Clause 21N of PLEP does not raise any matter of significance for State or regional planning. Furthermore, it is not considered that refusing this development would result in any public benefit as the proposed works are consistent with the character of the immediate locality and with the desired character of the Newport Locality as a whole.

With this in mind, the proposed development is considered to be consistent with the aims of SEPP No. 1.

6. Is the objection well founded?

A written SEPP 1 objection was provided to support the proposed variance to the dwelling density development standard. The SEPP 1 objection states the grounds for the objection and that the aims of Council's multi-unit housing controls and policies will be achieved despite non-compliance with the prescribed maximum dwelling density.

The SEPP 1 objection also goes beyond the impacts upon adjoining properties and considers the resultant amenity of the 8 units proposed, as compared to a 7 unit development. The SEPP 1 objection was also accompanied by letters from real estate agencies within the Newport locality, identifying market demand for additional smaller, more affordable units in close proximity to the Newport Commercial Centre, Barrenjoey Road and Newport Beach.

Overall, the objection provided to support the non-compliance with Subclause (3) of Clause 21N of PLEP is considered to be justified and well founded.

7. Conclusion

In *Webhe v Pittwater [2007] NSWLEC 827*, Chief Judge Preston states the following;

The consent authority must be satisfied of three matters before it can uphold the SEPP 1 objection and grant development consent to a development application for development that could, but for a development standard, be carried out under the Act with or without development consent.

The three matters referred to are as follows;

1. The consent authority must be satisfied that the objection is well founded;
2. That the granting of development consent is consistent with the aims of SEPP 1 as identified by Clause 3 of the policy; and
3. That the consent authority must be satisfied that a consideration of the matters in clause 8(a) and (b) of SEPP 1 justifies the upholding of the SEPP 1 objection.

As the SEPP 1 objection provided to support the variation to Clause 21N(3) of PLEP is considered to be well founded, as the resultant development is considered to be consistent with the aims and objectives of SEPP No.1 – Development Standards, including Clause 3 and Clause 8, and as the development could otherwise be carried out with consent, but for the development standard, Council can be satisfied in upholding the variance to the prescribed dwelling density of 1 dwelling per 200m².

8.0 EXISTING USE RIGHTS

The proposed development is not reliant upon existing use rights.

9.0 ISSUES

- B2.5 Dwelling Density and Subdivision - Multi-Unit Housing
- C1.4 Solar Access
- C1.20 Undergrounding of Utility Services
- C1.23 Eaves
- D10.4 Building colours and materials
- D10.5 Height (excluding Newport Commercial Centre)
- D10.7 Front building line (excluding Newport Commercial Centre)
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.11 Building envelope
- D10.12 Site coverage – General
- D10.14 Fences – General

10.0 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
REF - Development Engineer					
B3.12 Flood Hazard - Flood Category 1 - Low Hazard - Residential Development: Multi Unit Housing Development			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Interim Draft - Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-

Control	Standard	Proposal	T	O	N
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	<p>Allocated Residential Parking – 15 spaces (including 4 adaptable spaces compliant with AS4299 at 3.8m wide)</p> <p>Visitor Parking – 3 spaces (including 1 accessible space for people with disabilities compliant with AS2890.6)</p> <p>Bicycle Storage – 3 racks</p> <p>Where there are dwellings with two (2) or more bedrooms in an apartment development, tandem parking spaces may be permitted where all of the following are met:</p> <ol style="list-style-type: none"> two (2) parking spaces have been allocated per two (2) or more bedroom apartments the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units 	<p>Proposed allocated residential parking – 16 spaces (2 per unit) and including 4 adaptable spaces, one each for units 2, 3, 6 and 7.</p> <p>Proposed visitor parking – 3 spaces, one of which is accessible.</p> <p>Bicycle storage has been proposed.</p> <p>One tandem parking arrangement is proposed, to be allocated to unit 4.</p> <p>The proposed development provides sufficient off-street parking spaces in accordance with this control, including 1 additional parking space associated with unit 4.</p> <p>Three (3) submissions were received with regard to the amount of parking spaces provided on-site.</p> <p>These submissions largely raised concern with Council's Policies in general, and request the provision of 3 parking spaces for three bedroom units.</p> <p>The submissions continue to raise concern with parking in Newport as a whole.</p>	Y	Y	N

Control	Standard	Proposal	T	O	N
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy (Continued)		It is considered unreasonable to request the provision of an additional 6 parking spaces, when P21 DCP clearly specifies that 2 per unit are sufficient. Furthermore, the economic feasibility of providing an additional 6 parking spaces, which would require an additional subfloor level would be exhaustive and may detrimentally impact upon the success of the development as a whole.			
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.6 Construction and Demolition - Traffic Management Plan	<p>For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m3 or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.</p> <p>All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.</p>	<p>Council's Development Engineer has recommended a condition of consent requiring the production of a traffic management plan prior to the issue of a Construction Certificate.</p> <p>One (1) submission was received with regard to traffic and congestion in Coles Parade during construction. The submission suggests that Coles Parade be permanently or temporarily made into a one way street, as per the extension of Coles Parade to the east.</p> <p>The was discussed with Council's Development Engineer who raised no concern in this regard, and indicated that the "no stopping" signs along Coles Parade should ensure that traffic can continue along Coles Parade, even during construction.</p>	Y	Y	N
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		<p>Council's Natural Resources Officer provided the following comments with regard to the proposed development;</p> <p><i>No apparent issues. The site is highly modified.</i></p>	Y	Y	Y
B3.5 Acid Sulphate Soils		<p>Council's Natural Resources Officer provided the following comments with regard to the proposed development;</p> <p><i>The site is mapped as Acid Sulphate Region 4 and involves deep excavation to accommodate basement carparking. Specific testing for acid sulphate soils does not appear to have been undertaken, or at least reported and any conclusions drawn. Therefore, the following condition is to be applied: Prior to the issue of the Construction Certificate the applicant is to carry out an investigation to determine whether acid sulphate soils are present in the area to be excavated. If the investigation reveals acid sulphate soils are present, an acid sulphate soils management plan addressing management of acid sulphate soils during and following excavation is to be prepared by a suitably qualified consultant and submitted for approval prior to the release of the construction certificate.</i></p>	Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		<p>Council's Natural Resources Officer provided the following comments with regard to the proposed development;</p> <p><i>The properties contain modified landscapes typical of a domestic garden. The proposed works involve demolition of existing structures and construction of a multi-unit housing development comprising 2 townhouses and 6 apartments with basement car parking and strata subdivision. Both native and exotic trees exist on the site and on neighbouring properties, and are the subject of an arborist report (Footprint Green Pty Ltd 19th November 2012). The report assesses 29 trees, 5 of which are located on neighbouring properties and Council road reserve. The report recommends removal of 17 trees, all of which are located on the subject site. Of these, four (4) are species exempt from Council's Tree Preservation Order and the remaining 13 specimens are mostly determined to have low landscape significance, and all are planted specimens. There are no objections to the removal of these trees subject to replacement planting. All other trees are to be retained and protected in accordance with the tree protection measures specified in the arborist report. A landscape plan (Trish Dobson Drawing No. 1215/DA-L01 19th November 2012) has been submitted which provides 35 new native trees plus a large quantity and range of locally native shrubs and groundcovers all of which will significantly enhance the screening, amenity and habitat value of the site. The landscape plan is therefore accepted and approved.</i></p>	Y	Y	Y
C1.1 Landscaping		<p>Council's Natural Resources Officer provided the following comments with regard to the proposed development;</p> <p><i>Refer to Section B4.5 for comment.</i></p>	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts	Applications or public submissions to Council may require a Political donations and gifts disclosure statement to be completed under section 147(4) and (5) of the Environmental Planning and Assessment Act 1979.	No political donations or gifts have been reported in the application or public submissions received.	Y	Y	Y

Control	Standard	Proposal	T	O	N
A4.10 Newport Locality	<p>Primarily low-density residential area.</p> <p>Any multi unit housing will be located within and around commercial centres, public transport and community facilities.</p> <p>Supported by adequate infrastructure, including roads, water and sewerage facilities and public transport.</p> <p>Maintain height limit below canopy trees and minimise bulk and scale.</p> <p>Contemporary buildings will utilise façade modulation and/or include shade elements such as pergolas, verandahs and the like.</p> <p>Building colours harmonise with the natural environment.</p> <p>Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgrades.</p>	<p>The proposed development is considered medium density development, and is in a location zoned for multi unit housing development.</p> <p>The subject site is located within walking distance of the commercial centre of Newport, state transit bus stops and community facilities including Newport Surf Life Saving Club.</p> <p>The proposed development is largely consistent with Council's height requirements and will be maintain a height limit below surrounding canopy trees.</p> <p>The façade of the proposed building is well articulated and the apparent size is considered to be minimised.</p> <p>The modified schedule of colours and finishes includes some lighter tones, however is considered to be reflective of the character of the Newport Locality.</p> <p>The proposed development includes the construction of a foot path along both Ocean Avenue and Coles Parade where none currently exist.</p> <p>Overall, the resulting development is considered consistent with the desired character of the Newport Locality.</p>	Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee	A completed development application form including formal owners consent to lodge the application together with the appropriate fees must be submitted with all development applications.	Owner's consent for both individual sites has been provided to support the lodgement of this application.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects	A Statement of Environmental Effects (SEE) must accompany all development applications.	The application was supported by a Statement of Environmental Effects.	Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings	Survey Plan, Site Plan, Development drawings and a Schedule of Finishes required to be submitted.		Y	Y	Y

Control	Standard	Proposal	T	O	N
3.4 Notification	Advertised Development Applications are notified for a minimum period of thirty-one (31) days, by means of neighbour notification letters, an advertisement in the local paper and the placement of a sign located on the site, visible from the street.	<p>The subject development application was advertised for a period of 31 days from 14 December 2012 through to 15 January 2013.</p> <p>The amended proposal was notified for a further 14 days from 12 February through to 26 February 2013.</p> <p>A site inspection confirmed the placement of the notification sign during both notification periods.</p>	Y	Y	Y
3.5 Building Code of Australia	Proposed development must be designed, constructed and maintained so that they comply with the relevant provisions of the Building Code of Australia.	The application was supported by a BCA Compliance Report which specifies that the proposed development is consistent with the provisions of the BCA.	Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)		State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings does not apply as the proposed development does not meet the definition of “residential flat building” given that the basement level does not protrude more than 1.2m above natural ground.	-	-	-
4.1 Integrated Development: Water Supply, Water Use and Water Activity		The application is not classified as integrated development as it does not require an approval under the Water Management Act 2000.	-	-	-
4.5 Integrated Development: Aboriginal Objects and Places		The application is not classified as integrated development as it does not require development consent and an approval under the National Parks and Wildlife Act 1974.	-	-	-
4.7 Integrated Development - Roads		The application is not classified as integrated development as it does not require development consent and an approval under the Roads Act 1993.	-	-	-
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007		The proposed development is not subject to assessment under the provisions of SEPP (Infrastructure) 2007.	-	-	-
5.2 Referral to the NSW Police Service		The proposed development is not considered a large scale or high risk development and as such does not require referral to the NSW Police Service.	-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)		The proposed development is not on land that is, or is a part of, a critical habitat, and the development is not likely to significantly affect a threatened species, population, or ecological community, or its habitat	-	-	-

Control	Standard	Proposal	T	O	N
6.2 Section 94 Contributions - Open Space Bushland and Recreation	A section 94 Contribution is applicable to the proposed development, payable prior to CC.	8 x \$9000 = \$72000	Y	Y	Y
6.3 Section 94 Contributions - Public Library Services	A section 94 Contribution is applicable to the proposed development, payable prior to CC.	8 x \$2000 = \$16000	Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities	A section 94 Contribution is applicable to the proposed development, payable prior to CC.	8 x \$3500 = \$28000	Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes	A section 94 Contribution is applicable to the proposed development, payable prior to CC.	8 x \$5000 = \$40000	Y	Y	Y
A1.7 Considerations before consent is granted	Before granting development consent, Council must be satisfied that the development is consistent with <i>Pittwater LEP 1993</i> , the desired character of the Locality; and the development controls applicable to the development. Council will also have regard to section 79C of the <i>Environmental Planning and Assessment Act 1979</i> .	The application has been assessed with regard to <i>Pittwater LEP 1993</i> , the desired character of the Locality; and the development controls applicable to the development. The application has also been assessed in accordance with Section 79C of the <i>Environmental Planning and Assessment Act 1979</i> , specifically with regard to the public submissions received in response to the proposed development.	Y	Y	Y
B1.3 Heritage Conservation - General		The site does not contain any known items of heritage significance and is not located in the vicinity of any.	Y	Y	Y
B2.5 Dwelling Density and Subdivision - Multi-Unit Housing	Dwelling Density – 1 dwelling per 200m ² Multi-unit housing must not be carried out unless the street frontage is greater than or equal to one third of the length of the longest side boundary. The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.	Proposed Dwelling Density – 1 dwelling per 176.125m ² Area of the site = 1409m ² 1 dwelling per 200m ² = 7.045 dwellings. The proposed 8 unit development exceeds the maximum density prescribed by this control. See further discussion with regard to SEPP No.1 objection. Side boundaries = 43.13m and 43.55m One third of longest boundary = 14.4m Both street frontages exceed the minimum prescribed by this control. The application was supported by a draft Strata Subdivision plan, which appropriately allocates parking spaces, landscaped areas and common property.	N	Y	Y

Control	Standard	Proposal	T	O	N
B3.6 Contaminated Land and Potentially Contaminated Land	Council shall not consent to the carrying out of any development on land unless it has considered SEPP No. 55 Remediation of Land.	There is no evidence of past land uses which may have contaminated the site. The application has been assessed in accordance with State Environmental Planning Policy No.55 – Remediation of Land and is considered consistent with the outcomes of this policy.	Y	Y	Y
B5.1 Water Management Plan	An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including: <ul style="list-style-type: none"> - rainwater - stormwater - greywater, and - wastewater in accordance with: <ul style="list-style-type: none"> - SEPP (Building Sustainability Index: BASIX) 2004 - The Pittwater 21 Development Control Plan (this DCP) - All relevant legislation. 	The application was supported by concept drainage plans which demonstrate the management of rainwater, storm water and flood water with regard to the proposed development. These concept plans have been assessed by Council's Development Engineer who raised no concern in this regard.	Y	Y	Y
B5.2 Wastewater Disposal		The proposed development is able to be connected to the existing Sydney Water Sewerage System.	Y	Y	Y
B5.3 Greywater Reuse		None proposed.	-	-	-
B5.12 Interim Draft - Stormwater Drainage Systems and Natural Watercourses		The application is not classified as integrated development as it does not require an approval under the Water Management Act 2000.	-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses		The application is not classified as integrated development as it does not require an approval under the Water Management Act 2000.	-	-	-
C1.2 Safety and Security	There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following: <ul style="list-style-type: none"> i. Surveillance; ii. Access; iii. Territorial reinforcement; and iv. Space management 	Subject to conditions of consent with regard to lighting, the proposed development is considered to be largely consistent with the CPTED principles of surveillance, access, territorial reinforcement and space management.	Y	Y	Y
C1.3 View Sharing		The proposed development is not considered to result in any unreasonable impacts upon views currently enjoyed from adjoining properties.	Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.4 Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings are to receive a minimum 3 hours of sunlight between 9am and 3pm on June 21st.</p>	<p><u>Proposed development</u> Based on the amended shadow diagrams provided by the applicant, Units 3 and 4 will receive less than 3 hours of direct sunlight to glazing associated with the primary living areas, and Units 4 and 8 will receive less than 3 hours of direct sunlight to the areas of primary open space.</p> <p>See further discussion below.</p> <p><u>Adjoining developments</u> The proposed development will result in additional overshadowing of the rear yards of the adjoining residences to the east during the afternoon. However, these areas should maintain sufficient direct sunlight in the from 9am through to 1pm and as such, the development is not considered to result in any unreasonable impacts upon adjoining properties in regards to solar access.</p>	N	Y	Y
C1.5 Visual Privacy	<p>Private open space, recreation areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p>	<p>The proposed terrace and windows on the northern elevation of units 6 and 7 on the upper floor are capable of overlooking windows of the adjoining property at 39-41 Ocean Road. A site inspection confirmed that these windows are associated with bedrooms on both levels. As these rooms are able to be screened when privacy is required, the proposed landscaping and adjustable louvered screens are considered acceptable in this regard.</p> <p>One (1) submission was received from the property owner of unit 4 at 39-41 Ocean Avenue in regards to potential overlooking from the proposed balcony associated with unit 6, and their existing area of private open space. This property is located in excess of 9m from the proposed balcony associated with unit 6, and substantial plantings are proposed between the two properties.</p> <p>Furthermore, the private open space of unit 4 at 39-41 Ocean Avenue is surrounded by a 1.8m high solid wall and covered with a roof. The opportunity to overlook into this space is minimal, and the proposed spatial separation and landscaping is considered to further mitigate any unreasonable resultant impacts in this regard.</p>	Y	Y	N

Control	Standard	Proposal	T	O	N																																				
C1.5 Visual Privacy (Continued)		<p>The proposed development has been designed to maximise visual privacy between the individual units by providing areas of private open space on the lower level below the balconies of the units above.</p> <p>Overall, the proposed development is considered consistent with this control.</p>																																							
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and recreation areas and the like.	Bedroom 3 of unit 1 is located adjacent to the common stairwell which accesses the underground basement and Bedroom 1 of unit 4 features a highlight window adjacent to the common shared entrance way. Should the application be approved, a condition of consent is recommended to ensure that these windows are double glazed.	Y	Y	Y																																				
C1.7 Private Open Space	<p>Minimum area of 15% of the floor area of the dwelling (not including the floor area of garages or internal laundries), with no dimension less than 2.5 metres and a grade no steeper than 1 in 10 (10%).</p> <p>Ground floor units are to have a minimum area of private open space of 30sq.m and with no dimension less than 4m.</p> <p>For Shop Top Housing and Multi-Unit housing developments, private open space at upper levels in the form of front/rear or internal courtyard balconies and terraces are required. The dimension of the balcony should be sufficient so that the area can be usable for recreational purposes (ie a minimum area of 10m² and a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residences.</p>	<p>Area of Private Open Space (POS) calculations</p> <p>R – Minimum Required Area</p> <p>P – Proposed</p> <p>C – Compliance</p> <table><tr><th>Unit</th><th>R</th><th>P</th><th>C</th></tr><tr><td>1</td><td>30m²</td><td>68.5m²</td><td>Yes</td></tr><tr><td>2</td><td>30m²</td><td>66.25m²</td><td>Yes</td></tr><tr><td>3</td><td>30m²</td><td>67.5m²</td><td>Yes</td></tr><tr><td>4</td><td>30m²</td><td>38.2m²</td><td>Yes</td></tr><tr><td>5</td><td>10m²</td><td>17.4m²</td><td>Yes</td></tr><tr><td>6</td><td>10m²</td><td>18.8m²</td><td>Yes</td></tr><tr><td>7</td><td>10m²</td><td>20.1m²</td><td>Yes</td></tr><tr><td>8</td><td>10m²</td><td>11.9m²</td><td>Yes</td></tr></table> <p>The architectural drawings demonstrate sufficient provision of private open space, in excess of the minimum area prescribed by this control.</p>	Unit	R	P	C	1	30m ²	68.5m ²	Yes	2	30m ²	66.25m ²	Yes	3	30m ²	67.5m ²	Yes	4	30m ²	38.2m ²	Yes	5	10m ²	17.4m ²	Yes	6	10m ²	18.8m ²	Yes	7	10m ²	20.1m ²	Yes	8	10m ²	11.9m ²	Yes	Y	Y	Y
Unit	R	P	C																																						
1	30m ²	68.5m ²	Yes																																						
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6	10m ²	18.8m ²	Yes																																						
7	10m ²	20.1m ²	Yes																																						
8	10m ²	11.9m ²	Yes																																						
C1.9 Adaptable Housing and Accessibility	<p>50% of the proposed multi unit development must meet the criteria of AS 4299-1995: <i>Adaptable Housing</i>.</p> <p>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</p> <p>A disabled car parking space should be provided in accordance with AS2890.1 & AS4299 <i>Adaptable Housing</i>. All disabled car parking spaces to be constructed to the specifications set out in the above standards i.e. 6.2m widths must be provided in the double garages for the adaptable units & a disabled car space is 3.2m in width + the 300mm that must be added for the side wall obstruction.</p>	<p>The proposed development provides four (4) adaptable units. The application was supported by an access report which specifies that the four (4) units are able to achieve compliance with AS 4299-1995: <i>Adaptable Housing</i>.</p> <p>The draft subdivision plan provided demonstrates that the 4 adaptable parking spaces are allocated to the 4 adaptable units.</p>	Y	Y	Y																																				

