



PITTWATER COUNCIL

Agenda

Council Meeting