Control	Standard	Proposal	T	O	N
C1.10 Building Facades	<p>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p> <p>For Multi Unit Housing or SEPP (Housing for Seniors or People with a Disability) 2004 and other development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.</p>	The proposed development is considered to meet the technical requirements and outcomes of this control.	Y	Y	Y
C1.12 Waste and Recycling Facilities	<p>Waste and recycling receptacles are to be stored within the property boundaries.</p> <p>Separate bins are to be provided for waste (garbage), paper recyclables and container recyclables.</p> <p>Where residential development consists of three or more dwellings a communal waste and recycling enclosure shall be provide for waste and recyclables (paper and containers).</p>	<p>The proposed development includes a garbage enclosure within the basement which is located in close proximity to the vehicular access ramp.</p> <p>Conditions of consent are recommended to ensure consistency with this control.</p>	Y	Y	Y
C1.13 Pollution Control	Residential premises must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development is considered to be designed in a way so that it can be constructed, maintained and used in a manner to prevent air, water, noise and/or land pollution.	Y	Y	Y
C1.14 Separately Accessible Structures		None proposed.	-	-	-
C1.15 Storage Facilities	A lockable storage area of minimum 8m³ per dwelling shall be provided.	The proposed development includes areas of lockable storage greater than 8m³ within each of the proposed garages.	Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays	A designated wash bay is to be incorporated on the site where developments have more than ten units.	The proposed development features eight (8) residential units and as such, a designated wash bay is not required.	-	-	-
C1.19 Incline Passenger Lifts and Stairways		None proposed	-	-	-
C1.20 Undergrounding of Utility Services	<p>All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.</p> <p>All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.</p> <p>Design and construction of the undergrounding of utility services is to be at full cost to the developer.</p>	<p>The applicant has provided correspondence from Energy Australia with regard to the inability to provide underground utility services within the road reserve.</p> <p>This correspondence is consistent with the applicable variation whereby the existing power lines are single span and the pole to the NW holds wires carrying 33,000 volts.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
C1.20 Undergrounding of Utility Services (Continued)	<u>Variation</u> Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control: <ul style="list-style-type: none"> - electricity wires carrying 16,000 volts, 33,000 volts or more, and/or - short lengths of overheads of two spans or less 	As such, a condition of consent requiring the undergrounding of services within the road reserve is not considered to be required. However, it is still considered appropriate for all services within the subject site to be located underground.			
C1.23 Eaves	Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters. <u>Variation</u> Council may consider a variation to this control where the development is shop top housing or multi-unit housing.	The proposed development does not incorporate 450mm eaves to the majority of the development, as the proposed architectural style featuring parapet walls and flat roofs does not lend to the provision of eaves. However, it is noted that the areas where the upper floor roof is raised to provide greater solar access to the southern units feature eaves of 450mm. As the resultant development is considered to achieve the outcomes of this control, a variation allowing for the exclusion of eaves from multi unit housing developments is considered to be applicable.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure	Other Development - comprising 6 or more <u>dwellings</u> Development with a frontage within a residential street is required to design and construct a footpath 1.5m wide and provide landscaping the full width of the development site on the public road reserve.	The proposed development includes the provision of a 1.5m wide footpath to both Ocean Avenue and Coles Parade. A condition of consent is recommended to require the planting of street trees along the Ocean Avenue Road Reserve, of an appropriate size to minimise disturbance on the power lines above.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run	Council does not encourage air conditioning units on the roof of Multi Unit Housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of DA lodgement.	Amended plans provided by the applicant demonstrate the location of all air conditioning units within the basement.	Y	Y	Y
D10.1 Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted. Walls without articulation shall not have a length greater than 8 metres to any street frontage. The bulk and scale of buildings must be minimised. Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	The design theme is largely consistent and compatible with the surrounding locality and does not include any blank street frontage facades. The proposed development does not include any walls greater than 8m without articulation. Landscaping is incorporated into the design to soften the visual impact as viewed from Ocean Road and Coles Parade. Overall the apparent size of the proposed development is considered to be minimised.	Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.3 Scenic protection - General	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The visual impact of the resultant development is considered to be minimised by the incorporation of landscaping within the front and side setbacks.	Y	Y	Y
D10.4 Building colours and materials	Dark and earthy tones, with minimal reflectivity.	<p>The original colour schedule provided indicated strong use of light tones including "shale grey" and "chalk dust", which are inconsistent with this control.</p> <p>An amended colour schedule was provided upon request which indicates strong use of the colours "dune", "moon shell" and light face block work.</p> <p>Whilst the colours shown on the amended schedule of finishes can not be described dark, they are considered earthy and are consistent with the character of the immediate locality.</p> <p>Furthermore, the subject site is not highly visible or in a prominent location of a slope where the use of dark and earthy tones is required to blend in with the shadows of surrounding trees.</p> <p>As demonstrated by the photomontages provided, the resultant development is considered to achieve consistency with the outcomes of this control, despite the inclusion of lighter earthy tones.</p>	N	Y	Y
D10.5 Height (excluding Newport Commercial Centre)	<p>Max height – 8.5m</p> <p>Variable maximum height – FPL (7.1m AHD + 8m = 15.1m AHD)</p>	<p>Proposed max. height – 9m</p> <p>The vast majority of the proposed development is maintained under the 8.5m height limit, with only a small portion of the lift overrun and the raised roof element above units 4 and 6 protruding above the prescribed maximum.</p> <p>Overall the proposed development is considered to achieve consistency with the outcomes of this control.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
D10.7 Front building line (excluding Newport Commercial Centre)	<p>Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.</p> <p>Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line.</p>	<p>Min. setback of external walls to Ocean Avenue – 7.6m</p> <p>Min. setback of balconies to Ocean Avenue – 5.5m</p> <p>Min. setback of external walls to Coles Parade – 4m</p> <p>Min setback of balconies to Coles Parade – 7.5m</p> <p>The proposed development is non-compliant with the prescribed minimum setback with regard to a small portion of the balconies fronting Ocean Avenue, and the southern façade fronting Coles Parade.</p> <p>See further discussion below.</p>	N	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)	<p>Where the wall height is more than 3m above natural ground level, the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:</p> $S = 3 + \frac{H - 2}{4}$ <p>Where S = the distance in metres H = the height of the wall at that point measured in metres above existing ground level</p>	<p>Min. side setback – 4.25m</p> <p>The proposed development is technically non-compliant with this control with regard to the eastern facade of unit 8 which is located 3.5m from the common side boundary.</p> <p>This area of non-compliance is limited to the upper floor unit for a stretch of wall 6.8m long. It is also noted that the reduced setback is located adjacent to an existing carport structure on the adjoining property to the east, and as such does not result in any unreasonable impacts upon the adjoining property.</p> <p>Furthermore, at this point the front setback from Coles Parade is increased and as such the visual appearance of the non-compliance is reduced.</p> <p>Overall, it is considered that the resultant development is able to achieve consistency with the outcomes of this control, despite this area of non-compliance.</p>	N	Y	Y
D10.11 Building envelope	Buildings are to be contained within planes projected at 45 degrees from a height of 4.2 metres above natural ground level at the side boundaries to the maximum height.	<p>There is an extremely minor non-compliance with regard to the raised roof over unit 8 and the elevator overrun. This is a result of the technical height non-compliance and is discussed with regard to B10.5 Height.</p> <p>Overall, the minor breach to the building envelope is not considered to contribute to excessive bulk and scale and the outcomes of the building envelope control are able to be achieved.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
D10.12 Site coverage - General	<p>Maximum Site coverage – 704.5m² or 50% of the total site</p> <p>Minimum Landscape Area – 704.5m² or 50% of the total site</p> <p>Control only applies to 2(a) residential MUH Zone.</p> <p>Areas with soil depth greater than 800mm above built structures (excluding drainage and waterproof membranes) may be included as both site coverage and landscaping.</p>	<p>Proposed site coverage – 849m² or 60% of the total site</p> <p>Proposed landscaped area – 629.5m² or 44.7% of the total site (including planter boxes)</p> <p>The proposed site coverage calculation exceeds the maximum prescribed by the control by approximately 144.5m². Of this 144.5m² of hard surfaces, 69.5m² is to be covered with planter boxes with a depth greater than 800mm which act to increase the landscaped area calculation.</p> <p>See further discussion below.</p>	N	Y	Y
D10.14 Fences - General	<p>Front fences and side fences (within the front building setback) shall:</p> <ul style="list-style-type: none"> - not exceed a maximum height of 1 metre above existing ground level, - be compatible with the streetscape character, and - not obstruct views available from the road. <p>Fences are to be constructed of open, see-through, dark-coloured materials.</p> <p>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</p> <p>Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:</p> <ul style="list-style-type: none"> i. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits); and ii. be articulated to provide visual interest and further opportunities for landscaping, and iii. be screened by landscaping within the setback area; and iv. not restrict casual visual surveillance of the street, and v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2m by 2m; and vi. 50% or more of the fence is transparent. 	<p>The proposed front fence reaches a maximum height of 1.8m as measured from natural ground level and is setback at a minimum distance of 1.2m from the front boundaries.</p> <p>Over the course of the assessment, the application has been amended to demonstrate greater articulation of the proposed fence, with variable setbacks ranging between 1.2m and 2.2m from the front boundaries.</p> <p>See further discussion below.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
D10.16 Construction, Retaining walls, terracing and undercroft areas	Retaining walls and terracing shall be kept to a minimum.	The proposed development requires significant excavation to provide for the basement carpark. The only visible retaining wall will be that relating to the vehicular access driveway. Should the application be approved, a condition of consent is recommended to ensure the use of sandstone, or dark/earthy tones on all retaining walls visible from the street.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004	New housing in NSW must be designed and built to use 40% less potable water and produce 25% less greenhouse gas emissions than average NSW homes of the same type.	The application was supported by a BASIX Certificate 457763M dated 23 November 2012.	Y	Y	Y
SEPP (Affordable Rental Housing) 2009		Not applicable.	-	-	-

Issues marked with a - are not applicable to this Application.

11.0 DISCUSSION OF ISSUES

- C1.4 Solar Access

Based on the amended shadow diagrams provided by the applicant, Units 3 and 4 will receive less than 3 hours of direct sunlight to glazing associated with the primary living areas, and Units 4 and 8 will receive less than 3 hours of direct sunlight to the areas of primary open space.

The calculation of solar access to each individual unit during midwinter (June 21st) is considered as follows;

Unit	Area	Direct sunlight	Compliance
1	Living room (glazing)	3 hours +	Yes
	Private Open Space	3 hours +	Yes
2	Living room (glazing)	3 hours +	Yes
	Private Open Space	3 hours +	Yes
3	Living room (glazing)	1 hour	No
	Private Open Space	3 hours +	Yes
4	Living room (glazing)	1 hour	No
	Private Open Space	2 hours	No
5	Living room (glazing)	3 hours +	Yes
	Private Open Space	3 hours +	Yes
6	Living room (glazing)	3 hours +	Yes
	Private Open Space	3 hours +	Yes
7	Living room (glazing)	3 hours +	Yes
	Private Open Space	3 hours +	Yes
8	Living room (glazing)	3 hours +	Yes
	Private Open Space	2 hours	No

These areas of technical non-compliance and the resultant amenity of Units 3, 4 and 8 are considered individually as follows;

Unit 3

Unit 3 is located on the ground floor of the proposed development, in the north-east corner of the subject site. The proposed floor plan of the combined kitchen, living and dining area features large glazed openings to both the north and east. The windows facing east will receive direct sunlight throughout the early morning until approximately 10am. The existing multi-unit housing development to the north will then overshadow this area through to the late afternoon.

However, given the spatial separation proposed between the two adjoining properties, the unit is still considered to receive sufficient indirect natural light to the proposed living area and occupants will be able to move into the large associated terrace area should they wish to enjoy direct sunlight in the early afternoon. The associated area of private open space which wraps around the proposed unit will receive in excess of 3 hours of direct sunlight during midwinter.

In this instance, a variation which allows for a merit assessment due to existing adjoining developments is considered to be warranted. As Unit 3 will receive direct sunlight in the morning before 9am and as it is considered to achieve the outcomes of this control despite technical non-compliance with the prescribed minimum without resulting in unreasonable impacts upon adjoining properties, Unit 3 is considered consistent control C1.4 Solar Access.

Unit 4

Unit 4 is located on the ground floor of the proposed development, in the south-east corner of the subject site. The proposed floor plan of the combined kitchen, living and dining area features large glazed openings to the south and east. The windows facing east will receive direct sunlight throughout the early morning until approximately 10am. As the proposed dwelling does not feature any windows to the north or west, Unit 4 will not receive any direct sunlight for the rest of the day.

Unit 4 also features two (2) areas of associated private open space, a smaller area which is oriented towards the east, and a larger courtyard space oriented towards the south. Unit 4 is considered to receive a cumulative total of approximately 2 hours of direct sunlight to these areas of private open space during midwinter.

Despite non-compliance with the minimum prescribed calculations in regards to both living spaces and areas of private open space, the dual aspect unit is still considered to achieve a reasonable level of amenity, with ample indirect natural light and good cross ventilation.

Over the course of the assessment, the applicant has altered the proposed layout of Unit 4 and the amended proposal is considered to maximise solar access to the proposed dwelling throughout midwinter. It is noted that Unit 4 will receive additional solar access prior to 9am on June 21st, and after 3pm in the summer months.

Unit 4 is not considered to result in any unreasonable impacts upon adjoining properties with regard to solar access, and the outcomes of the control are considered to be achieved. As such, Unit 4 is considered to be consistent with the objectives of control C1.4 Solar Access despite receiving less than 3 hours of direct sunlight to windows associated with living spaces and areas of private outdoor space during midwinter.

Unit 8

Unit 8 is located on the upper floor of the proposed development, in the south-east corner of the subject site. The proposed roof form ensures in excess of direct sunlight is received to the internal living rooms, however the area of private open space oriented to the east will not receive the minimum 3 hours of direct sunlight between 9am and 3pm during midwinter prescribed by this control.

Based on the solar access diagrams provided to accompany the proposed development, the area of private open space associated with Unit 8 is considered to receive direct sunlight throughout the early morning until approximately 11am.

Whilst technically non-compliant with this control, the areas of private open space is still considered to receive sufficient indirect natural light and will enjoy additional direct sunlight prior to 9am during midwinter. With this in mind, the proposed development is considered to be consistent with the aims and objectives of C1.4 Solar Access.

- D10.7 Front building line (excluding Newport Commercial Centre)

The proposed development is non-compliant with the prescribed minimum setback with regard to a small portion of the balconies fronting Ocean Avenue, and the southern façade fronting Coles Parade.

Balconies to Ocean Avenue

The balconies are light weight roofed structures with glass balustrades and are not considered to contribute to excessive bulk and scale as viewed from Ocean Avenue. Furthermore, the balconies provide articulation to the western façade and step the development along the skewed boundary.

However, concern is raised with regard to the proposed adjustable metal louvred privacy screens which have the ability to enclose the entire space. This will create a wall around the proposed balconies which would attribute to unnecessary bulk and scale.

Should the application be approved, a condition of consent is recommended to ensure that the inclusion of the adjustable metal louvred privacy screens is limited to ensure that the majority of the balcony is open at all times.

Subject to conditions of consent, the development is considered to achieve consistency with the outcomes of the control with regard to Ocean Avenue.

Western façade to Coles Parade

A portion of the southern façade is located within the prescribed 6.5m setback from Coles Parade. The landscape plan provides sufficient plantings to Coles Parade despite the reduced setback and as the façade is stepped and well articulated the outcomes of the control are considered to be achieved.

As the development is consistent with the objectives of the control, a variation allowing for a reduced setback to a secondary street frontage is considered to be applicable. In this instance, the minimum setback would be reduced to 3.25m with the entirety of the southern façade maintained behind.

Should the application be approved, a condition of consent is recommended to reduce the front awning to a minimum distance of 3.25m from the front boundary.

Subject to conditions of consent, the development is considered to achieve consistency with the outcomes of the control with regard to Ocean Avenue.

- **D10.12 Site coverage – General**

Proposed site coverage – 849m² or 60% of the total site

Proposed landscaped area – 629.5m² or 44.7% of the total site (including planter boxes)

The proposed site coverage calculation exceeds the 50% maximum prescribed by this control by approximately 144.5m². Of this 144.5m² of hard surfaces, 69.5m² is to be covered with planter boxes with a depth greater than 800mm which act to increase the landscaped area calculation and also reduce the visual appearance of non-compliance with this control.

A further 77m² can be directly attributed to level terrace areas and open balconies located over the footprint of the basement level below. The terrace areas on the ground floor are unobstructed and flow into the adjoining garden areas, the balconies on the first floor are light weight open structures which provide articulation to the built form and the basement level is below ground and not visible from the street. With this in mind, the additional 77m² is not considered to attribute excessive bulk and scale, or result in a development that is inconsistent with the streetscape.

It is noted that if you were able to exclude the planter boxes and terrace areas from the site coverage calculation, the application would reach consistency with the 50% maximum prescribed by this control.

The application was supported by a landscape plan which demonstrates the incorporation of new landscaping to soften the apparent size and the visual impact of the resultant development. The application was also accompanied by a stormwater management plan which significantly improves the management of storm water and runoff on the subject site.

Overall, despite non-compliance with the maximum site coverage calculation prescribed, the proposed development is considered to achieve the outcomes of this control.

- **D10.14 Fences – General**

The proposed front fence reaches a maximum height of 1.8m as measured from natural ground level and is setback at a minimum distance of 1.2m from the front boundaries. Over the course of the assessment, the application has been amended to demonstrate greater articulation of the proposed fence, with variable setbacks ranging between 1.2m and 2.2m from the front boundaries.

A variation allowing for fencing up to 1.8m in height within the front setback may be applicable for corner sites subject to consistency with outcomes of the control and the following design criteria;

- i. *be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits);*

The proposed 1.8m high fence is located at a minimum distance of 1.2m and at a maximum distance of 2.2m from the street frontages.

- ii. *be articulated to provide visual interest and further opportunities for landscaping;*

The proposed fence line is well articulated with varying setbacks from the street and a mixture of material finishes. The varied setback also provides ample opportunity to incorporate vegetation of mixed species selection to provide further visual interest and soften the visual appearance of the higher fence.

iii. be screened by landscaping within the setback area;

The application was supported by a landscape plan which demonstrates a variety of plantings between the proposed fence and the front boundaries.

iv. not restrict casual visual surveillance of the street;

The proposed terrace areas associated with the lower ground units are slightly elevated above natural ground level. As such, visual surveillance is maintained despite the incorporation of a 1.8m high fence.

v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2m by 2m;

The architectural drawings and landscape plan demonstrate the provision of a 45 degree splay to either side of the proposed vehicular entrance/exit which is not restricted by the proposed 1.8m high fence.

vi. 50% or more of the fence is transparent. .

The proposed fence is comprised of a combination of materials including solid stone block work and horizontal timber members. Whilst 50% of the entire fence line is not transparent, it is noted that approximately 50% of the resultant fence will be comprised of horizontal timber slats which will maintain visibility to the street and allow for light to pass through the fence.

However, concern is raised with regard to the plantings demonstrated on the photomontages and the landscape plan adjacent to the timber portions of the fences. The applicant proposes the incorporation of *Leptospermum Laevigarum* or the Coastal Tea Tree which grows to a maximum height of 2m - 3m and will act as a hedge along the boundary. This plantings species will inevitably grow to screen the timber members, resulting in the loss of the only open/transparent portion of the fence.

Rather than relying on conditions requiring constant maintenance of the proposed plantings to a height of 1m, should the application be approved, a condition of consent is recommended to replace the Coastal Tea Tree's proposed along the front boundary with small shrubs and/or accents, grasses, and ground covers as per the proposed plantings in front of the stone/solid portion of the front fence.

Subject to conditions of consent, the proposed 1.8m high fence is considered to achieve consistency with the outcomes and objectives of this control, and the variation allowing for a fence height greater than 1m is considered to be warranted.

12.0 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 1993, Pittwater 21 DCP and other relevant Council policies.

Whilst the application results in technical non-compliance with the prescribed maximum dwelling density and some of Council's built form controls, the proposed development is considered to achieve the outcomes and objectives of the relevant plans and policies and is consistent with the desired character of the Newport Locality. The resultant development is not considered to have any unreasonable impacts upon adjoining properties and is considered to positively contribute to the existing streetscape. The applicant has satisfactorily demonstrated that the amenity of the resultant dwellings is of a sufficient standard, in a suitable location close to Newport Commercial Centre. 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 N0345/12 for the Demolition of all existing structures, Construction of a Multi Unit Housing Development comprising 6 x 3 bedroom units, 1 x 2 bedroom unit and 1 x 1 bedroom unit with basement carparking for 19 vehicles, associated landscaping and Strata Subdivision at 35-37 Ocean Avenue, Newport subject to the attached draft determination.

Report prepared by

Rebecca Englund
PLANNER

DRAFT DETERMINATION

CONSENT NO: N0345/12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
BAYVIEW LINKS PTY LIMITED
43D EDGECLIFF BOULEVARDE
COLLARROY PLATEAU 2097



Being the applicant in respect of Development Application No N0345/12

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 N0345/12 for:

Demolition of all existing structures, Construction of a Multi Unit Housing Development comprising 6 x 3 bedroom units, 1 x 2 bedroom unit and 1 x 1 bedroom unit with basement carparking for 19 vehicles, associated landscaping and Strata Subdivision

**At: 35 OCEAN AVENUE, NEWPORT (Lot A DP 314041),
37 OCEAN AVENUE, NEWPORT (Lot B DP 314041)**

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 A02A, A03A, A06A and A11A, dated 1 February 2013, A04A dated 22 January 2013, and A05 and A07 dated 22 November 2012, all (7 pages) prepared by Barry Rush & Associates Pty Ltd;**
- **Landscape Plan 1215/DA-L01 revision A, prepared by Trish Dobson, dated 11 February 2013;**
- **Adaptable Housing Report, prepared by Accessibility Solution (NSW) Pty Ltd, dated 26 November 2012 and amended 29 January 2013;**
- **External Colour Schedule A14A, prepared by Barry Rush & Associates Pty Ltd, dated 20 November 2012;**
- **Geotechnical Risk Assessment Report, reference P1203623JR01V01, prepared by Martens Consulting Engineers, dated November 2012;**
- **Wastewater servicing layout SK004, revision A, prepared by Martens Consulting Engineers, dated 22 November 2012;**
- **Stormwater Management Concept Plans SK001, SK002 and SK003, revision A, all (3 pages) prepared by Martens Consulting Engineers, dated 22 November 2012;**
- **BCA Compliance Assessment Report, prepared by Form Building Certifiers Pty Ltd, dated 23 November 2012;**
- **Aboricultural Impact Assessment Report, prepared by Footprint Green Pty Ltd, dated 19 November 2012;**
- **Traffic and Parking Assessment Report, reference no. 1242, prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd, dated 15 November 2012;**
- **Draft Strata Subdivision Plans sheets 1 and 2 of 2, prepared by Copland C. Lethbridge, dated 21 November 2012; and**
- **BASIX Certificate 457763M dated 23 November 2012.**

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 **TBA**

Mark Ferguson
GENERAL MANAGER
Per:

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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, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to 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.

5. 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:
 - a. 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.
 - b. 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.

6. 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.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
3. As part of an integrated on-site stormwater management system, stormwater overflow from the rainwater tank is to be discharged to the public drainage system via the proposed interallotment drainage easement within adjacent private property.
4. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. At least 25 locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
7. 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, 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.
8. Any vegetation planted onsite outside approved landscape zones is to be consistent with 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 Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists

9. 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.
10. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
11. 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 a maximum of 6 metre interval.
12. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
13. In accordance with Pittwater Councils Tree Preservation Order, 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, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. 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.
15. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
 - a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - c. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harbours for insects and vermin. Framing in timber is not permitted.
 - g. The garbage and recycling room shall be made vermin proof.
 - h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
 - i. The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - i. 80 litres per household per week of garbage, and
 - ii. 70 litres per household per week of paper recyclables, and
 - iii. 70 litres per household per week of container recyclables.

16. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
17. Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.
18. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting.
19. Pedestrian access through the site must be signposted, appropriately lit and visible.
20. Pedestrian entry to the site in the public road reserve is to comply with the accessibility requirements of AS1428.1.
21. Walls and/or ceilings of attached dwellings shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
22. The balcony associated with Unit 5 on the upper floor shall contain no more than two adjustable sliding metal louvre privacy screens along the western façade, and no more than one on both the northern and southern facades, to ensure that at least 50% of the balcony is open at all times. No fixed metal louvre privacy screens are permitted.
23. The balcony associated with Unit 6 on the upper floor shall contain no more than three adjustable sliding metal louvre privacy screens along the western façade, and no more than one on the southern facade, to ensure that at least 50% of the balcony is open at all times. No fixed metal louvre privacy screens are permitted.
24. The materials and colour schemes are to be in accordance with the samples submitted to Council on the External Colour Schedule A14A prepared by Barry Rush & Associates Pty Ltd, dated 20 November 2012. No white or light coloured roofs are permitted. All retaining walls and planter box structures shall also be consistent with the proposed colour schedule.
25. All planter boxes shall have a minimum soil depth of 800mm.
26. The windows associated with bedroom 3 of Unit 1 and bedroom 1 of Unit 4 shall be double glazed.
27. Television antennas, satellite dishes and other telecommunications equipment are to be minimised and screened as far as possible from public view.
28. No fencing shall exceed 1.8m in height as measured from natural ground level.
29. Visitor parking spaces are to be easily accessible and clearly marked "Visitor".
30. No mechanical plant rooms, mechanical equipment, air conditioning units, or other forms of mechanical ventilation are to be located on the roof of the development.
31. The awning over the front entrance way is to be reduced so that it does not encroach within 3.25m from the front setback to Coles Parade.
32. 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. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

2. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the Roads Act 1993 for the design and construction of any works located on the road reserve including Access Driveways.
3. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
4. Prior to the issue of the Construction Certificate the applicant is to carry out an investigation to determine whether acid sulphate soils are present in the area to be excavated. If the investigation reveals acid sulphate soils are present, an acid sulphate soils management plan addressing management of acid sulphate soils during and following excavation is to be prepared by a suitably qualified consultant and submitted for approval prior to the release of the Construction Certificate.
5. 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.
6. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended to demonstrate consistency with conditions B20, B22, B23, B25, B26, B28 and B31.
7. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
8. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

9. Prior to the issue of any Construction Certificate, certification is required from the Accredited Access Advisor that the drawings presented at the lodgement of a Construction Certificate comply with C1.9 of P21 DCP and AS 4299 - Adaptable Housing.
10. Prior to the issue of a Construction Certificate, the Landscape Plan (1215/DA-L01 revision A, prepared by Trish Dobson, dated 11 February 2013) is to be amended to demonstrate the deletion of the *Leptospermum Laevigarum* proposed along the front boundary adjacent to the timber portions of the front fence to be replaced by small shrubs and/or accents, grasses, and ground covers as per the proposed plantings in front of the stone/solid portion of the front fence.
11. Street trees are to be planted in the Ocean Avenue road reserve at 6m centres along the full frontage to the Site. They are to be consistent species with any adjacent street trees or native species to the area. Selected species must not interfere with existing power lines. Street trees are to be 35 litre in pot size with 1m x1m hole and backfilled with planting medium. They are to be planted so as not to obstruct the free passage of pedestrians along the road verge. The existing street tree identified as "T1" is to be retained within the road reserve and protected through perimeter 1.8m high temporary fencing during the construction of works. All grassed areas within the road reserve are to be turfed with Couch species (weed free) and are to be at even grade to a maximum 4% grade. Details are to be submitted with the landscape plan accompanying the application for the Construction Certificate. The footpath to be constructed along both frontages to the Site is to be a minimum width of 1.5m wide. Relevant details are to be included with the plans accompanying the application for the Construction Certificate.
12. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.
13. The approved strata plan is to be updated prior to issue of construction certificate to reflect the approved architectural drawings.
14. A contribution of \$72,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

15. A contribution of \$16,000 is to be made to Cashier Code SLEL, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

16. A contribution of \$28,000 is to be made to Cashier Code SCSF, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18.

The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

17. A contribution of \$40,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19.

The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate. Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. All excavated material is to be removed from the site.
2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
4. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
5. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
6. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
7. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
8. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

9. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
10. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
11. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
12. No skip bins or materials are to be stored on Council's Road Reserve.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
14. All construction in the public road reserve must be undertaken by a Council authorised contractor.
15. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
16. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Footprint Green Pty Ltd dated 19th November 2012 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;

- iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - v. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
17. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.
18. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.
- Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
- 1. Protection of site workers and the general public.
 - 2. Erection of hoardings where appropriate.
 - 3. Asbestos handling and disposal where applicable.
 - 4. Any disused service connections shall be capped off.
- Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.
19. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
20. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
21. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction.

Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
2. A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
3. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
4. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
6. Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures as specified in the supplied arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.
7. A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the landscape working drawings and specifications.
8. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
9. Each of the eight (8) proposed units is to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.

10. The street number is to be affixed to a structure on the site, visible from the road prior to occupation.
11. Address street numbering can only be authorised by Council. Before proceeding to number each lot/occupancy in your development, approval must be sought from Councils Planning and Assessment Business Unit.

You are advised to contact Australia Post regarding the required size and location of letterboxes.
12. Prior to the issue of an Occupation Certificate, certification is required from the Accredited Access Advisor that the resultant building fully complies with C1.9 of P21 DCP and AS 4299 - Adaptable Housing.
13. The lot consolidation of Lot A DP 314041 (35 Ocean Avenue, Newport) and Lot B DP 314041 (37 Ocean Avenue, Newport) must be undertaken and formalised (created and registered) prior to issue of the occupation certificate.
14. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

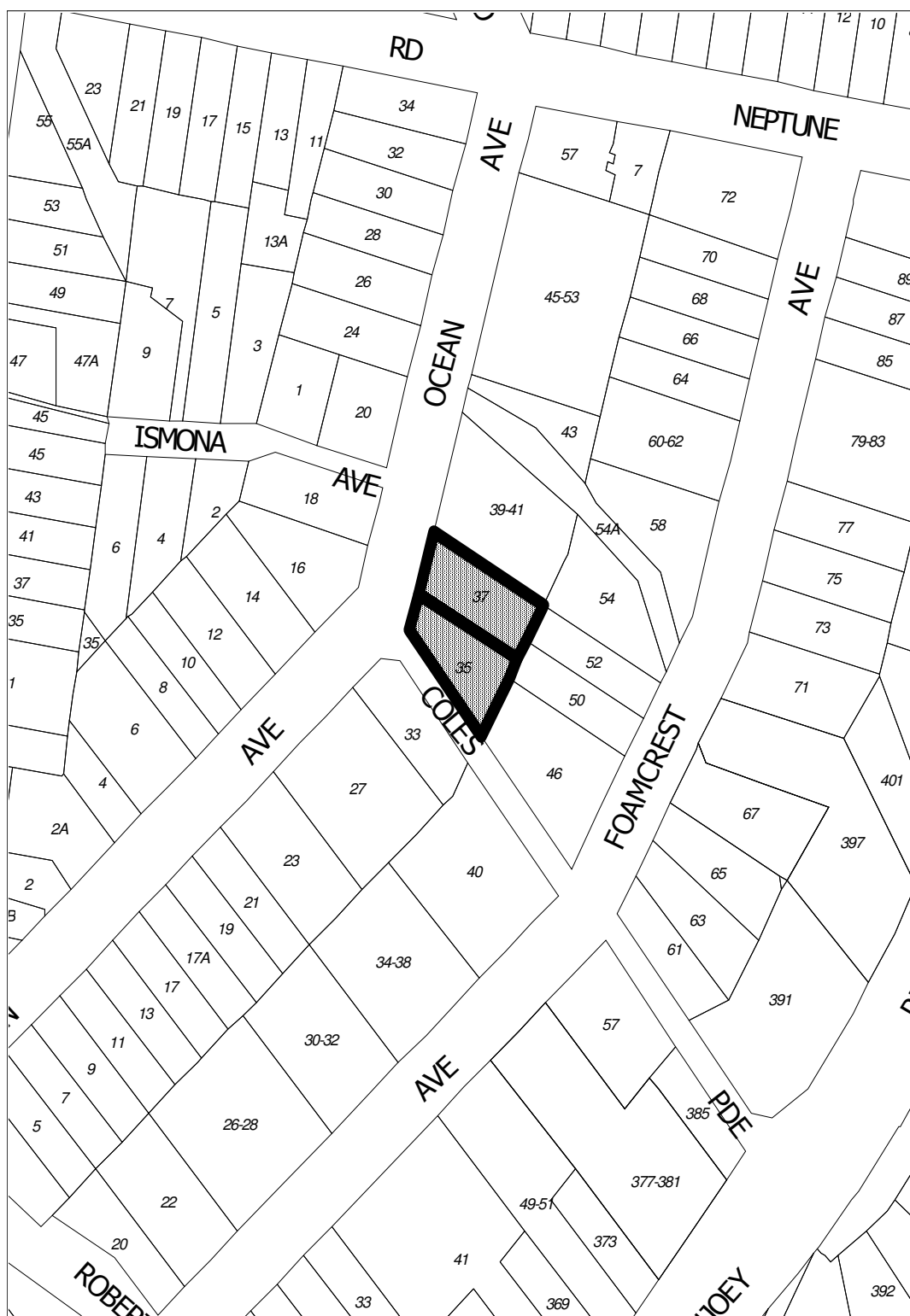
1. The applicant is to lodge an application for a Subdivision Certificate with Council or an accredited certifier. The Subdivision Certificate is to be obtained prior to lodgement of the plans with the Land Titles Office.

Note: In the case of Strata Subdivision Plans the Subdivision Certificate may also be issued by an accredited certifier.
2. A Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be provided to the Principal Certifying Authority with the Subdivision Certificate application.
3. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Subdivision Certificate:
 - a. Evidence of Payment of the Section 94 Contribution.
 - b. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - c. Copies of the Subdivision Plans (original plus 9 copies).
 - d. The Private Certifying Authority Compliance Certificate. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. The allocation of carparking, units and private outdoor areas and common areas are to be in accordance with this development consent.

G. Advice:

1. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.
2. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
3. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
4. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
5. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
6. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
7. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
8. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
9. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.

LOCALITY MAP



[illegible]

C12.3	N0567/10/S96/1 - 13A Ocean Road, Palm Beach - Modification of consent for alterations and additions to an existing dwelling
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Land Use Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of development application N0567/10/S96/1 for modification of consent for alterations and additions to an existing dwelling at 13A Ocean Road, Palm Beach (Lot 1 DP 121833).

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 14 February 2013 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0567/10/S96/1 for modification of consent for alterations and additions to an existing dwelling at 13A Ocean Road, Palm Beach.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 Cr Grace has called this development application to Council for determination.

3.0 DEVELOPMENT UNIT DELIBERATIONS

The Development Unit resolved to endorse the Assessing Officer's recommendation of granting development consent subject to the conditions in the draft determination.

4.0 ISSUES

- S.96 Environmental Planning & Assessment Act, 1979
 - Referrals
 - A1.7 Considerations before consent is granted
 - Side and Rear Building Line
 - SEPP No 71 Coastal Protection
-

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 14 February 2013 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination.

RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0567/10/S96/1 for modification of consent for alterations and additions to an existing dwelling at 13A Ocean Road, Palm Beach (Lot 1 DP 121833) be granted development consent subject to the conditions contained in the draft determination.

Report prepared by
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

SUBJECT: N0567/10/S96/1 - 13A Ocean Road Palm Beach - Modification of consent for alterations and additions to an existing dwelling

Determination Level: Development Unit

Date: 14 February 2013

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY: Gina Hay

APPLICATION SUBMITTED ON: 13/03/2012

APPLICATION SUBMITTED BY: SMITH & TZANNES ARCHITECTURE
PO BOX 240
ALEXANDRIA 1435

OWNER(S): FAHEY, PAMELA ROSEMARY (OwnResOcc)



1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) Residential and the proposed development being alterations and additions to an existing dwelling house is permissible with consent pursuant to Pittwater Local Environmental Plan 1993. The following relevant local and state policies apply to this site:

- Pittwater Local Environmental Plan (LEP) 1993; - Area 1: Dual Occupancy Prohibited
- Pittwater 21 Development Control Plan (Amendment 6)
- Coastline Risk Management Policy for Development in Pittwater, and
- Geotechnical Risk Management Policy for Pittwater (2009).

The land is identified as:

- Slip affected;
- Requiring on site detention (OSD)
- Mapped as a flora and fauna conservation area
- Acid sulphate region 5
- Within the vicinity of a heritage item, and
- Coastal Hazard (Wave inundation)

2.0 NOTIFICATIONS

- Numerous submissions from on neighbour received

3.0 ISSUES

- S.96 Environmental Planning & Assessment Act, 1979
- Referrals
- A1.7 Considerations before consent is granted
- Side and Rear Building Line
- SEPP No 71 Coastal Protection.

4.0 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
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.3 Coastline (Beach) Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			Y	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y

Control	Standard	Proposal	T	O	N
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
REF - Heritage					
B1.2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites		The subject site is in the vicinity of listed heritage items. Refer to section 10 B1.2 for comments relating to this control.	Y	Y	Y
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils		No issues - Acid Sulphate Region 5 only	Y	Y	Y
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land		Refer to Section 10 B4.3 later in report for comments relating to this control	Y	Y	Y
C1.1 Landscaping		Refer to Section 10 B4.3 later in report for comments relating to this control	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-

Control	Standard	Proposal	T	O	N
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
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted		An objection has been received regarding the undesirability of setting a precedent where works have been constructed without approval.	Y	Y	N
B3.6 Contaminated Land and Potentially Contaminated Land		There is no evidence of past land uses or unapproved land filling which may have contaminated the site.	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	Concern has been raised regarding potential view loss from adjoining property no. 13 Ocean Road. Discussed in detail Section 10 C1.3 later in the report.	Y	Y	N

Control	Standard	Proposal	T	O	N
C1.4 Solar Access	This control requires that both the main private open space of the subject dwelling to be modified and adjoining dwellings all have a minimum of 3 hours direct sunlight between 9am and 3pm during midwinter.	Concern has been raised regarding increased overshadowing at no. 13 Ocean Road. This matter is discussed under section 10 C1.4 in the report.	Y	Y	N
C1.5 Visual Privacy		Proposed new terrace to the south east is orientated forward of the adjoining neighbours' terrace and will not result in any unreasonable impact on privacy.	Y	Y	Y
C1.6 Acoustic Privacy		Proposed spa located on the north western portion of the proposed verandah and allows for a reasonable level of acoustic and visual privacy for the subject and adjoining properties.	Y	Y	Y
C1.7 Private Open Space	80sqm private open space (P.O.S) at ground level with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	Due to the restrictive nature of the site's topography and siting of the existing dwelling, the proposal does not comply with the minimum 80sqm of P.O.S at ground level as required by the control. Discussed later in the report.	N	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		Proposed ground floor additions include a separate access way, additional bedroom, separately accessible laundry, bathroom and wet bar. Conditioned not to be used for separate habitation in the draft consent (Cond. B.21)	Y	Y	Y
C1.17 Swimming Pool Safety		Proposed spa incorporated into the north west corner of the first floor deck. Conditioned accordingly in the draft consent (Cond. B.21).	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-

Control	Standard	Proposal	T	O	N
C1.23 Eaves	450mm minimum eaves on all elevations	The contemporary style amendments to the first floor roof design do not facilitate eaves as required by the control, however alternate fixed shading devices are incorporated on the northern and southern elevations and the proposal is considered to be satisfactory and in character with the coastal heritage of the Palm Beach locality.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		Existing landscaping within the public road reserve considered sufficient	-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C5.1 Landscaping			-	-	-
C5.18 Public Road Reserve - Landscaping and Infrastructure			-	-	-
D12.1 Character as viewed from a public place	Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	Proposed double garage forward the building line. Discussed further under section 10 D12.1 in the report.	N	Y	Y
D12.3 Building colours and materials	Dark and earthy tones	External cladding: metal pre-weathered titanium zinc (grey) Structural elements: dark brown Louvered screens: deep beige.	Y	Y	Y
D12.4 Height	8.5m maximum	7.2m	Y	Y	Y
D12.5 Front building line	6.5m minimum or established building line (3.5m), whichever is the greater	550mm to garage 1.5m to dwelling Discussed under section 10 D12.5 later in the report.	N	Y	Y
D12.6 Side and rear building line	2.5 to one side; 1.0 for other side; & 6.5 (rear).	2.5m northern side setback for dwelling, but spa has a nil setback 1m southern side setback >35m rear (western) setback (Existing, no change).	N	Y	N

Control	Standard	Proposal	T	O	N
D12.8 Building envelope	Planes are to be projected at 45 degrees from a height of 4.2 metres above natural ground level at the side boundaries to the maximum height	There is a minor encroachment of the building envelope on the south east corner of the first floor extension A variation is warranted as the ground floor is essentially retained and the structure is consists of a small portion of the parapet. Given the restriction of the small developable area of the site, compliant side setbacks, the non compliance is considered acceptable.	N	Y	Y
D12.10 Site coverage - Environmentally Sensitive Land	Maximum site coverage: 40% Minimum Landscaped Area: 60%	17% (167sqm) Site coverage 83% (817sqm) Landscaped area	Y	Y	Y
D12.12 Fences - Flora and Fauna Conservation Areas		No additional boundary fencing proposed	-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas		Existing sandstone retaining wall within the front setback is compliant with the control.	Y	Y	Y
D12.14 Scenic Protection Category One Areas		The dwelling will be visible from the public domain (namely Palm Beach and Ocean Road). Together with the retention of coastal native vegetation to the rear of the dwelling and the articulation of the built form, the proposal satisfactorily meets the requirements for scenic protection. Further enhanced by a condition in the draft consent for additional vegetation to be planted to soften the built form (Cond. B.12).	Y	Y	Y
SEPP No 71 Coastal Protection		No development is located below Mean High Water Mark therefore referral to the Department of Planning is not required. The proposed development is considered to achieve the relevant aims and considerations within SEPP 71, however an objection has been received in this regard.	Y	Y	N

Control	Standard	Proposal	T	O	N
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate numbered: A113386. The BASIX commitments are achievable subject to recommended conditions.	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

Table compiled by L Rodriguez, amended by G Hay - amendments the subject of this S96 application are in **Bold**

Issues marked with an **N** are discussed later in the report.
Issues marked with a - are not applicable to this Application.

5.0 SITE DETAILS

The subject site is known as 13A Ocean Road, Palm Beach. It is located on the western side of Ocean Road and has a legal description of Lot 1 in DP 121833. The site has a total street frontage of 27.61m to Ocean Road, an average depth of 52.685m and backs onto the road reservation of Sunrise Road to the rear. The site is irregular in shape and has a total area of 984sqm. The topography over most of the site is very steep, dropping sharply from Sunrise Road to Ocean Road approximately 36.5m.

The site is heavily vegetated with coastal heath and climbers on the cliff face visible from the street, public car park and Palm Beach to the East. It is evident that there has been previous excavation into the cliff face in order to construct the existing dwelling. The site contains a part 1 & part 2 storey dwelling-house constructed of concrete block, weatherboard and with a curved metal roof.

To the north of the subject site is a series of residential allotments with the house fronting onto Sunrise Road, leaving the Ocean Road frontage of these adjoining blocks vacant of any development. To the south of the site is No.13 Ocean Avenue, which contains a 2 storey dwelling sitting further back from Ocean Road and at a higher elevation than the subject dwelling. Panoramic views are available from properties in this section of Ocean Road ranging from Barrenjoey Headland and the Barrenjoey Lighthouse to the north, the entirety of Palm Beach and the Palm Beach Rock Baths to the south.

6.0 PROPOSAL IN DETAIL

- The proposal involves modifications to the approved alterations and additions to an existing dwelling house and consists of the following:
- New ensuite to north altered in size to utilize existing dwelling form at ground floor
- Northern verandah at first floor level reduced in length and spa relocated to northern boundary, new window and sliding door removed.
- Small increase in length of existing WC at first floor level to accommodate a shower.
- Retention of elements of the roof as originally built, not as approved.

7.0 BACKGROUND

N0567/10 was approved by the Development Unit on 25 August 2011

8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1)

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **S.96 EPA Act**

Section 96 (1A) of the Environmental Planning and Assessment Act 1979 states that a consent authority may modify a consent if it is satisfied that the modifications are of minimal environmental impact and that the development as modified is substantially the same development as that for which consent was originally granted.

A review of the amended plans has revealed that the development is considered to be substantially the same development. The proposed modifications are minor in nature and do not change the nature of the consent or the use of the building. As such, the proposal can be assessed under the provisions of S.96(1A).

- **Internal Referrals**

Natural Resources: I have reviewed the proposed Section 96 modification for N0567/10 (13A Ocean Road Palm Beach). The proposed amendments involve the addition of a small spa (room) at the northern end of the dwelling. This addition will be elevated on a platform above ground level, and there will be no impacts on trees or significant vegetation. There are no additional comments from a natural resources perspective.

Development Engineer: No objections.

- **A1.7 Considerations before consent is granted**

An objection has been received stating that the proposed location of the spa on the property boundary will impact upon the ability for future development of the neighbouring property to the north. As no such proposal has been received by Council, this is a hypothetical issue, which would more appropriately be addressed should a firm proposal be submitted. It has also been stated that the location of the spa will devalue the adjacent property. This is not a valid planning consideration. Concern regarding the precedence that has been set is understandable, however it is not considered that the proposal is of such significance as to warrant refusal on these grounds.

- **D12.6 Side & Rear Building Line**

The relocation of the spa has lead to a breach of the side building line on the northern side of the property, with the spa now having a nil setback. An objection received from a neighbour indicated that there may have been a discrepancy with regard to the location of the spa, and that it may have been located over the property boundary. The neighbour submitted a survey in this respect. This was put to the applicant, and some works were undertaken to ensure all structures were retained wholly within the subject site. An amended site survey was submitted, showing that this had occurred, which the objector concurred with. However they retained their objection both to the nil setback, (due to reasons of precedence and the message it sends when people do not build according to the plans and then allowed get away with it) and also alleged non-compliance with the 2.5 metre setback to the northern boundary.

The objector has made reference to a survey submitted on their behalf (CMS 7/12/2012) stating that the main structure is not set back the required distance. However, this survey does not appear to show anything regarding a potential side setback breach of the main dwelling, being concerned with the encroachment over the property boundary that was in existence at the time (this has subsequently been rectified). The submitted plans indicate that the northern façade of the building, excluding the spa, maintains a 2.5 metre setback, which is in compliance with the control.

With regard to the non-compliance of the spa, it should be ensured that, despite the technical non compliance, the proposal does generally comply with the outcomes of the control. The proposal still complies with the desired future character of the locality, which is for single family dwellings in a leafy setting. The bulk and scale of the building is minimised and views are preserved. There is no issue with privacy or overshadowing, as the neighbouring dwelling is located up the hill on the western, rather than eastern frontage and so there is no direct impact. The existing vegetation at the front of the site is being retained, and a substantial tree canopy to the rear of the site is also being maintained. It should also be noted that the spa structure is set generally into the ground and does not protrude greatly.

As such, despite the non-compliance with the side setback, a variation to the control is supported on merit.

SEPP No 71 Coastal Protection

An objection has been received that the location of the spa has not been given proper consideration under the provisions of SEPP 71. While SEPP 71 is applicable to the development, it is not considered that the location of the spa, which in itself is a fairly minor form of development, breaches any of the matters of considerations as set out in Clause 8.

11.0 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 1993, Pittwater 21 DCP and other relevant Council policies. The amendments, though non compliant with the Side Setback Controls in PDCP, is considered is to be consistent with the relevant outcomes of the policy.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant approval to modify the consent to Development Application N0567/10 for alterations and additions to an existing dwelling at 13A Ocean Road, Palm Beach subject to the attached draft conditions of consent.

As amended by plans A012, A100, A101, A102, A200, A201, A202, A300, Rev A drawn by Smith & Tzannes and dated 7/3/12

Report prepared by

Gina Hay
EXECUTIVE PLANNER

DRAFT DETERMINATION

CONSENT NO: N0567/10/S96/1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
SMITH & TZANNES ARCHITECTURE
PO BOX 240
ALEXANDRIA 1435

Being the applicant in respect of Development Application No **N0567/10/S96/1**

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 **N0567/10/S96/1** for:

Alterations and additions to an existing dwelling

At: 13A OCEAN ROAD, PALM BEACH (Lot 1 DP 121833)

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 numbered: A012, A100, A101, A102, A200, A201, A202, A300, & A301
Revision D Dated 24/05/11 Geotechnical Report numbered: 12312/1 Dated 10/08/2010
Prepared by Geotechnique Pty Ltd Coastal Protection Report Numbered: CPR017-13A
Dated 23rd August 2010 Prepared by AJK Design Pty Ltd BASIX Certificate numbered:
A113386 as further amended by plans A012, A100, A101, A102, A200, A201, A202, A300, Rev
A drawn by Smith & Tzannes and dated 7/3/12**

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:

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, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to 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.
5. 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:
 - a. 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.
 - b. 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.
6. 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.

7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Geotechnique Pty Ltd are to be incorporated into the construction plans.
2. The recommendations of the approved Coastal Hazard Report prepared by AJK Design are to be incorporated into construction plans and maintained over the life of the development.
3. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
4. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. For the life of the development, 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, 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 outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan
 - 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 *Native Plants for Your Garden* link available from Council's website www.pittwater.nsw.gov.au
8. Over the life of the development 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 (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
10. For the life of the development no bush rock is to be removed from site or destroyed without prior approval from NSW Department of Environment and Climate Change and Pittwater Council. The removal or destruction of bush rock has been listed as a Key Threatening Process by the Threatened Species Conservation Act, 1995. Bush rock located within an approved development footprint must be relocated and reused onsite.

11. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.
12. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
13. In accordance with Pittwater Council's Tree Preservation Order, 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, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. No water pollution shall result from the operation of any plant or equipment or activity carried out.
15. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
16. The spa/pool must be covered and secured by a lockable child-safe structure (such as a door, lid, grille or mesh) in accordance with the prescribed standards which is:
 - a. of substantial construction and having no opening through which it is possible to pass a testing apparatus, and
 - b. fastened to the spa pool by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus.
17. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
18. All external glazing is to have a maximum reflectivity index of 25%.
19. New electrical connections are to be carried out using underground cabling.
20. 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.
21. The ground floor of the dwelling is not to be used for separate habitation and no kitchen facilities are to be installed

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. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.

2. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
3. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
4. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - d. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
5. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. The proposed species *Pennisetum* is undesirable in Pittwater as it can be potentially invasive to coastal bushland, and therefore is to be deleted from the plan and replaced with a more suitable species on an amended landscape plan to be provided prior to the issue of the Construction Certificate.
7. 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.
8. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials and shall be non-glare. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
2. All excavated material is to be removed from the site.
3. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
4. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
8. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
9. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
10. No skip bins or materials are to be stored on Council's Road Reserve.
11. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
12. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.

13. All construction in the public road reserve must be undertaken by a Council authorised contractor.
14. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
15. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Prior to issue of the Occupation Certificate, a certificate is to be submitted to the Principal Certifying Authority, that has been prepared and signed by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and Coastal Engineering as a core competency, stating that the development has been constructed in accordance with the intent of the approved Coastal Hazard Report.
3. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
4. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
5. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.

6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
7. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
8. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
9. Street numbers are to be affixed to the building prior to occupation.

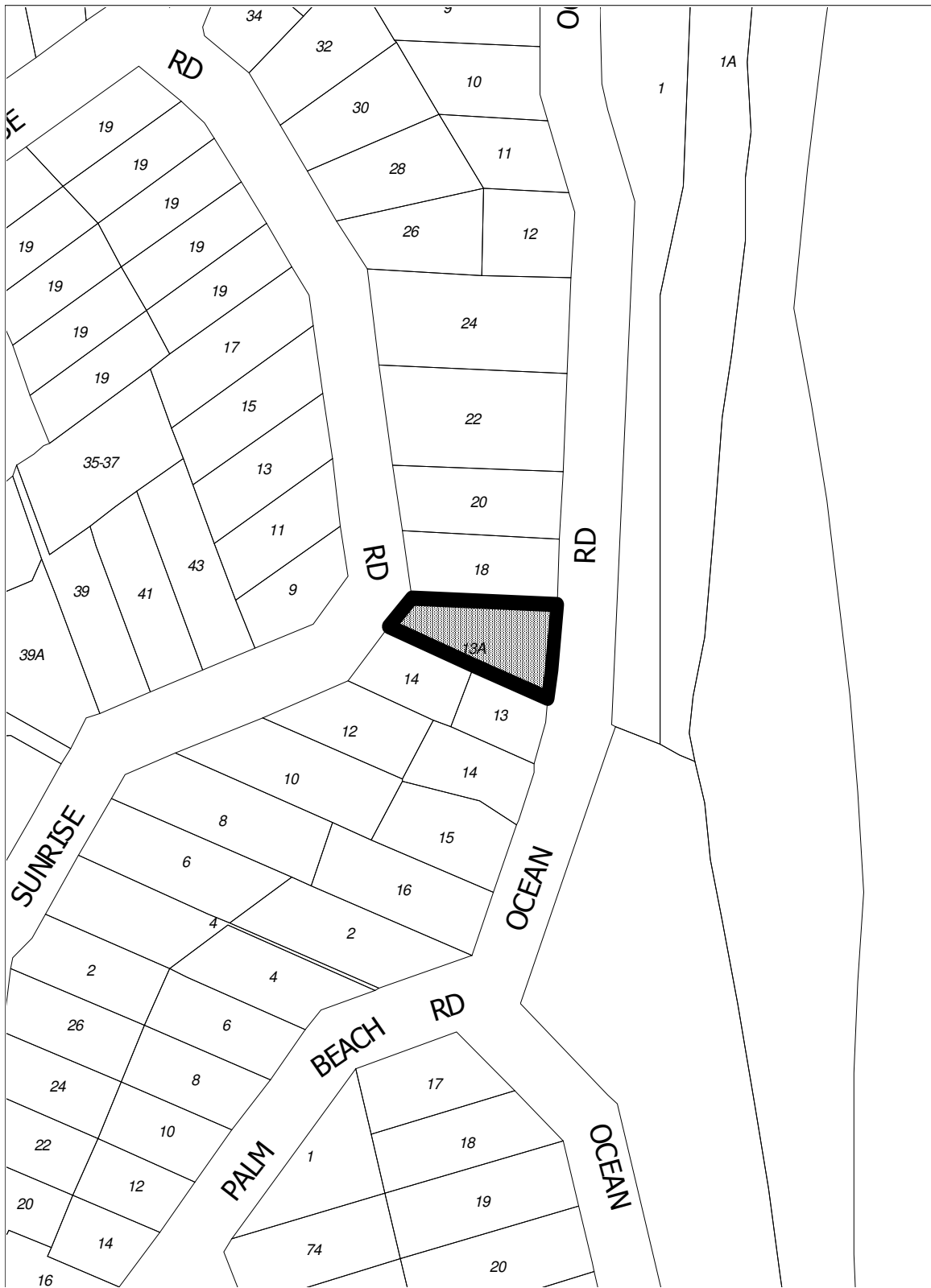
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

N/A

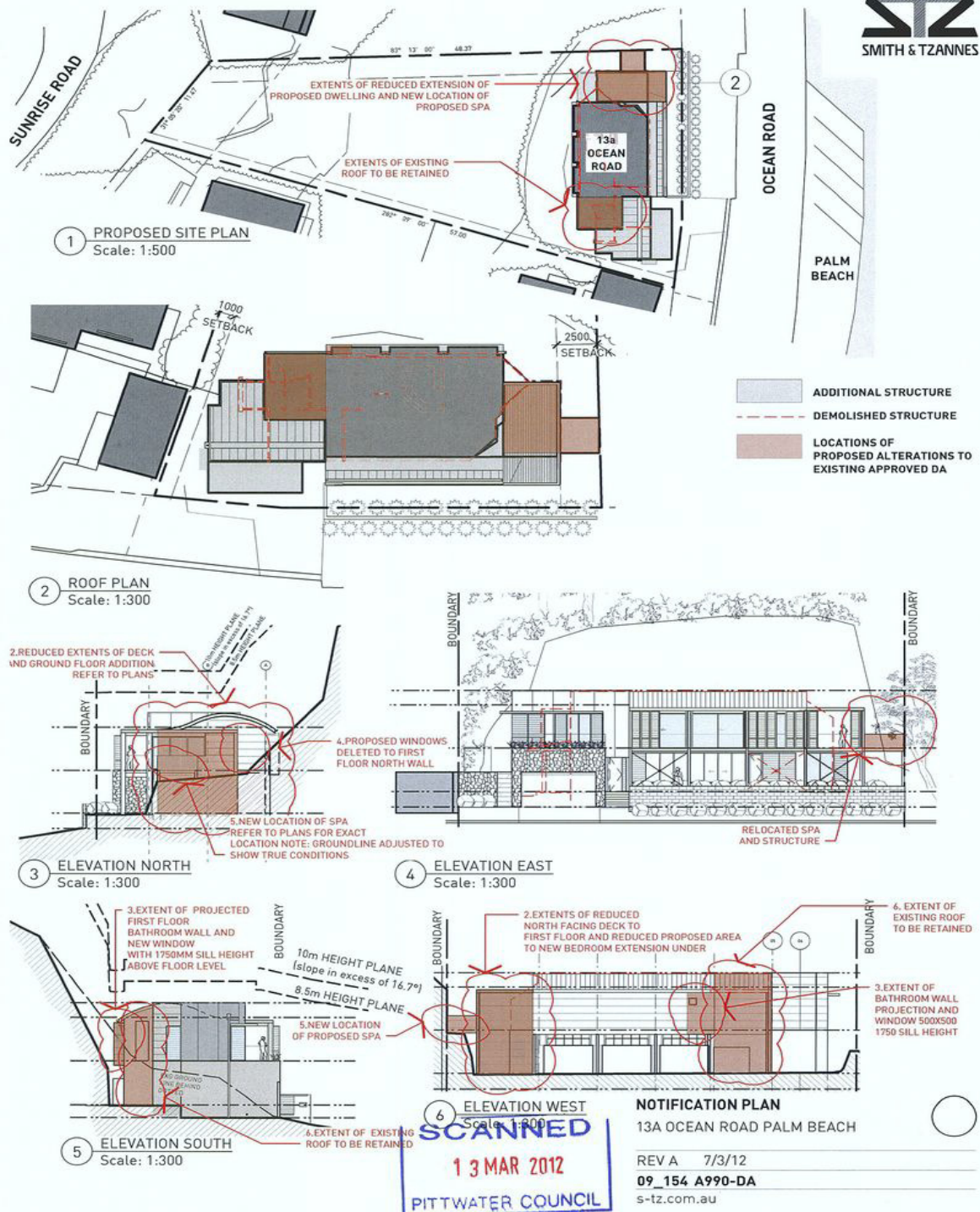
G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.

LOCALITY MAP



NOTIFICATION PLAN



C12.4 62A Rednal Street Mona Vale - Offer to purchase

Meeting: Planning an Integrated Built
Environment Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Effectively Manage Councils Property Portfolio

PURPOSE OF REPORT

For Council to authorise the potential sale of Council land at 62A Rednal Street Mona Vale which is currently classified as Community land (Waterfront Access Reserve).

1.0 BACKGROUND

- 1.1 Council has been approached by the owners of No 62 Rednal Street Mona Vale with an offer to purchase a strip of land adjoining their property. Their offer was initially in the amount of three hundred thousand dollars (\$300,000). Further negotiations resulted in that offer being increased to three hundred and three thousand dollars (\$303,000). A copy of those offers is at **Attachment 1** and a plan of the area is shown at **Attachment 2**.
- 1.2 The matter went before the Pittwater Asset Management Panel (PAMP) at its meeting on 13 July 2011 where the proposal was endorsed with a recommendation that the proposal be put to Council for consideration. Council considered the matter at its meeting on 4 February 2013 and resolved to defer until all Councillors had the opportunity to view the subject land. An independent valuation of the land places its value at \$ 260,000. A copy of that valuation is at **Attachment 4**.

2.0 ISSUES

2.1 Reclassification and Rezoning

The land would need to be reclassified by LEP to operational and be rezoned Residential 2(a) as part of that process prior to any transfer. In view of the substantial public benefit that that the proceeds of sale will provide it is recommended that the reclassification and rezoning be exempted from the current moratorium on spot rezonings as provided for in point three of the Council Decision of 17 October 2011 being demonstrated public benefit.

2.2 Current Use

The access appears to be rarely used and does not provide any linkages to adjoining Reserves.

2.3 Community Amenity

This area of Mona Vale is well served with waterfront access and recreation space with three Reserves within 120 metres of the subject land being 4A Edwin Ward Place *Edwin Ward Reserve* (630 m²), 85A Rednal Street *Rednal Street Reserve* (564 m²) and 18A Yachtsmans Paradise *Yachtsmans Paradise Reserve* (2000 m²). In addition Winji Jimmi Reserve is 500m to the north of the site. The subject land does not provide access to useful recreation space or boating facilities. A plan of the surrounding recreation space is shown at **Attachment 3**.

2.4 Potential for disposal

The subject land is comprised of two lots roughly separated by a stormwater drain over which the applicant is prepared to create an easement in favour of Council. The effect of such an easement would be to prevent any future construction over the land. There are no legal issues or encumbrances to the reclassification and sale of the land.

Reserves & Recreation have advised they have no objection to the proposed sale. The owner of the adjoining property at no 64 Rednal Street is aware of the proposal and has no interest in purchasing part or all of the subject land.

2.5 Community benefit arising from the sale of this land

The proceeds from the sale of this land can be used to embellish nearby foreshore reserves as well as provide footpath connections that will be used by a much larger cross section of the community rather than being locked in the current property asset.

This is consistent with best practice asset management whereby assets that provide little or no community benefit are converted to assets of much higher community benefit. It is noted that since Pittwater Council's inception in 1992, Pittwater Council has significantly increased its public reserve land holdings by over 120 hectares including the Warriewood Wetlands, the Ingleside Chase escarpment reserve, Winererremy Bay foreshore parkland as well as creekline corridors through the Warriewood Valley land release and other open space lands including significant embellishments for the community to enjoy.

2.6 Community Consultation

Apart from the adjoining owners the broader community consultation will be dealt with as part of the LEP process.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The community will greatly benefit from the proceeds of this property sale being used on foreshore reserves and footpath improvements that the community can gain the immediate benefit from now rather than wait for a future/distant program of works. In particular it can help to deliver the Walks & Rides strategy with a high priority being a footpath connection along Waterview Street from Mona Street to Crescent Road in this same general locality.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The subject property is not of high environmental significance and its sale will not adversely affect the environmental qualities of the locality.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The proceeds from the sale of the subject property will help to finance reserve and footpath improvements providing a positive economic injection.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The sale of this land will result in income to Council in the amount of \$303,000 and also eliminate costs involved in maintaining the land. The sale proceeds will be allocated to projects such as improvements to nearby reserves, new footpath infrastructure, improvements to nearby foreshore reserves and other priority infrastructure.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Provision of footpaths helps to connect and integrate our built environment and recreational spaces

4.0 EXECUTIVE SUMMARY

- 4.1 Council has been offered the sum of \$303,000 for a piece of public land in Mona Vale, the amount offered is in excess of the lands true value and it is considered that the land has no general public benefit. To dispose of this property the land will first need to be reclassified and rezoned. Funds from the sale will be allocated to high priority infrastructure programmes.

RECOMMENDATION

1. That staff prepare a Planning Proposal for the re-classification and rezoning of lot 11 DP 221626 and lot 30 DP 24428. That having regard for the status of the draft Pittwater Standard Instrument LEP, this process not commence until such time as the draft Pittwater Standard Instrument is adopted and in force.
2. That upon completion of the matter in 1 above Council accept the offer made by the adjoining owners to purchase the land for the sum of \$303,000.
3. That the General Manager be authorised to execute under power of attorney all legal documentation associated with sale of the property

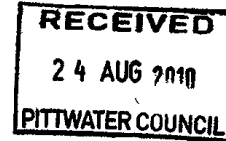
Report prepared by
George Veness, Senior Property Officer

Paul Reid
MANAGER, CORPORATE STRATEGY & COMMERCIAL


DG BRIGGS AND ASSOCIATES
Solicitors • Town Planners • Building Consultants

Ref DGB 10450

16 August 2010

 The General Manager
 Pittwater Council
 PO Box 882
 MONA VALE NSW 1660

Commercial and In Confidence

Dear Sir,

**OFFER TO ACQUIRE COUNCIL LAND
 LOT 11 DP 221626 & LOT 30 DP 24428
 PROPERTY KNOWN AS 62A REDNAL STREET MONA VALE**

We act for Mr Tim and Mrs Helen Anderson, the owners of land situated at and known as 62 Rednal Street, Mona Vale

Our clients acquired their land in July 2007

Adjoining our clients' south-eastern side boundary are two small triangular shaped parcels of land vested in the Council. That land is zoned Open Space 6(a) Existing Recreation and measures approximately 4 metres wide x the depth of our client's land – an area of approximately 250m². That land is accessed by an informal timber and earth stairway from the street.

Since acquiring their land, our clients have maintained the Council's land. This has involved the regular mowing of the flatter portion of the Council's land and weeding/trimming of vegetation and removal of leaf litter from the steeper portion of the Council's land towards the street frontage.

From a site view, it is not possible to discern what land belongs to our clients and what land belongs to the Council. This has been problematical.

Over the years, trespassers have used our clients' driveway (which is of a lesser gradient than the informal steps upon the Council's land) and their land generally in person and by vehicles in order to gain access to the Council's land. Indeed, there have been occasions when our clients have returned home to find that vehicles have driven down their driveway, across their land and parked cars and trailers upon their land. Our clients' land is often damaged by vehicles/trailers manoeuvred across lawn areas.

During the warmer months, residents of the immediate local neighbourhood and their guests often trespass our clients' land to access to the Council's land. Indeed, on occasions people have gathered on our clients' land on public holidays consuming alcohol and barbeques - treating the private land as a public park.

P O Box 250 West Pennant Hills NSW 2125
 Telephone 9872 9633 • Facsimile 9872 9699 • Email services@dgbriggs.com.au
www.dgbriggs.com.au



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Commercial and In Confidence

The General Manager
Pittwater Council

2

16 August 2010

The Council will be aware that this strip of land does not provide immediate access to the water but rather, terminates at a sea wall some 1.5 to 2.0 metres above the Mean High Water Mark. From the position above the sea wall, the only means of access to the water is to trespass over our clients' approved boat ramp and pontoon or to gain similar access from the similar facilities upon neighbouring land.

The Council's land appears to have been reserved as part of the original subdivision for the purposes of stormwater drainage. A 450 mm pipe passes through the Council's land connecting the Council street drainage system to its point of discharge through the sea wall into the water.

The area is also traversed by a Sydney Water sewer main.

The only proper access to the Council's land from the road reserve is via a series of informal timber – reinforced steps down the steeper portion of that land at the street frontage. It is this difficult access gradient that results in the general public trespassing our client's land via their driveway.

Our clients enjoy the open aspect of their land; however, the passage of time and ever increasing public use of our clients' land is of real concern. There is the continued risk of accident or injury by the public whilst on our clients' land which could potentially have very serious consequences for the Council and our clients. It seems to us that there is a duty upon the Council to prevent the risk arising and ensure that the public cannot simply trespass our clients' land.

For reasons of both public liability and privacy, our clients wish to secure their land and it appears that the only reasonable means by which that might be achieved is by the construction of appropriate security fencing.

But for the conduct of a small number of persons, our clients would refer to maintain the status quo.

Before taking any steps, our clients respectfully enquire as to whether the Council would be prepared to sell that strip of land to our client subject to an easement of an appropriate size to accommodate access to the Council's drainage infrastructure.

Our clients have sought advice from local real estate agents with the view to determining an appropriate value of that land vested in the Council. Enclosed herewith are copies of correspondence from McGrath Avalon dated 12 May 2010 and LJ Hooker Mona Vale dated June 15 2010. Council will see that these agents value this strip of land (unencumbered) in the range of \$230,000-\$250,000.

With the view to securing its interest in the land, our clients would be prepared to pay \$300,000.00 for that land.

We would be grateful if you could contact us to advise of the Council's position in respect to our clients' offer.

Commercial and In Confidence

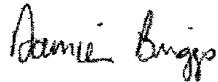
The General Manager
Pittwater Council

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16 August 2010

We would be happy to discuss this matter on a without prejudice basis and for that purpose, Council's officers should feel free to telephone the writer

Yours faithfully
DG Briggs and Associates



Damien Briggs
Solicitor/Town Planner
Encl

June 15, 2010

COPY

Mr T & Mrs H Anderson
62 Rednal Street
MONA VALE NSW 2103

THIS IS NOT A VALUATION

Dear Mr & Mrs Anderson,

**RE: MARKET APPRAISAL OF ADJOINING LAND – 62A REDNAL STREET
MONA VALE LOT 11 IN DP 221626 AND LOT 30 IN DP 24428**

You have asked us to provide you with advice on our estimate of the value of the narrow parcel of land which adjoins the full length of your south-south-eastern (side) boundary

You have advised us that the area of the parcel is approximately 250 square metres.

On our assessment, a reasonable market appraisal for that parcel of land is in the order of \$230,000 to \$250,000.

Please note that is appraisal is undertaken in our capacity of real estate agents not as registered valuers. If you require a valuation, we are happy to arrange that on your behalf.

Our appraisal is based upon recent sales and we feel that it would be a realistic base upon which to determine the valuation. We have enclosed a Comparative Market Analysis to give you an idea of the activity in the immediate neighbourhood.

Please feel free to contact me if you have any questions or wish to discuss the matter further.

Yours faithfully
L J HOOKER MONA VALE

**ROSS EWINGTON****LAUREN POWELL****Third Party Disclaimer:**

This letter has been prepared for and under instructions of T & H Anderson and is not for the use of any other party. We accept no responsibility or liability whether such liability would have arisen as a result of negligence or otherwise for/fo any other party/person who might use or rely upon this letter.

19 Bungan Street
Mona Vale NSW 2103 Australia
Lachlan Elder Realty Pty Ltd ABN 35 002 332 247

ljhooker.com
nobody does it better

McGrath

COPY

To Whom It May Concern

Tuesday 12th May 2010

Re. 62A Rednal Street, Mona Vale - zoned "Open Space 6(a) Existing Recreation"

Lot 11 in Deposited Plan 221626

Lot 30 in Deposited Plan 24428 Total area is = 252.8 sq. m

Dear

Dear Sir / Madam

I was recently called in by the owners of 62 Rednal Street Mona Vale to provide an idea of valuation for the adjoining council land to their existing property

As a waterfront specialist for McGrath Northern Beaches I value the council land site for \$250,000

This valuation is based on what I would consider a current market price for a council strip like this

Do not hesitate to contact me should you require any additional information

Kind Regards,

Noel Nicholson

McGrath Estate Agents

P 02 9918 6700

F 02 9973 1175

M 0411884290

AVALON

33 Avalon Parade
Avalon NSW 2107
T +61 2 9918 6700
F +61 2 9973 1175

NB Property Pty Ltd ABN 17 878 145 882 (an independently owned and operated Franchised business) T/as McGrath Avalon

Senior Property Officer From: "Damien Briggs"
<services@dgbiggs.com.au>
Sent: 14/12/2011 03:14:16 PM
To: <george_veness@pittwater.nsw.gov.au>
Subject: RE: 62 Rednal Street Mona Vale

Hi George.

I have held a number of discussions with my clients since our last telephone discussions.

Having met our clients you will be aware that they are in their later years and (I suspect) their means are limited. The offer our clients have put to the Council is at the upper limit of their capacity to pay. It was my recommendation that the offer already made was above the valuations provided to our clients on the basis that the offer might be more reasonably accepted by the Council in that the additional sum would include any incidental costs of the Council.

As discussed today, our clients instructions are that an offer of a few thousand dollars more than the original offer is the extent that they are able to pay. On that basis, our clients' offer is now increased to \$303,000.00.

Kind regards
Damien Briggs
Solicitor and Certified Practising Planner
DG BRIGGS AND ASSOCIATES
Solicitors * Town Planners * Building Consultants
PO Box 250 WEST PENNANT HILLS NSW 2125
Telephone: 9872 9633 Facsimile: 9872 9699

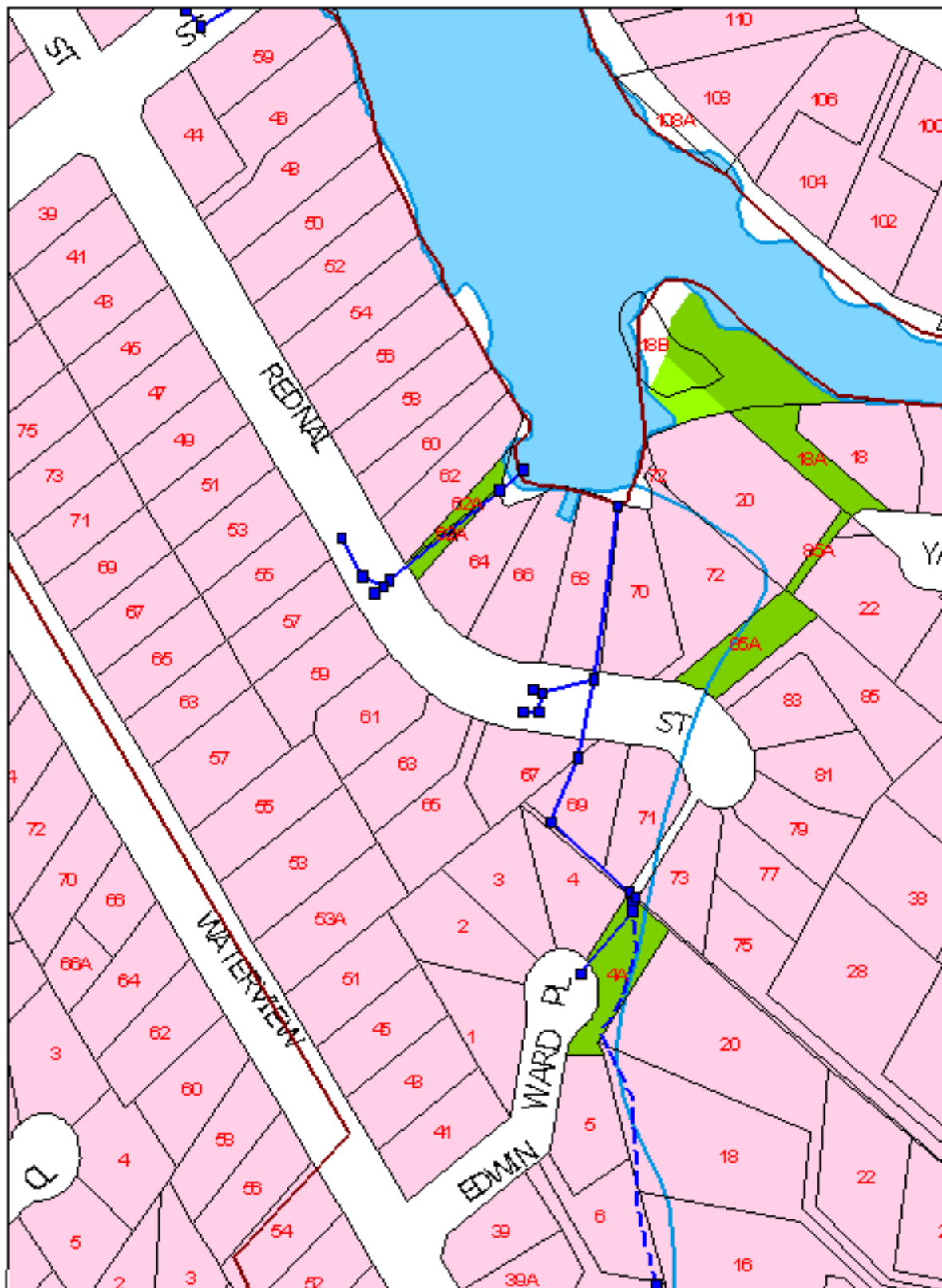
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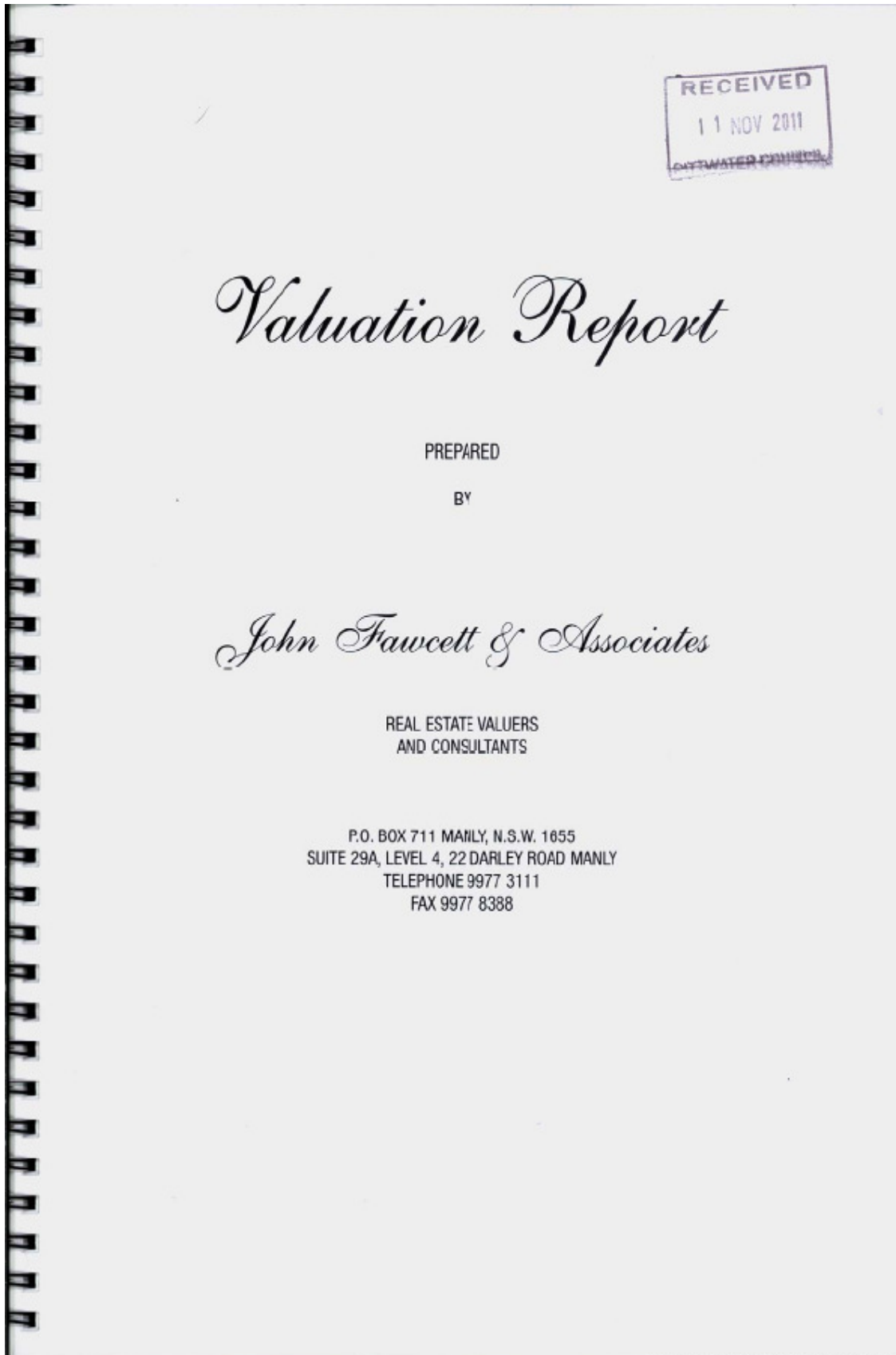
This email (and any attachment) ("email") may be confidential. You must not disclose or use the information contained in this email if you are not the intended recipient. If you have received this email in error, please notify us immediately by return email and delete the email and all copies thereof.

-----Original Message-----

From: george_veness@pittwater.nsw.gov.au
[mailto:george_veness@pittwater.nsw.gov.au]
Sent: Wednesday, 14 December 2011 3:01







TechnologyOne ECM Document Number: 4375341

John Fawcett & Associates

REAL ESTATE VALUERS AND CONSULTANTS

P.O. BOX 711, MANLY, N.S.W. 1655

PRINCIPALS:
J.H. FAWCETT, F.A.S.
J.M. FAWCETT, B.A. ECON

SUITE 29A, LEVEL 4,
22 DARLEY ROAD, MANLY

PHONE: 9977 3111
FAX: 9977 8388
EMAIL: jhfawcett@primus.com.au

VALUATION SUMMARY

PROPERTY:

62A Rednal Street
Mona Vale NSW 2103

INSTRUCTIONS:

Instructions for this Valuation and
Report were given by:

Pittwater Council
Attention: Mr George Veness

PURPOSE OF VALUATION:

The purpose of this Valuation and
Report is to assess the value of a strip of
land having an area of 276.1 sqm zoned
open space and situated between 62 and
64 Rednal Street, Mona Vale.

BRIEF DESCRIPTION:

Rectangular shaped lot which is steep at
the street frontage although level for the
most part, containing a total area 276.1
sqm.

DATE OF VALUATION:

8th November, 2011

VALUATION:

Two Hundred and Sixty Thousand
Dollars plus all associated costs.

\$260,000 plus all associated costs

J. H. FAWCETT PTY LTD (B.N. 88 002 149 484)
Trading as
JOHN FAWCETT & ASSOCIATES

TechnologyOne ECM Document Number: 4375341

John Fawcett & Associates

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1.0.....	PROPERTY
2.0.....	INSTRUCTIONS
3.0.....	PURPOSE OF VALUATION
4.0.....	TITLE PARTICULARS
5.0.....	LOCATION & ENVIRONMENT
6.0.....	REDNAL STREET
7.0.....	DESCRIPTION OF ROAD RESERVE
8.0.....	VALUATION APPROACH
9.0.....	GENERAL
10.0.....	VALUATION

ANNEXURES

1. Photographs
2. Copy of Deposited Plans 221626 & 24428
3. Location Plan

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SUITE 29A, LEVEL 4,
22 DARLEY ROAD, MANLY

PHONE: 9977 3111
FAX: 9977 8388
EMAIL: jhfawcett@primus.com.au

VALUATION AND REPORT

1.0 THE PROPERTY: 62A Rednal Street,
MONA VALE NSW 2103

2.0 INSTRUCTIONS: Given by:-

Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attention: Mr George Veness
Senior Property Officer

3.0 PURPOSE OF VALUATION:

3.1 Purpose We are instructed that the purpose of this Valuation and Report is to assess the value of a strip of land zoned 'Open Space' for possible sale to an adjoining owner.

4.0 TITLE PARTICULARS:

4.1 Title Details The property consists of two separate adjoining lots viz:-

Lot 11 in Deposited Plan 221626
And
Lot 30 in Deposited Plan 24428

4.2 Site Details The lots are irregular as shown on the attached Deposited Plans.

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Trading as
JOHN FAWCETT & ASSOCIATES

TechnologyOne ECM Document Number: 4375341

Lot 30 has an area of 151.2 sqm and Lot 11 contains an area of 129.9 sqm.

Total area is therefore 276.1 sqm.

4.3 Zoning

The lots are zoned 'Open Space (6a) - Existing Recreation'

5.0 LOCATION & ENVIRONMENT:

5.1

Mona Vale is a northern Beach suburb of Sydney located approximately 28km from the Sydney GPO by road.

5.2

The subject strip of land is on the northern side of Rednal Street about 150 metres south east of Mona Street.

5.3

The surrounding area is residential and the northern side of Rednal Street consist of waterfront homes adjoining Pittwater.

6.0 REDNAL STREET:

Rednal Street is tar sealed with concrete kerbing and guttering.

7.0 DESCRIPTION OF LAND:

The two lots combined result in a rectangular shape as shown on the attached plans with a frontage or width of 6.096 metres, extending to high water mark. According to the Deposited Plans the total area is 276.7 sqm.

The land is steep at the street frontage and access is by timber stairs to the main body of land which is level and grassed.

8.0 VALUATION METHODOLOGY:

8.1 Before and After

The generally accepted valuation approach is the "before and after" method which involves calculating the value of 62 Rednal Street, as it now stands, that is, a home on 784 sqm and calculating the value after, which is the home on 1,060 sqm.

62A Rednal Street, Mona Vale

The significance of this strip of land to 62 Rednal Street is that it increases the area by some 35% and the frontage from 15.24 metres to a little over 21.3 metres.

In this assessment we have considered the benefits to 62 Rednal Street in addition to the increased area and frontage. These include improved driveway access, the privacy aspect of not having a strip of land open to the public and improved street scape by having a wide frontage. It is noted that a drainage easement traverses the land and this will be retained and encompasses the restrictions, particularly regarding access that this entails.

Sales of waterfront properties in Rednal Street have ranged from \$1,700,000 up to \$3,500,000. Based on this, our calculation of land value is in the order of \$2,360 per square metre.

This amount applied to the 276.1 sqm produces an amount of \$650,000. This amount however would account for unencumbered freehold land without restrictions for which a discount must be considered.

There is no definitive evidence in the market to measure the quantum and in the circumstances we have adopted 60% as being a reasonable discount. The calculation is:-

Unencumbered freehold value	\$650,000
Less discount of 60%	<u>\$390,000</u>
Assessed value	\$260,000

We are mindful of the considerable costs associated with such a transaction.



STEEP FRONT SECTION OF THE LAND



62 REDNAL STREET

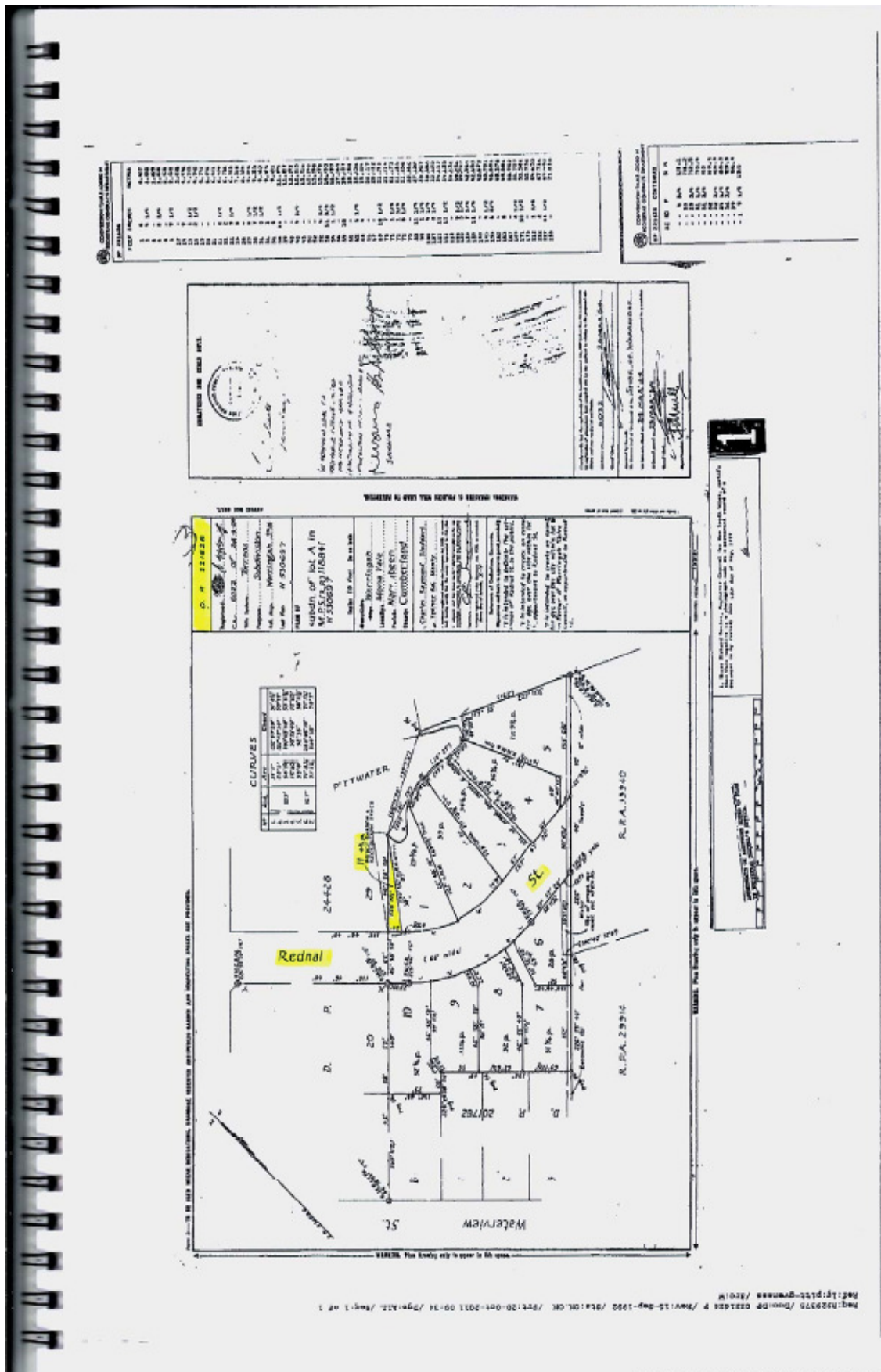
ANNEXURES – PHOTOGRAPHS



LEVEL SECTION OF THE LAND



LAND VIEWED FROM THE STREET FRONTAGE





TechnologyOne ECM Document Number: 4375341

C12.5	Tender T13/12 Management Services for Currawong Beach Cottages
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Establish a program of effective cost reduction through continuous monitoring of costs, services and sustainable purchasing.

PURPOSE OF REPORT

To consider, in accordance with Clause 177 of the Local Government Regulation, the Tender Evaluation Panel's (TEP) recommendations following its assessment of the tenders received for Tender T13/12 – Management Services for Currawong Beach Cottages and to formally resolve on a tenderer to be engaged to provide these services.

1.0 BACKGROUND

- 1.1 Pittwater State Park (which includes Currawong Beach Cottages) was created by the NSW Government in 2011, at which time Pittwater Council was appointed as Interim Reserve Trust Manager. As Interim Trust Manager, Council is the legal entity which has the "effective ownership" of this Reserved Crown Land for the purposes of managing the Reserve on behalf of the Crown (that is, the NSW Government).
- 1.2 Therefore, as Interim Reserve Trust Manager, Council is empowered (under the Crown Lands Act) to make decisions regarding the use and management of the Reserve and to implement those decisions.
- 1.3 Subsequent to its appointment as Interim Trust Manager, Council engaged the then managers of Currawong Beach Cottages (who were appointed by both prior owners of the site) on a limited term contract to continue managing the facility. It was a commercially prudent decision to continue with the existing managers at that time to ensure a smooth transition to ownership by the NSW Government and Council assuming the Trust responsibilities for the site.

Consistent and ongoing management was also considered desirable to reduce operational burdens during the start up phase of Council management, given the peculiarities of the site. The current contract with the managers expired in early March and continues on a week to week basis until a successful Tenderer is appointed. Therefore, a tender is necessary in order to appoint longer-term managers beyond this immediate time.

2.0 ISSUES

- 2.1 The tenders were called in accordance with Section 55 of the Local Government Act and have been assessed in accordance with Clause 177 of the Local Government Regulation.

This tender is for Management Services (which includes management of the site 24 hours per day, seven days per week; caretaking and cleaning services) for Currawong Beach Cottages. Tenders were called with a view to having new arrangements in place from early April, in preparation for Easter School Holidays. In view of the nature of the facility and its constraints (heritage listing, geotechnical issues, condition of built structures and infrastructure, accessibility and logistical issues, flora and fauna), a mandatory site familiarisation and inspection was imposed on prospective tenderers so that informed proposals were submitted. This represented a sound risk management approach to ensure that tenderers fully accounted for the challenges presented by the site and facilities and that both realistic and sustainable proposals were submitted by tenderers.

Tender documentation was prepared by Anita Royle, Corporate Strategy & Commercial, with the assistance of Peter Baartz, Procurement. Tender documentation included the Conditions of Tender, Schedules, the Specification, financial and occupancy data and General and Special Conditions of Contract.

A four (4) year contract period was nominated for the provision of Management Services at Currawong Beach Cottages. Tenders were sought on a lump sum basis or alternative offers containing the following:

- a share of in income/profit;
- and/or Capital funding, in conjunction with a Management Fee;
- and/or an alliance/ partnership approach where capital investment and/or profit is shared between both parties
- any mix of these elements.

2.2 Call for and receipt of tenders

Tender Distribution and Closing date

- Tenders were distributed via Tenderlink and in relevant newspapers (Manly Daily and Sydney Morning Herald) on Tuesday, 22 January, 2013.
- The closing date for receipt of Tenders was 10.30am on Thursday, 28 February, 2013

Receipt of Tenders

As per the call for tenders, tenders could be received via Council's Tender Box located at Mona Vale or via Council's Tenderlink portal prior to the specified tender closing time/date 10.30am Thursday, 28 February, 2013.

Tender Opening & List of Tenders Received

At the specified tender opening time, one (1) tender was collected from the tender box, and three (3) tenders were received via Tenderlink and duly registered by Council. Tenderers are listed in alphabetical order as follows:

Tenderers

- A+ Management Services
- Eco Inn (Australasia) Pty Ltd
- Tempnet Personnel Placement Pty Ltd
- RWW Plants Pty Ltd

2.3 Outline of Tender evaluation process

Tenders contain commercial in confidence information. As such under Section 10A(2) of the Local Government Act the detailed assessment of tenders is included in the confidential section of this Agenda.

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP comprised representatives from Corporate & Commercial, Finance and Procurement to ensure that operational, financial and procedural implications of tender proposals were adequately considered and assessed. The TEP has provided a confidential assessment with a covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

- Probity checks including a declaration as to any conflict of interest or pecuniary interest associated with the tender
- Initial assessment & cull – this assesses compliance with the call for tender requirements and any company not conforming is culled (not considered further) from the next stages of the tender assessment process
- Detailed assessment of remaining tenders then takes place, including performance against the tender evaluation criteria. The tender was assessed using the criteria shown in Tables 1 and 2:

Table 1

	Mandatory Criteria (Pass/Fail)	Required Information	Weight
1.	Compliance with Conditions of Tender and submission of all documentation required by the Invitation to Tender	Submission of all Forms	Pass/Fail
2.	Financial capacity	Form 2	Pass/Fail
3.	Compliance with Work Health and Safety legislation and the requirements of Workcover Authority of New South Wales	Form 6	Pass/Fail
4.	Insurances	Form 7	Pass/Fail
5.	Non-compliance and qualifications with Specification	Form 10	Pass/Fail
6.	Environmental sustainability and social equity	Form 8	Pass/Fail

Table 2

	Weighted Criteria (Scored)	Required Information	Weight
1.	Financial offer	Form 1	36%
2.	Experience in tourism operations	Form 3	36%
3.	Experience in marketing and Promotions	Form 3	12%
4.	Proposed management and operation of the facility	Form 9	8%
5.	Experience in operations and systems	Form 3	6%
6.	Experience in operation of heritage properties	Form 3	2%

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The appointment of an experienced and capable Management Team for Currawong Beach Cottages is essential to ensure the intrinsic values of this unique and State Heritage Listed site is operated in accordance with all appropriate legislation and remains available for the general public to enjoy and appreciate.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The entire site is listed on the State Heritage Register and is also listed as Conservation Area under Pittwater Local Environment Plan. Works on the site may require approval by the Heritage Council of NSW, Department of Primary Industries or Council. These measures are designed to ensure that the unique natural and cultural attributes of site are protected. It is imperative to engage a Management Team which is familiar with and able to operate under this regime to protect and preserve the natural character of Currawong.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The appointment of an experienced and capable Management Team for Currawong Beach Cottages is essential to ensure the smooth running of the facility and increase the return on the facility, thereby allowing much needed maintenance works to take place. The Tender proposal represents value for money – in fact, the Tendered amount for Management Services is lesser than the current costs incurred for this service.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The appointment of a Management Team for Currawong Beach Cottages has followed a full public tender process which included an Assessment Panel comprising senior representatives from Corporate & Commercial, Finance and Procurement to ensure that operational, financial and procedural implications of tender proposals were adequately considered and assessed. The preferred tenderer was determined by unanimous agreement of the Panel.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The current infrastructure on Currawong is in a very poor state. By appointing an experienced Management Team, it is hoped that improved utilisation and occupancy generates increased revenue will allow for much needed repairs and maintenance to be undertaken on existing structures.

4.0 EXECUTIVE SUMMARY

- 4.1 Pittwater Council prepared a Request for Tender T13/12 for Management Services for Currawong Beach Cottages.
- 4.2 Four (4) Tender submissions proposals were received from (in alphabetical order):
- A+ Management Services
 - Eco Inn (Australasia) Pty Ltd
 - Tempnet Personnel Placement Pty Ltd
 - RWW Plants Pty Ltd
- 4.3 The Tender Evaluation is presented to Council for consideration in the confidential section of this Agenda.

RECOMMENDATION

That Council adopt the Confidential Tender Assessment and Recommendations for T13/12 – Management Services for Currawong Beach Cottages - as contained within the Confidential Section of this Agenda.

Report prepared by
Glenn Davis, Principal Officer – Commercial

Paul Reid
MANAGER, Corporate Strategy & Commercial

C12.6	Changes to Local Environmental Plan Making Procedures Regarding Delegations and Independent Reviews of Plan-Making Decisions
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Land Use and Development Strategy

STRATEGIC INITIATIVE: Monitor legislative and regulatory changes relating to land use planning

PURPOSE OF THE REPORT

To report back to Council following a briefing held on 11th February 2013 in relation to a proposal by the Minister for Planning and Infrastructure to delegate the making of some Local Environmental Plans (LEPs) to Council and allowing independent reviews of some Council decisions in the LEP making process.

1.0 BACKGROUND

- 1.1 A report outlining changes to LEP making procedures regarding delegations and independent reviews of plan making decisions was provided to the PIBE Committee meeting on 17th December 2012 (**Attachment 1**). At this meeting the Council resolved as follows:

“That this matter be deferred in order for Councillors to be briefed by staff on the implications of the Delegations and proposed Local Environmental Plan Making procedures.”

- 1.2 In accordance with the above recommendation, a briefing was held on 11th February 2013. Councillors were advised in relation to the proposal of the Minister to delegate some of his LEP making functions to Council. Councillors were also advised regarding the changes to LEP making procedures including the introduction of Pre-Gateway Reviews and Post Gateway Reviews.
- 1.3 Since the briefing and in accordance with this new Review process, Council received notice that a request for a Pre-Gateway Review has been initiated by the proponent for the Planning Proposal at 120 and 122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood. This matter was reported to Council on 4th March 2013. At this meeting the Council resolved to raise concerns regarding the new process and the manner in which it is being implemented by the Department of Planning and Infrastructure (DP&I).
- 1.4 Following the briefing it was requested that this matter be returned to Council for a decision regarding whether or not to accept the delegation from the Minister. Accordingly, this report is provided for the consideration of the PIBE Committee. The recommendation from the report to the Committee on 17th December 2012 remains unchanged and is provided in Attachment 1.

2.0 ISSUES

The issues associated with the proposed changes are considered in the attached report. In addition to these issues and having regard for Council's recent experience of a Pre-Gateway Review at 120 and 122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood, the following additional issue is included for the Council's consideration.

2.1 Independent Reviews

2.1.1 The Pre-Gateway Review initiated as part of the above mentioned Planning Proposal raised several concerns associated with the new process and the manner in which the process is being implemented by the DP&I. Based on recent experience, specific concern is raised in relation to the following:

- On receipt of a proponent's request for a Pre-Gateway review the DP&I are required to check whether the Planning Proposal is eligible for review and accompanied by all relevant information and fees. Concern is raised regarding the process associated with undertaking these checks. In the recent experience of Council, the application was deficient in several areas and notwithstanding this the Department was seemingly satisfied that the application was eligible for review.
- The limited time (21 days) made available for Council to 'provide its views about the proposal' to the Department. Having regard for lead times associated with placing reports on Council meeting agendas, 21 days is considered insufficient time to allow the Council to finalise its assessment and report it to the Council for the Council to provide its views.
- There is no 'stop the clock' mechanism. In circumstances where an applicant submits an application to Council that is missing information and an additional information request is required, the time lost in being able to assess the application while the applicant prepares the additional information is counted towards the 90 day limit. As such, there is a reduced incentive for the applicant to submit a complete application to Council.

2.1.2 The above concerns have been raised in correspondence with the DP&I and will continue to be pressed in discussions with the Department.

3.0 SUSTAINABILITY ASSESSMENT

3.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

4.0 EXECUTIVE SUMMARY

4.1 A report outlining changes to LEP making procedures regarding delegations and independent reviews of plan making decisions was provided to the PIBE Committee meeting on 17th December 2012. At this meeting the Council resolved as follows:

"That this matter be deferred in order for Councilors to be briefed by staff on the implications of the Delegations and proposed Local Environmental Plan Making procedures."

- 4.2 In accordance with the above recommendation, a briefing was held on 11th February 2013. Following the briefing it was requested that this matter be returned to Council for a decision regarding whether or not to accept the delegation from the Minister. Accordingly, this report is provided for the consideration of the PIBE Committee. The recommendation from the report to the Committee on 17th December 2012 remains unchanged and is provided in Attachment 1.

RECOMMENDATION

1. That the delegation of the Minister under section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans be accepted.
2. That the General Manager be given the authority to exercise the delegation to liaise with the Parliamentary Counsel and finalise Planning Proposals in accordance with Council's decision.
3. That the Independent Review process within the plan making process be noted.

Report prepared by

Andrew Pigott

ACTING MANAGER, PLANNING & ASSESSMENT

SUBJECT: Changes to Local Environmental Plan Making Procedures Regarding Delegations and Independent Reviews of Plan-Making Decisions**Meeting:** Planning an Integrated Built Environment Committee**Date:** 17 December 2012**STRATEGY:** Land Use and Development Strategy**STRATEGIC INITIATIVE:** Monitor legislative and regulatory changes relating to land use planning**PURPOSE OF THE REPORT**

The purpose of this report is to advise the Council that there are proposed changes to the processing of Local Environmental Plans (LEPs) regarding delegating the making of some (LEPs) to Council and allowing independent reviews of some Council decisions in the plan making process.

1.0 BACKGROUND

- 1.1 The Environmental Planning and Assessment Act 1979 (EP&A Act) was amended in July 2009 to introduce changes to the way in which LEPs are processed. These changes included the introduction of the 'Gateway' system and a requirement for the preparation of Planning Proposals. Changes are now proposed to the procedure by which Planning Proposals amend Council's Local Environmental Plan (LEP).
- 1.2 For reference the key steps in the rezoning process including the 'Gateway' process, as they currently operate, are outlined below:
 1. **Application** – application and supporting documentation lodged with Council.
 2. **Planning Proposal** – the relevant planning authority (usually Council) is responsible for the consideration of and, if supported, the preparation of a planning proposal for referral to the Gateway. The Planning Proposal explains the effect of and justification for the LEP amendment.
 3. **Gateway** – the Minister determines whether the Planning Proposal is to proceed. The Gateway acts as a checkpoint to ensure that the Proposal is justified before further studies are done and resources are allocated to the preparation of a plan.
 4. **Community Consultation** – the Proposal is publicly exhibited (generally low impact Proposals for a minimum of 14 days, others for a minimum of 28 days).
 5. **Assessment** – the Council considers public submissions and the Planning Proposal may be varied as necessary. If deemed appropriate, Council resolves to forward the Planning Proposal to the Department of Planning & Infrastructure (DP&I).
 6. **DP&I Consideration** – DP&I review the Planning Proposal then forward to Parliamentary Counsel who then prepares a draft local environmental plan – the legal instrument.
 7. **Decision** – with the Minister's approval the plan becomes law and is published on the NSW legislation website.

- 1.3 The Hon Brad Hazzard MP has written to Council (**Attachment 1**) advising that he is proposing to delegate his functions under section 59 of the EP&A Act for the making of LEPs for local matters to Council if they wish to accept the delegation. The delegation will affect stages 6 (DP&I Consideration) and 7 (Minister's Decision) outlined above. Pittwater Council has been granted an extension to the deadline to 18 December 2012.
- 1.4 In addition to the above, the existing statutory arrangements have been changed to introduce 'independent reviews' of Planning Proposals. These include:
- a) **Pre-gateway reviews** – which may be requested by a proponent (e.g. developer, landowner) if the council has notified the proponent that they do not support the proposal. Or the Council has not made a recommendation after 90 days.
 - b) **Gateway reviews** – which may be requested by Council or the proponent following a Gateway determination.
- 1.5 **Attachment 2** illustrates the above changes proposed to the system in a flow diagram. The changes and their implications for Council will be considered below.

2.0 ISSUES

2.1 Local Environmental Plan Delegations

- 2.1.1 As outlined above, the making of some LEPs are proposed to be delegated back to Council. The DP&I have stated that "the changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs".
- 2.1.2 It is proposed that the 'Authorisation' for Council to exercise delegation will be issued as part of the initial 'Gateway' determination. When submitting a planning proposal to the DP&I, Council will be required to identify whether it wishes to exercise the 'Authorisation' for each Planning Proposal. The DP&I have advised that the following types of LEPs will routinely be delegated to councils:
- Mapping alterations
 - Minor errors / anomalies
 - Reclassification of land
 - Heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
 - Spot rezoning consistent with an endorsed strategy and / or surrounding zones, and
 - Other matters of local significance as determined by the Gateway.
- 2.1.3 Section 23 of the EP&A Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. Council is required to formally accept the delegation before the DP&I will issue an Authorisation in respect of any individual draft LEP.
- 2.1.4 The DP&I have advised that if Council chooses to accept the delegation, "it may sub-delegate the function to an officer within council who will exercise the delegation".

Section 381 of the Local Government Act 1993 requires that such functions cannot be delegated to:

- a) The General Manager, except with the approval of the Council, or
- b) an employee of the Council, except with the approval of the Council and the General Manager.

2.1.5 The delegation will effect stages 6 (DP&I Consideration) and 7 (Minister's Decision) outlined above. This means that instead of Council forwarding the Planning Proposal to the DP&I for a further layer of assessment after Council resolves to support the proposal, Council will be able to resolve to support the Planning Proposal, and liaise directly to Parliamentary Counsel to prepare the legal instrument. This will remove the additional layer of consideration by the DP&I and Minister.

2.1.6 In accordance with the above, the options available to the Council are:

- 1. Don't accept the delegation – status quo remains and Planning Proposals are required to be forwarded to the DP&I for final sign off prior to going to Parliamentary Counsel.
- 2. Accept the delegation – Council accepts the delegation but doesn't sub-delegate to an officer of the Council. This would require an additional step in the process i.e. a third report being considered by Council to accept the final wording of the LEP amendment from Parliamentary Counsel.
- 3. Accept the delegation and sub-delegate – Council accepts the delegation and resolves to sub-delegate to the General Manager.

2.1.7 As outlined above at option 2, were Council to resolve to accept the delegation from the Minister but not resolve to sub-delegate to an officer of the Council, a third report and resolution of the Council would be required before the LEP could be made. Liaising with Parliamentary Counsel is generally considered a technical process and once the Council has resolved to accept the Planning Proposal following exhibition, they would have considered the effect of and justification for the Planning Proposal on a merit basis. A third report to Council on the same matter for what is essentially the last technical step in the process is considered unnecessary and more cumbersome than the current process.

2.1.8 Option 3 provides that in circumstances where the delegation of the Minister is accepted, the normal reporting process surrounding a Planning Proposal will be followed i.e. the Planning Proposal will be exhibited, then reported back to Council for a final decision on whether or not to support the Planning Proposal. Once the Council make their decision, instead of having to forward the Planning Proposal into the DP&I for their further consideration, the selected officer of the Council will be able to deliver the decision of the Council directly to the Office of the Parliamentary Counsel (PCO) to draft the amending LEP that gives effect to the Planning Proposal. This new process will avoid the additional consideration of the matter by the DP&I.

2.1.9 In accordance with the above, to avoid the need for a third report to Council on the same matter with associated time and resource implications and due to the technical nature of the final step, it is recommended that Council delegate this step to the General Manager.

2.2 Independent Reviews

- 2.2.1 As outlined above the EP&A Act was amended in July 2009 to introduce changes to the way in which LEPs are processed, these changes included the introduction of the 'Gateway' system and made provision for two reviews within the plan making process at both the pre and post Gateway determination stage. The DP&I have now formalised this process as follows.

Pre-Gateway Review

- 2.2.2 If a proponent (e.g. developer, landowner) has requested that a council prepare a Planning Proposal to amend an LEP, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

- 2.2.3 In circumstances where a review is requested, the DP&I will check eligibility and information provided and forward all eligible Planning Proposals to the Joint Regional Planning Panel (JRPP) or Planning Assessment Commission (PAC). The JRPP or PAC will then review the proposal, meet with the Council and proponent as required and then provide advice to the Minister on whether the Planning Proposal should be submitted for a Gateway determination. The Minister then determines whether to proceed with the Planning Proposal and who the Relevant Planning Authority will be i.e. the Minister may recommend that the JRPP becomes the Relevant Planning Authority in which case Council would no longer control the processing of the Planning Proposal.

Post Gateway Review

- 2.2.4 In addition to the above, once a Gateway determination is made, a council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway, or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

- 2.2.5 If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the department to request a review.

- 2.2.6 If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 40 days from being notified by the DP&I to request a review.

- 2.2.7 If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the department to indicate their intent to request a review. The Council or proponent would then have 40 days to formally apply for a Gateway review.

- 2.2.8 The PAC will be required to provide advice to the Minister on whether the original Gateway determination should be altered.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The proposed changes relevant to delegations will result in decision making powers for matters of local significance being given to Council. This will result in Council having an increased ability to be involved in the decision making process and the responsibility for amending Pittwater's Local Environmental Plan for matters of local significance.

3.2 Valuing & Caring for our Natural Environment (Environmental)

N/A

3.3 Enhancing our Working & Learning (Economic)

N/A

3.4 Leading an Effective & Collaborative Council (Governance)

The proposed changes relevant to delegations will result in decision making powers for matters of local significance being given to Council. This will result in an increased local decision making process.

3.5 Integrating our Built Environment (Infrastructure)

N/A

4.0 EXECUTIVE SUMMARY

4.1 Changes are proposed to the procedure by which Planning Proposals amend Council's Local Environmental Plan (LEP).

4.2 The Hon Brad Hazzard MP has written to Council (**Attachment 1**) advising that he has delegated his functions under section 59 of the EP&A Act for the making of LEPs for local matters.

4.3 To be able to exercise these delegations, Council must write to the Department of Planning & Infrastructure (DP&I) advising that they are accepted. Council can nominate the officer/officers of Council who will be granted the proposed delegation. In accordance with section 381 of the Local Government Act 1993, the approval of Council is required to nominate the appropriate officer.

4.4 In addition to the above, the existing statutory arrangements to introduce 'independent reviews' of Planning Proposals have been formalised. These include:

- a) **Pre-gateway reviews** – which may be requested by a proponent (e.g. developer, landowner) if the council has notified the proponent that they do not support the proposal. Or the Council has not made a recommendation after 90 days.
- b) **Gateway reviews** – which may be requested by council or the proponent following a Gateway determination.

RECOMMENDATION

1. That the delegation of the Minister under section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans be accepted.
2. That the General Manager be given the authority to exercise the delegation to liaise with the Parliamentary Counsel and finalise Planning Proposals in accordance with Council's decision.
3. That the Independent Review process within the plan making process be noted.

Report prepared by
Andrew Pigott, Principal Planner - Strategic

Lindsay Dyce
MANAGER, PLANNING & ASSESSMENT

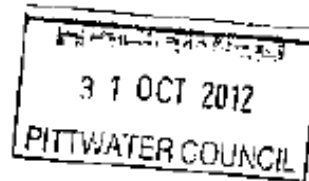
ATTACHMENT 1

Changes to Local Environmental Plan



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660



Dear Mr Ferguson,

In April 2012 the NSW Government called for public submissions on a draft policy statement to improve the local plan making process by returning local planning decisions to local councils and their communities, and by making the process more accountable. The proposed changes included formalising the existing statutory arrangements for two reviews within the plan making process (at both the pre and post Gateway determination stage) and introducing delegations to local government to make plans in certain circumstances.

Having considered the submissions received by the Department of Planning & Infrastructure, I now propose to introduce the changes. I note that in their reports released last month the Chairs of the Independent Review into the NSW planning system, the Hon Tim Moore and the Hon Ron Dyer, recommended that the reviews be implemented. The changes will commence on 1 September 2012.

To implement the new policy I have delegated to councils all my functions under section 59 of the *Environmental Planning and Assessment Act, 1979* for the making of Local Environmental Plans (LEPs). The delegations will operate in respect of draft LEPs for local matters where council receives an authorisation following the Gateway determination. For the first time councils will be fully empowered to complete the plan making process for these LEPs.

The Director General of the department has issued planning circular PS 12-006 about the two new reviews and the delegations. Delegations will routinely be issued for particular types of draft LEPs and these are specified in the circular. However, other types of draft LEPs will also be delegated to councils if the Gateway determines that the draft LEP is a local matter and that council should make the LEP.

To be able to exercise these delegations, your council must write to the department advising that they are accepted. Councils are also requested in their response to nominate the officers or employee of council who will be granted the proposed delegation. The name and position of the employee is required.

Council is reminded that the provisions of Section 381 of the *Local Government Act, 1993* require that such functions cannot be delegated to:

- a) The general manager, except with the approval of the council; or
- b) An employee of the council, except with the approval of the council and the general manager.

Further information on the administrative procedures for the various stages of the plan making process for delegated draft LEPs are available on the department's website at: <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

Council is asked to respond to this letter advising if it wishes to accept the delegation and identify the nominated council officers by Friday 30th November, 2012.

If you require any further information on this matter, I have arranged for Mr Neil Selmon, Director Planning Operations Coordination to respond. Mr Selmon may be contacted on (02) 9228 6258 or at Neil.Selmon@planning.nsw.gov.au.

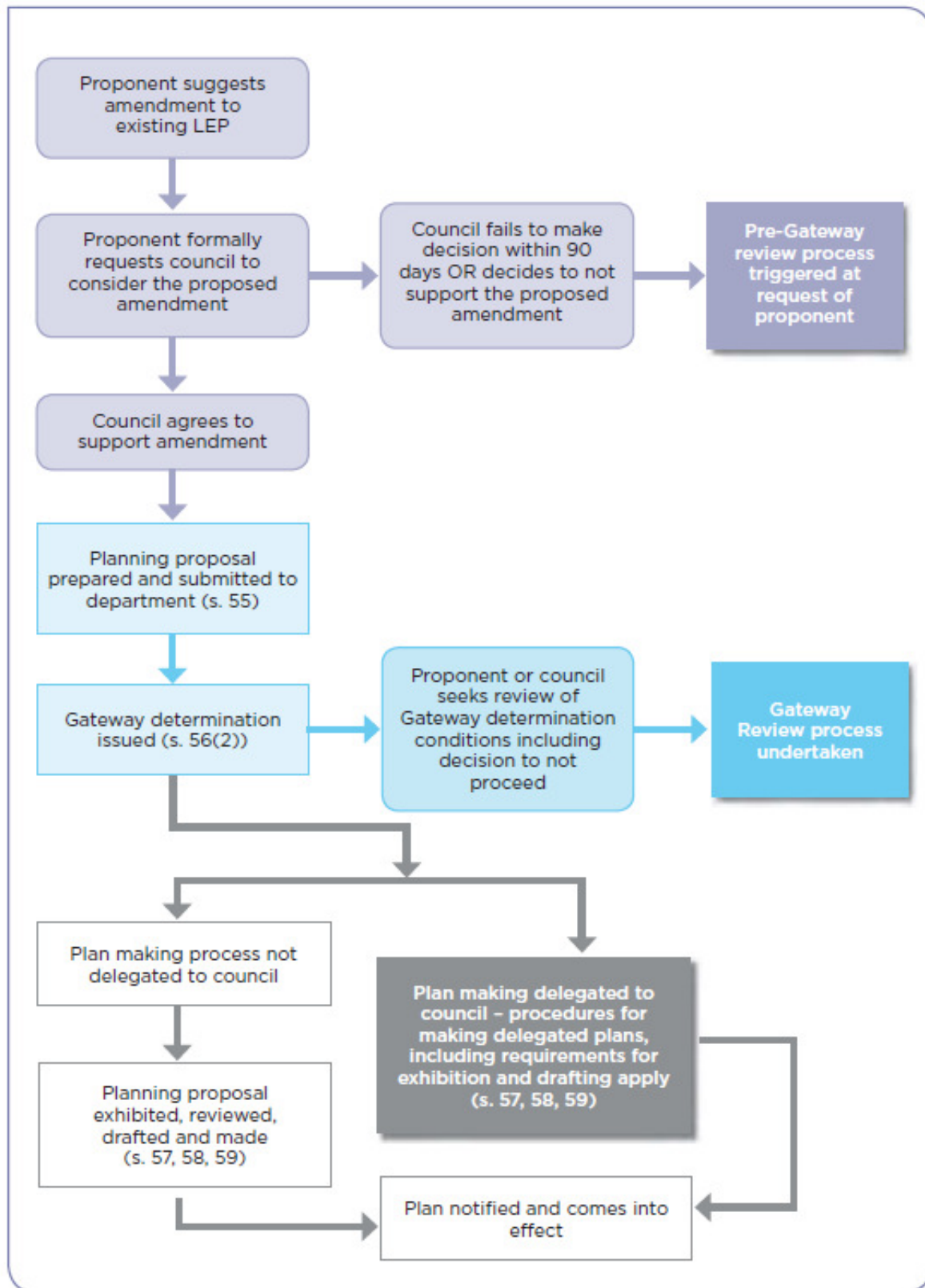
Yours sincerely



HON BRAD HAZZARD MP
Minister

ATTACHMENT 2

Changes to Local Environmental Plan



C12.7 Accessible/All Abilities Playgrounds in Pittwater

Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Recreational Management

ACTION: Continue to upgrade and enhance recreation spaces and facilities

PURPOSE OF REPORT

For Council to consider a forward strategy for development of Accessible/All Abilities playgrounds in Pittwater.

1.0 BACKGROUND

- 1.1 A Notice of Motion was considered at the Council meeting of 17 December 2012 in relation to staff providing a report to Council on future opportunities to enhance Pittwater's Playgrounds to better cater for children of all abilities and any possible amendment to Policy No 168 Children's Services to reflect this position.
- 1.2 Since the inception of Pittwater Council some two decades ago, staff have set out to develop innovative, unique playground experiences that attract children and adults to enjoyable play experiences. Each playground upgrade has involved the creation of a unique theme or play experience.
- 1.3 In this period, Council's playgrounds have become benchmarks used by other councils for the development of successful regional playgrounds.
- 1.4 There have been numerous recent trends in playground development that have come from the community at large looking for broader appeal for playgrounds and including playgrounds that offer recreational activities for children with disabilities.
- 1.5 Historically children with a disability have been generalised as children in wheelchairs with stand alone equipment for wheelchairs having been developed, ie the liberty swing. In retrospect, such pieces of equipment actually segregated some children rather than integrating them. Integration is the key to a successful all abilities playground.
- 1.6 All abilities playgrounds now developed at other location, in particular 'Livvi's Place' at Timbrell Park, Five Dock, incorporate a number of key design elements including:
 - mobility - allowing access to all equipment usually achieved through use of rubber soft-fall and specifically designed circulation paths
 - visual impairment - utilising subtle colour and textural changes on the ground plane, allowing better orientation without having to be led
 - hearing impairment - use of musical play elements to facilitate sound recognition through vibration and changes in pitch
 - spectrum disorders – requirement for safe zones again generally designated through colour demarcation of soft-fall throughout the playground allowing new experiences to develop learning and socialising skills in a safe and familiar space

- catering for adults – requirement for playgrounds to enable access and use by adults/supervising parents to participate in play with children.
- safety by design incorporated into the playground and its overall surrounds/setting.

The aim is to achieve a playground that enables children as well as parents and carers of all abilities and ages to play side-by-side in a safe, secure environment.

2.0 ISSUES

2.1 Many of Council's larger regional playgrounds have included all access principles and have been extremely successful. Given the specialised requirements of all abilities playgrounds and their relatively recent development, Council has not yet applied these design parameters to a specific park.

2.2 Currently Council staff have identified a number of playgrounds that are in need of refurbishment due to age and use. These include:

- Katoa Reserve, Warriewood
- Whitney Reserve, Mona Vale
- Village Park, Mona Vale
- Bert Payne Park, Newport
- Trafalgar Park, Newport.

2.3 Of these upgrades, it is proposed that Bert Payne Park, Newport Beach be redeveloped as an all abilities playground. This park is extremely popular given its beachside location, has level access, ample parking and is shaded by existing Norfolk Island Pine trees with existing amenities at the adjoining Surf Club that can be further modified.

2.4 Whilst Bert Payne playground will be the main park identified for a specific all abilities playground, Council staff will continue to include all access principles in the design of any new playground with selected elements of all abilities play included where possible.

2.5 Policy No 168 Children's Services

The current policy in relation to children's services generically deals with Council's services in relation to families and children as follows:

"By supporting and developing services and through community partnerships, Council will seek to improve access for all children, especially for children with special needs."

The proposed strategy in this report, providing purposely designed all accessible facilities, requires amendments to be made to the policy to highlight these attributes, as follows:

"By supporting and developing services and providing purposely design all accessible facilities and through community partnerships, Council will seek to improve access for all children, especially for children with special needs, including mobility, visual and hearing impairments and spectrum disorders."

2.6 Budget and Timing

Council allocates funding for specific playground upgrades through the adopted Delivery Plan or smaller refurbishments and general maintenance/repairs through the Playground Improvements Program. Council staff have identified playgrounds need urgent repairs as priorities and envisage the all abilities project could be undertaken in 2015/16 dependent on available funding and priorities, including grant funding assistance from the State Government.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The proposed all abilities playground strategy will serve to support children of all abilities catering for a broad range of special needs including mobility, vision and hearing impairments as well as spectrum disorders and connect both children and adults through play at local parks. This fosters acceptance, equality and social cohesion.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 All playgrounds will be sited so as not to disturb any natural environments with any proposed landscaping to complement the aesthetics of existing reserves.

3.2.2 The proposed all-abilities playground at Newport Beach will draw upon its natural environment in particular coastal and beach environment/vista and surrounding Greenspace and integrate this into the overall experience.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 Proposed playground upgrades will provide learning experiences for children of all abilities, as well as parents and carers, in a safe and secure environment.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 Facilities that cater for all abilities in our community are a practical example of effective collaboration, integration and inclusion.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 Playgrounds are part of the 'social infrastructure' and an all abilities playground(s) will add to the social fabric of Pittwater. Bert Payne Reserve at Newport Beach also effectively links with the beach, the Surf Club and the Village Centre.

4.0 EXECUTIVE SUMMARY

4.1 Council's playgrounds have set contemporary design standards for playgrounds across Sydney for many years.

4.2 The inclusion of children with disabilities and special needs has been identified as a definite need within this spectrum of play experiences and Council staff will include all abilities elements within any new playground refurbishment and have identified Bert Payne Playground as a location for a specific all abilities playground.

RECOMMENDATION

1. That Policy No 168 be amended to include reference to all abilities facilities.
2. That an all abilities playground at Bert Payne Reserve at Newport Beach be designed and costed and a further report to Council be provided including financial considerations with a view to being undertaken in the 2015/2016 Delivery Plan .

Report prepared by
Mark Eriksson, Landscape Architect

Les Munn
MANAGER, RESERVES & RECREATION

C12.8	Edmund Hock Avenue Avalon - Report on Resident Amenity and Safety Concerns
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Transport & Traffic

ACTION: Provide planning, design, investigation and management of traffic and transport facilities

PURPOSE OF REPORT

To update Council on progress regarding the investigation of resident concerns in respect to Edmund Hock Avenue.

1.0 BACKGROUND

- 1.1 After an address by residents at the meeting of 4 June 2012, Council considered a Notice of Motion – Safety & Amenity at Edmund Hock Avenue, Avalon Beach and resolved as follows:

“A report be presented to Council within 6 weeks on ways to improve the amenity and safety for residents, lessees and other users of Edmund Hock Avenue, Avalon Beach.”

- 1.2 Residents raised a number of concerns related to traffic and noise issues, and the dumping of goods in the lane and pathway adjacent to the Red Cross Shop.

- 1.3 After considering a report by staff at its meeting of 16 July 2012, Council in part resolved:

‘That a further report be presented to Council in October 2012 as to any further progress of the matters set out in this Agenda including inter alia any further consultation with stakeholders on matters affected by this Agenda’.

- 1.4 After considering a report by staff at its meeting of 15 October 2012, Council resolved in part:

‘That a final report be presented to Council in March 2013’

- 1.5 This report describes the progress of actions since July 2012.

2.0 ISSUES

2.1 Red Cross Shop – Avalon

2.1.1 History

- The Avalon Red Cross has been operating in Avalon for over 20 years. It is solely volunteer-run by Australian Red Cross Avalon branch members. Up to 68 volunteers operate the store averaging between 1 to 3 shifts per week. They are described by their Regional Coordinator as a ‘remarkable’, ‘inspirational’ team who are ‘very dedicated to the cause’.

- The tasks required to operate the store include sorting the donations, preparing and pricing donated goods (clothing, books, CD's, jewellery, etc), general housekeeping and customer service.
- The objective of the store is to raise much needed funds for the services provided by the Australian Red Cross (including National and International emergency services, Good Start Breakfast Clubs, and Tenant Connect) while reducing landfill by the recycling process. The Avalon Red Cross store is one of the most productive stores nationally. The success of the store is a result of the high amount of donations received and processed by the volunteers.
- The Avalon Red Cross store has a history of experiencing problems with community members dumping unsaleable items and rubbish at the collection point of their store, mostly after business hours. Of the overall goods donated, a high percentage are 'non shop quality items / rubbish', including large furniture items, mattresses, broken items, torn and soiled clothing, and electrical items. The volunteers sift through 'mountains of donations' daily. The non-saleable items need to be removed from the site at the cost of approximately \$17,000 per annum. Most of these items are taken to Kimbriki Tip. The proportion of volunteers at the Avalon store are 'mature aged' and find activities such as moving mattresses, furniture, and sifting through rubbish quite a challenge.
- Avalon Red Cross has also raised concerns about the area of their site which backs onto Edmund Hock Avenue being unsecured, therefore accessible to people choosing to use the space in an anti-social manner. They have also experienced their property being vandalised, as well as donated items left that are of value being stolen.

2.1.2 Progress since last update to Council

- Council staff have continued discussions with the Regional Coordinator of Red Cross around possible solutions to help address the issues. Red Cross has installed CCTV cameras around their Avalon store: 3 outside and 1 inside the premises. They are about to install an additional camera outside.
- Red Cross Avalon now only accepts donations during the store's operating hours which are Monday to Friday, 9am – 5pm, and Saturday 9am – 12pm. They have new signage that states any items left on the public area outside of the premises will be deemed as illegal dumping and prosecutions may result if the perpetrator is able to be identified. Red Cross is about to have another sign erected to ensure their hours of operation and acceptance of donations will be made even clearer to the public.
- The option of erecting a fence around the back area of the shop was presented at a recent Red Cross Avalon branch meeting. However the volunteers decided against this recommendation out of fear that the number of good quality donations would also recede with the non-saleable items.
- Red Cross has purchased a second clothing donation bin for their Avalon store. It is placed at the back of the premises and has contributed to a reduction of clutter and general untidiness of the area.
- In the new financial year, paid staff will be recruited for the Red Cross Avalon store for the positions of part time manager, and casual staff. Management made the decision to employ paid staff to assist the volunteers based on the size of the store. It is anticipated that in the future, staff and volunteers together will manage the amenity of the store and surrounds.

Red Cross Avalon has noted a reduction in the amount of large, un-saleable items being dumped at their store, as well as the back area of the premises presenting generally tidier. It is hoped that these measures will continue to reduce the issues that have arisen in the past. Council can assist by promoting the new policy/procedure of only accepting donations during the Avalon store's operating hours.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The proposed actions will result in positive improvements to the safety, health and wellbeing of both residents and road users.

3.2 Valuing & Caring for our Natural Environment (Environmental)

Not Applicable

3.3 Enhancing our Working & Learning (Economic)

Not Applicable

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The proposed actions have originated from community input.

3.5 Integrating our Built Environment (Infrastructure)

Not Applicable

4.0 CONCLUSION

4.1 The actions which Red Cross have already taken, alongside those currently being undertaken or still being considered, should significantly reduce the impact of dumping on both the Red Cross and the amenity of neighbouring residents.

4.2 Continuing dialogue with the Red Cross and implementation of the strategies being considered by the Red Cross should improve the situation for all stakeholders.

5.0 EXECUTIVE SUMMARY

5.1 Council, at its meeting of 4 June 2012, adopted a Notice of Motion requiring an investigation and report by 16 July 2012 of the concerns of residents in respect to several matters affecting Edmund Hock Avenue.

5.2 Upon consideration of the report at its meeting of 16 July 2012, Council resolved to continue investigations and report again in October 2012.

5.3 Further consultation was carried out with the Red Cross and neighbouring residents to discuss the matters of concern around traffic and illegal dumping of goods.

5.4 The Red Cross store has been operating a store in Avalon for over 20 years and is currently recognised as one of the most productive stores nationally.

- 5.5 The Red Cross have made changes in response to issues raised by their neighbours, and continue to consider other options regarding security, safety, and staffing.
- 5.6 Council staff will remain in contact with the Red Cross to monitor the implementation of the strategies put forward to reduce illegal dumping, and the safety and security of the area.
-

RECOMMENDATION

1. That the update on issues associated with Red Cross Avalon store be noted.
2. That the General Manager write to the Red Cross NSW Executive Director thanking them for their efforts so far in improving issues associated with 'dumping' around their Avalon store. In addition, the General Manager ask Red Cross management to continue to explore any other reasonable options to ameliorate the impacts that their operation has on the amenity of the surrounding area.

Report prepared by

Lindsay Godfrey

MANAGER – COMMUNITY, LIBRARY & ECONOMIC DEVELOPMENT

C12.9	Minutes of the Planning an Integrated Built Environment Reference Group held on 20 February 2013
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Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Planning an Integrated Built Environment Reference Group Minutes of 20 February 2013 (see **Attachment 1**).

1.0 BACKGROUND

1.1 The Planning an Integrated Built Environment Reference Group was established by Council to consider matters involving goals and initiatives contained in the key direction of Council's Strategic Plan – Integrating Our Built Environment.

1.2 The strategic objectives within the associated key direction are:

- Asset Management Coordination Strategy
- Energy Efficiency Strategy
- Land Use & Development Strategy
- Town & Village Strategy
- Transport & Traffic Strategy

1.3 To fulfil its role, the Planning an Integrated Built Environment 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 solutions,
- consideration of implications from strategic initiatives and their likely impact on the local community; and feedback to Council on behalf of the community.

2.0 ISSUES

2.1 PIBE4.1 – Community Strategic Plan Review Update

Reference points

1. The Reference Group thank thanked Simonne Johnston, Corporate Planner for her presentation.
2. In conjunction with the finalisation of the Community Strategic Plan, the next step is to develop the Delivery Program 2013-2017. This includes translating community objectives into Delivery Program Actions for the next four years. Actions will be developed using a range of plans such as the Social Plan, Economic Development Plan, LEP, Walks & Rides, Open Space Strategy, Plans of Management etc

3. A Budget will also be developed in line with the action planning and the draft Delivery Program & Budget will be on public exhibition for a month following the Council meeting held on 15 April 2013.
4. A verbal presentation will be given on the progress of developing Pittwater's Community Strategic Plan - Pittwater 2025 and the next steps including the development of the Delivery Plan 2013-2017.

2.2 PIBE4.2 – Review of Reference Groups

Reference Points

1. The Reference Group thank thanked Ms Jane Mulroney for her presentation.
2. That the survey findings highlighted in this report be noted.

2.3 PIBE4.3 – Pittwater Local Environmental Plan 2013 - Update

Reference Points

1. That the report and the Community Engagement Strategy be noted.
2. That the PIBE Reference Group be kept updated regarding the progress of the Pittwater Standard Instrument Local Environmental Plan.

2.4 PIBE4.4 – Pittwater Local Planning Strategy Review

Reference Point

That the report in relation to the review of the *Pittwater Local Planning Strategy* be noted by the PIBE Reference Group.

2.5 PIBE4.5 – Community Based Heritage Study Review - Update

Reference Points

1. The PIBE Reference Group note the contents of this report.
2. That Council staff, consultants and the Working Group continue to work towards the preparation of the Community Based Heritage Study.
3. Future Community Based Heritage Studies include a longer period for nomination of items.
4. That where sites, themes and objects have missed the deadline for nomination, they continue to be registered for use in future heritage studies.

2.6 PIBE4.6 – Village Centre and Industrial Lands Audit

Reference Point

That the report in relation to the second Village Centre and Industrial Lands Audit be noted by the PIBE Reference Group.

2.7 PIBE4.7 – Sustainability Principles and Checklist Marketing Program and Content Update

Reference Points

1. Recommends strongly that the Sustainability principles be incorporated as a necessary part of the Development Application process by Pittwater Council along the lines of Willoughby Council.
2. That Council to talk to other Councils regarding how sustainability is being incorporated into the Development Application process and to report to the next reference group meeting.
3. That part of this process be a work group meeting of reference group members, and other interested people be convened after the White Paper is released. Failing the release of the White Paper a meeting be held within the next 6 – 8 weeks.
4. That the reference group wishes to convey thanks to the members of the sustainability checklist working party.

2.8 PIBE5.0 – Emerging Business

Reference Points

1. That this reference group encourage Council to write to the relevant Local Members and State Government for the residents of Pittwater defining the importance to upgrade Mona Vale Road from Pittwater Road to Terrey Hills.
2. That the wildlife connectivity, aboriginal heritage and minimal impact on the national parks are important issues that must be addressed in any future development along Mona Vale Road.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the outcome of discussion papers on Strategic issues and to present Reference Points of the Planning an Integrated Built Environment Reference Group contained in the minutes of the meeting of 21 November 2012.

RECOMMENDATION

1. That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 20 February 2013 be noted.
2. That in accordance with Reference point 4.7 a meeting be held with a Reference group working party to discuss the Development Application process and sustainability checklist.
3. That in accordance with Reference Point 5.0 the Local member Mr Rob Stokes be requested to pursue upgrading of Mona vale Road from Terry Hills to Pittwater road and that full regard to protecting wildlife, aboriginal heritage and National Parks be incorporated into the design and construction.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Planning an Integrated Built Environment Reference Group

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

20 February 2013

Commencing at 4:00pm

Steve Evans
DIRECTOR, ENVIRONMENTAL PLANNING &
COMMUNITY

ATTENDANCE

Cr Grace, Chairperson
Cr Griffith

Representatives from the following organisations:

Avalon Preservation Association, Mr Peter Mayman
Bayview - Church Point Residents Association, Mr Steve Richmond
Clareville and Bilgola Plateau Residents Association, Mr Ray Mills
Climate Action Pittwater, Ms Linda Haefeli
Friends of Narrabeen Lagoon Catchment Committee, Ms Jacqui Marlow
Newport Residents Association, Ms Selena Webber
Newport Residents Association, Mr Nick Rogers
Palm Beach & Whale Beach Association, Ms Merinda Rose
Scotland Island Residents Association, Mr Greg Roberts

and the following Council Advisors

Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy
Ms Simonne Johnston, Corporate Planner
Mr Andrew Pigott, Principal Officer (Strategic)
Ms Monique Tite, Senior Strategic Planner
Mr Andreas Olsen, Strategic Planner
Ms Sherryn McPherson, Administration Officer/Minute Secretary

Observer

Pittwater Resident Representative, Mr Tony Edye

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

Planning an Integrated Built Environment Committee Meeting

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PIBE4.7	Sustainability Principles and Checklist Marketing program and content Update	
5.0	Emerging Business	
6.0	Next Meeting	

1.0 Apologies

1. Apologies were received from:

- Mr Steve Evans, Director, Environmental Planning & Community
- Mr Lindsay Dyce, Manager - Planning and Assessment
- Mr David Palmer, Ingleside Residents Landcare Group Inc
- Mr Andrew McIntosh, Newport Residents Association
- Mr James Owen, Pittwater Resident Representative
- Ms Natasha Connolly, Pittwater Resident Representative
- Ms Julia Alston, Pittwater Resident Representative
- Mr Geoff Sheppard, Clareville and Bilgola Plateau Residents Association

and leave of absence was granted from the Planning an Integrated Built Environment Reference Group Meeting held on 20 February 2013.

2. The Reference Group members accepted the apologies.

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 21 November 2012, be confirmed as a true and accurate record of that meeting.

(Ms Jacqui Marlow / Mr Greg Roberts)

4.0 Discussion Topics

PIBE4.1 Community Strategic Plan Review Update

Proceedings in Brief

Ms Simonne Johnston, Corporate Planner addressed the meeting on this item.

A PowerPoint presentation was given on the Community Strategic Plan Review and is attached to the Minutes at **Attachment 1**.

A Public workshop will be held on 20 March from 6.00 to 7.30pm at Mona Vale Golf Club, to obtain feedback from the Community regarding Community engagement outcomes for the objectives, challenges and opportunities within Pittwater (refer **Attachment 2**).

Members of the Planning an Integrated Built Environment Reference group were commended on their input into the Community Strategic Plan.

REFERENCE GROUP RECOMMENDATION

1. The Reference Group thank thanked Simonne Johnston, Corporate Planner for her presentation.
2. In conjunction with the finalisation of the Community Strategic Plan, the next step is to develop the Delivery Program 2013-2017. This includes translating community objectives into Delivery Program Actions for the next four years. Actions will be developed using a range of plans such as the Social Plan, Economic Development Plan, LEP, Walks & Rides, Open Space Strategy, Plans of Management etc
3. A Budget will also be developed in line with the action planning and the draft Delivery Program & Budget will be on public exhibition for a month following the Council meeting held on 15 April 2013.
4. A verbal presentation will be given on the progress of developing Pittwater's Community Strategic Plan - Pittwater 2025 and the next steps including the development of the Delivery Plan 2013-2017.

(Mr Nick Rogers / Ms Merinda Rose)

PIBE4.2 Review of Council's Reference Groups

Proceedings in Brief

Ms Jane Mulroney - Principal Officer, Community Engagement addressed the meeting on this item.

Discussion Points:

Q: Will the Community Groups be able to nominate alternate members within their local Associations and share their role within the group?

A: In the next term of appointment for Reference Group members, it is recommended that 1 member commit to attending the meetings. In the instance a member is unable to attend an Alternate Delegate is welcomed on your behalf.

The alternate delegate should be the same person because if an alternate member was to attend on each occasion, there would not be the same consistency to discussions and delegates may be uninformed of prior discussion on the topic. The value of having the same delegate is very important and creates an environment for more effective discussion.

Q: Is it possible to have more than one representative be elected as part of the Reference Group?

A: Council appreciates and welcomes the communities input at the reference group meetings. However in the next term Council will consider limiting the number of members from 16 to 14. Council would like to have as many community representatives involved as possible but it is thought that limiting numbers provide more opportunity for each member appointed to have an input on each topic.

Q: What happened to the 55 – 65 age demographic?

A: It was an anonymous survey and 7 people choose not to answer that question and not to identify their age.

Q: Can you represent more than 1 group?

A: Yes, you are welcome to nominate on behalf of various groups and report the outcomes of the Reference Group meetings to these groups and associations.

Q: Can we encourage other Groups and Associations to come and observe the meetings if they do not get appointment to a Reference Group next term.

A: Observers are welcome however they are to strictly observe and will not be able to have any input into the discussions.

Q: When will members receive notification and procedures for re-appointment to the Planning an Integrated Built Environment Reference Group?

A: All Members will receive a letter in March to encourage members to apply / re apply for the next term on the Planning an Integrated Built Environment Reference Group. Members are also encouraged to distribute the appointment letters to other

REFERENCE GROUP RECOMMENDATION

1. The Reference Group thank thanked Ms Jane Mulroney for her presentation.
2. That the survey findings highlighted in this report be noted.

(Merinda Rose / Ms Linda Haefli)

PIBE4.3 Pittwater Local Environmental Plan 2013 - Update

Mr Andrew Pigott, Principal Officer (Strategic) addressed the meeting on this item.

Matters arising from the discussion:

Q: Has the Department of Planning & Infrastructure (DP&I) made any amendments to the document?

A: There have been no fundamental changes to the document besides some minor mapping amendments. The document will be on exhibition from 16 March to 10 April and it is possible additional changes will be made following exhibition.

Q: Have sustainability principles been incorporated into the new LEP?

A: Yes, insofar as possible sustainability principles have been incorporated into the LEP, especially in regards to Zoning.

Q: Pittwater Council has implemented a lot of time into creating the new LEP. Will this document stand in the Land and Environment Court?

A: Yes they will take the current LEP adopted by Council it into consideration.

Q: The DP&I encourage Council to continue with the creation of a new LEP. However, there are changes proposed within the new Planning Act that may impact on the LEP, with each Council being required to have a Local Land Use Plan, will this replace the LEP?

A: The form or shape of the new Planning Act is still unknown but Council / Local Government Associations are hopeful that the LEP will be incorporated into the Local Land Use Plan. The Minister will be releasing that the White Paper within the next 5-6 weeks. Councils are waiting to see what is contained in this document and what it means for Planning NSW in regards to the status of the LEP.

Q: Council has been working with LEP for the last 15yrs plus with all the time allocated in reworking this document which will not be completed until later this year, this proves impossible to have our LEP prior to the implementation of the white paper deadline. Is Council wasting time in reworking the LEP?

A: Council is doing what we can to progress the LEP and the Minister has confirmed that it is beneficial for Councils to continue to work with the standard instrument LEPs.

REFERENCE GROUP RECOMMENDATION

1. That the report and the Community Engagement Strategy be noted.
2. That the PIBE Reference Group be kept updated regarding the progress of the Pittwater Standard Instrument Local Environmental Plan.

(Mr Stephen Richmond / Cr Griffith)

PIBE4.4 Pittwater Local Planning Strategy Review

Mr Andrew Pigott, Principal Officer (Strategic) addressed the meeting on this item.

Matters arising from the discussion:

Q: Will secondary dwellings be considered as a dwelling in the future to assist Pittwater Council with meeting housing targets?

A: Yes, secondary dwellings will be considered and will assist Pittwater Council in meeting housing targets.

Q: Has Council received many applications seeking approval for the implementation of a secondary dwelling and can we help encourage people to do this?

A: Yes, Council has received quite a few applications for secondary dwellings however exact numbers can not be confirmed at the meeting today. Council can work with the community and encourage residents to build secondary dwellings where appropriate but can not force residents to do so.

Q: Secondary dwelling, make sense to split house. Restrictions Dual Occupancy

A: It is important to achieve balance regarding what is reasonably expected in a residential setting.

Q: When does the Exhibition close for the Pittwater Local Planning Strategy and what is the deadline for comments?

A: The document will go on exhibition around the middle of the year. It is estimated that residents will have at least one month to provide comments on this document. Once the Pittwater Local Planning Strategy has been finalised a report will be submitted to council.

REFERENCE GROUP RECOMMENDATION

That the report in relation to the review of the *Pittwater Local Planning Strategy* be noted by the PIBE Reference Group.

(Stephen Richmond /Merinda Rose)

Note:

Mr Peter Mayman, Avalon Preservation Association joined the reference group meeting at 4.47pm.

PIBE4.5 Community Based Heritage Study Review - Update

Monique Tite, Senior Strategic Planner addressed the meeting on this item.

Matters arising from the discussion:

Q: When will the residents be able to nominate historic themes?

A: The draft is a consolidated study which includes the Assessment Inventory Forms and included all the listings and themes. The themes are selected by the consultant from a list set by the Heritage Office. Each nominated item was linked to a relevant theme by the consultant, in consultation with the working group. For this study there was only 1 round of item nominations and there is no plan to go back to the Community for nominations of themes.

The final working group meeting for this study will be held on the 28 February 2013.

Q: In regards to the progress of the study, is Council happy with the way the consultant has prepared this?

A: It was difficult to predict how many nominations would be received. Other Councils have had only 5 nominations, Pittwater received more than 130. Council would like to see this project concluded soon however researching each item and performing site visits have been very time consuming.

Q: In regards to items incorporated into the heritage list, does this provide protection for these items?

A: It does provide a level of protection for items but it is not guaranteed. It is still possible for people to apply to remove items

Q: For future Community based Heritage Studies, can we provide the Community with more time to nominate items?

A: Council was under strict deadlines set by the State Government to complete certain stages of the project in order to receive Grant funding. We can take this into consideration for future Heritage studies.

REFERENCE GROUP RECOMMENDATION

1. The PIBE Reference Group note the contents of this report.
2. That Council staff, consultants and the Working Group continue to work towards the preparation of the Community Based Heritage Study.
3. Future Community Based Heritage Studies include a longer period for nomination of items.
4. That where sites, themes and objects have missed the deadline for nomination, they continue to be registered for use in future heritage studies.

(Selena Webber / Peter Mayman)

Note:

Ms Selena Webber, Newport Residents Association left the meeting at 5.07pm

PIBE4.6 Village Centre and Industrial Lands Audit

Mr Andreas Olsen, Strategic Planner addressed the meeting on this item.

Matters arising from the discussion:

Q: In the report you note a difficulty in comparing year to year due to different categorization. Is Council confident that it will be able to compare in the future?

A: An audit of this kind is not perfect, however, modifications to the categories from year 1 to year 2 will result in a more accurate picture of Pittwater LGA. As stated in the report, there will be variations to the data subject to interpretations, which are subjective. The data will be captured and validated to ensure variations, due to interpretations, are identified and minimised.

REFERENCE GROUP RECOMMENDATION

That the report in relation to the second Village Centre and Industrial Lands Audit be noted by the PIBE Reference Group.

(Jacqui Marlow /Greg Roberts)

PIBE4.7 Sustainability Principles and Checklist Marketing Program and Content Update

Mr Greg Roberts, Scotland Island Residents Association addressed the Reference Group on this item.

Matters arising from the discussion:

Q: Can Council review the Willoughby Council document and look at implementing a similar process for mandatory sustainability requirements?

A: We have reviewed the Willoughby Council document and several other council's documents as well. While we recognise these documents are well constructed the issue we have is that the State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 states that the competing provisions of an LEP or DCP in relation efforts to reduce consumption of main-supplied water, reduce emissions of greenhouse gases or to improve thermal performance are of no effect. That is, the SEPP BASIX over-rides Council's planning documents. Therefore we are somewhat limited in terms of what we are reasonably able to include in our LEP and/or DCP.

When SEPP BASIX was first introduced we were advised that it was only a first step and that the intention was to gradually ratchet up the threshold requirements. However, this has not happened. We continue to lobby Department staff to pursue this option and suggest that this group do the same.

Council does have sustainable principles incorporated into the DCP.

Council would like to introduce the Green Star rating for commercial / industrial buildings and residential sustainable guidelines. It is possible that the DCP will be affected by the introductory of the white paper and may not exist in the future. Council will need to review the upcoming White Paper and decipher what weight the DCP will hold in going forward with those types of controls.

Q: Is it possible to implement the Green Star guidelines without the DCP?

A: The Green Star Guidelines are not a recognized rating tool by the State Government nor adopted by Cabinet therefore we could not introduce the guidelines into either the LEP.

Q: How is it possible that if a Geotechnical report is required and supported by policy we can not introduce a Sustainability Policy?

A: Council can implement Sustainability Principles into the Development Application Process which will educate the community and recommend sustainability principles be incorporated into developments / renovations but we can not enforce this.

Council can increase the prominence of sustainability on our website, include into documents and market the principles to raise awareness to the community. This will educate the community on these principles and provide them with a choice for incorporating these principles when renovating or building.

Q: How did Council create the Geotechnical report which is essential for Development applications and how was this implemented into a policy?

A: Council requires the Geotechnical Report policy enforced with development applications especially when you are undertaking works in slip affected areas.

Q: Can Council perform a political action to encourage the State Government to amend the SEPP legislation?

A: The reference group and staff can approach Councillors or lobby with Department of Planning and State Government to attempt to amend legislation which would benefit the community.

At this point going forward will be the release of the white paper. In the interim Council can liaise with other Councils and find out how they work with this policy.

Q: Is it possible for Council to look at what opportunities exist for sustainability items not identified by the legislation for incorporation into Policy that is enforceable?

A: Council can investigate if any opportunities exist and what the SEPP has excluded other than energy and water and report back to the next meeting.

2 -3 key people to create a working group meeting to assemble a way forward

REFERENCE GROUP RECOMMENDATION

1. Recommends strongly that the Sustainability principles be incorporated as a necessary part of the Development Application process by Pittwater Council along the lines of Willoughby Council.
2. That Council to talk to other Councils regarding how sustainability is being incorporated into the Development Application process and to report to the next reference group meeting.

3. That part of this process be a work group meeting of reference group members, and other interested people be convened after the White Paper is released. Failing the release of the White Paper a meeting be held within the next 6 – 8 weeks.
4. That the reference group wishes to convey thanks to the members of the sustainability checklist working party.

(Mr Greg Roberts / Ms Linda Haefeli)

5.0 Emerging Business

Reference group members are concerned that Roads and Maritime Services (RMS) are only developing the section of Mona Vale Road from Terrey Hills to the Bahai Temple. It would be highly beneficial they complete Mona Vale Road from Pittwater Road through to Terrey Hills.

REFERENCE GROUP RECOMMENDATION

1. That this reference group encourage Council to write to the relevant Local Members and State Government for the residents of Pittwater defining the importance to upgrade Mona Vale Road from Pittwater Road to Terrey Hills.
2. That the wildlife connectivity, aboriginal heritage and minimal impact on the national parks are important issues that must be addressed in any future development along Mona Vale Road.

(Jacqui Marlow / Nick Rogers)

Or approved draft community policy and will go on public exhibition

6.0 Next Meeting

The next meeting of the Planning an Integrated Built Environment will be held on the 15 May 2013 at the Coastal Environment centre commencing at 4.00pm.

**There being no further business
the meeting closed at 6.07pm on
Wednesday 20 February 2013**

Council Meeting

13.0 Adoption of Governance Committee Recommendations

**14.0 Adoption of Planning an Integrated Built Environment
Committee Recommendations**

Confidential Advice

"Commercial in Confidence"

**Confidential - Tender Evaluation - Tender T13/12 Management Services
for Currawong Beach Cottages**

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No: C12.5

Matter: Tender T13/12 Management Services for Currawong Beach Cottages

From: Paul Reid
MANAGER – CORPORATE STRATEGY AND COMMERCIAL

Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

The abovementioned matter is listed as Item No. C12.5 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Paul Reid
MANAGER – CORPORATE STRATEGY AND COMMERCIAL

Confidential - Tender Evaluation - Tender T13/12 Management Services for Currawong Beach Cottages

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	Glenn Davis	Principal Officer, Corporate Strategy and Commercial
Member	Anita Royle	Administration Assistant, Corporate Strategy and Commercial
Member	Mark Jones	Chief Financial Officer
Member	Paul Reid	Manager, Corporate Strategy and Commercial
Independent	Peter Baartz	Senior Officer Procurement & Fleet

Note: Each panel member was required to declare any conflict of interest or pecuniary interest associated with the tender or any of the Companies that have submitted a tender

1.0 SCOPE

- 1.1 Pittwater State Park (which includes Currawong Beach Cottages) was created by the NSW Government in 2011, at which time Pittwater Council was appointed as Interim Reserve Trust Manager. As Interim Trust Manager, Council is the legal entity which has the "effective ownership" of this Reserved Crown Land for the purposes of managing the Reserve on behalf of the Crown (that is, the NSW Government).
- 1.2 Therefore, as Interim Reserve Trust Manager, Council is empowered (under the Crown Lands Act) to make decisions regarding the use and management of the Reserve and to implement those decisions.
- 1.3 Subsequent to its appointment as Interim Trust Manager, Council engaged the then managers of Currawong Beach Cottages (who were appointed by both prior owners of the site) on a limited term contract to continue managing the facility. It was a commercially prudent decision to continue with the existing managers at that time to ensure a smooth transition to ownership by the NSW Government and Council assuming the Trust responsibilities for the site.

Consistent and ongoing management was also considered desirable to reduce operational burdens during the start up phase of Council management, given the peculiarities of the site. The current contract with the managers expired in early March and continues on a week to week basis until a successful Tenderer is appointed. Therefore, a tender is necessary in order to appoint longer-term managers beyond this immediate time.

- 1.4 This tender is for Management Services (which includes management of the site 24 hours per day, seven days per week; caretaking and cleaning services) for Currawong Beach Cottages. Tenders were called with a view to having new arrangements in place from early April, in preparation for Easter School Holidays. In view of the nature of the facility and its constraints (heritage listing, geotechnical issues, condition of built structures and infrastructure, accessibility and logistical issues, flora and fauna), a mandatory site familiarisation and inspection was imposed on prospective tenderers so that informed proposals were submitted. This represented a sound risk management approach to ensure that tenderers fully accounted for the challenges presented by the site and facilities and that both realistic and sustainable proposals were submitted by tenderers.

2.0 TENDERS RECEIVED

Four (4) tenders containing four (4) proposals were received via Tenderlink and the Tender Box and duly registered by Council.

All tenders were checked arithmetically and were in raw order as shown at Table 1:

Table 1 – tendered price

Contractor	Tender Price (incl GST)	Ranking
<i>RWW Plants Pty Ltd</i>	<i>\$ 663,529</i>	<i>1</i>
<i>A+ Management Services</i>	<i>\$748,000</i>	<i>2</i>
<i>Eco Inn (Australasia) Pty Ltd</i>	<i>\$ 910,500</i>	<i>3</i>
<i>Tempnet Personnel Placement</i>	<i>\$ 1,240,163</i>	<i>4</i>

3.0 TENDER EVALUATION

3.1 Stage 1: Tender Compliance and initial cull

(a) RWW Plants Pty Ltd, A+ Management Services and Tempnet Personnel Placements Pty Ltd complied in general and supplied the required forms to allow Stage 2 assessment.

(b) The submission received from Eco Inn (Australasia) Pty Ltd indicated non-compliance at Form 10 and was deemed by the panel to be non-conforming due to non-attendance at either of the two mandatory site briefings. Refer to Attachment 1 Evaluation Score Sheet for an assessment of tender compliance.

3.2 Stage 2: Detailed Evaluation of Remaining Tenders

(a) The tender received from Tempnet Personnel Placements Pty Ltd was culled during Stage 2 of the evaluation.

- The response from the tenderer to Form 6, Work Health & Safety was deemed by the panel to be of a poor standard and not meeting Council's base requirements for the criteria. The tender was therefore not considered further.
- All remaining tenders (2) were scored appropriately and moved to the next stage of the evaluation.

3.3 Stage 3: Comparative analysis of Remaining Tenders

- The lowest price tender received from RWW Plants Pty Ltd for the management of Currawong Beach Cottages in the amount of \$ 663,529.00 including GST is recommended for acceptance.
 - The offer from RWW Plants Pty Ltd is the most cost effective to Council for the contract period offered
 - The tenderer is the incumbent at site and best able to demonstrate a proven track record in running a heritage listed site.
 - The pricing offered is cheaper than the current pricing levied by this tenderer
- The second lowest tender received from A+ Management Services in the amount of \$748,000.00 including GST is not recommended for acceptance.
 - Whilst an innovative offer was received, the panel deemed the financial offer to be poorly defined and posed a significant commercial risk should the unrealistic assumptions not eventuate
- Refer to Attachment 2 Pricing for details of the cost elements of these two complying tenders.

4.0 FINANCIAL ASSESSMENT

An assessment of the recommended tenderer is being carried out through financial reporting agency Corporate Scorecard Pty Ltd. The tenderer will be confirmed as the recommended tenderer pending the outcomes of the financial reports and found to be of good financial standing and capable of carrying out the proposed contract.

The rates submitted by the recommended tenderer are within the range deemed to be commercially appropriate – indeed, the tendered amount for management services is lesser than the current contracted amount. The tendered amounts for management services and cleaning services are within the budget allocated for this financial year.

ATTACHMENTS to Confidential Report

The following attachments form part of this Confidential Report:

Attachment 1 – Pittwater Council Evaluation Score Sheet

Attachment 2 – Pricing

5.0 RECOMMENDATION of TEP To Council

1. That, the Tender received from RWW Plants Pty Ltd for the management of Currawong Beach Cottages in the amount of \$ 663,529.00 including GST, for the contract period of four (4) years be adopted.
2. That the General Manager be authorised to sign all contract documentation required for the execution of Tender T13/12 and to make payments and consider variations in accordance with delegations of authority.
3. That upon Council resolution, the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

ATTACHMENT 1- PITTWATER COUNCIL EVALUATION SCORE SHEET

T13/12 – MANAGEMENT OF CURRAWONG BEACH COTTAGES

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	RWW Plants Pty Ltd	A+ Management Services	Tempnet Personnel Placements	Eco Inn (Australasia) Pty Ltd
MANDATORY CRITERIA			Score PASS/FAIL	Score PASS/FAIL	Score PASS/FAIL	Score PASS/FAIL
Compliance with Conditions of Tender and submission of all documentation	All Forms	Pass/Fail	PASS	PASS	PASS	FAIL
Financial capacity	Form 2	Pass/Fail	PASS	PASS	PASS	
Compliance with Work Health and Safety legislation and the requirements of Workcover	Form 6	Pass/Fail	PASS	PASS	FAIL	
Insurance	Form 7	Pass/Fail	PASS	PASS	PASS	
Non compliance and Qualifications	Form 10	Pass/Fail	PASS	PASS	PASS	
Environmental Sustainability Questionnaire	Form 8	Pass/Fail	PASS	PASS	PASS	

ATTACHMENT 1 - PITTWATER COUNCIL EVALUATION SCORE SHEET (continued)

T13/12 – MANAGEMENT OF CURRAWONG BEACH COTTAGES

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	RWW Plants Pty Ltd		A+ Management Services		Tempnet Personnel Placements	Eco Inn (Australasia) Pty Ltd
SCORED CRITERIA			Score	Weighted	Score	Weighted	CULLED	CULLED
Financial Offer – see explanatory notes in Form 1	Form 1	36%	100	36	95	34		
Experience in tourism operations	Form 3	36%	70	25.2	60	21.6		
Experience in marketing and promotions	Form 3	12%	55	6.6	65	7.8		
Proposed management and operation of the facility	Form 9	8%	70	5.6	70	5.6		
Experience in operations and systems	Form 3	6%	70	4.2	50	3		
Experience in operation of heritage properties	Form 3	2%	70	1.4	10	0.2		
TOTALS		100%	79		72.2			

ATTACHMENT 2 - PRICING

T13/12 – MANAGEMENT OF CURRAWONG BEACH COTTAGES

Item – totals for 4 year contract period	RWW Plants Pty Ltd	A+ Management Services	Eco-Inn (Australasia) Pty Ltd	Tempnet Personnel Placements
Management/Caretaking Service	\$ 466,900.00	\$ 682,000.00	\$705,500	\$1,115,144
Cleaning Service	\$ 112,957.00	\$ 66,000.00	\$205,000	\$125,019
TOTALS	\$ 663,529.00	\$ 748,000.00	\$910,500	\$1,240,000
			culled	culled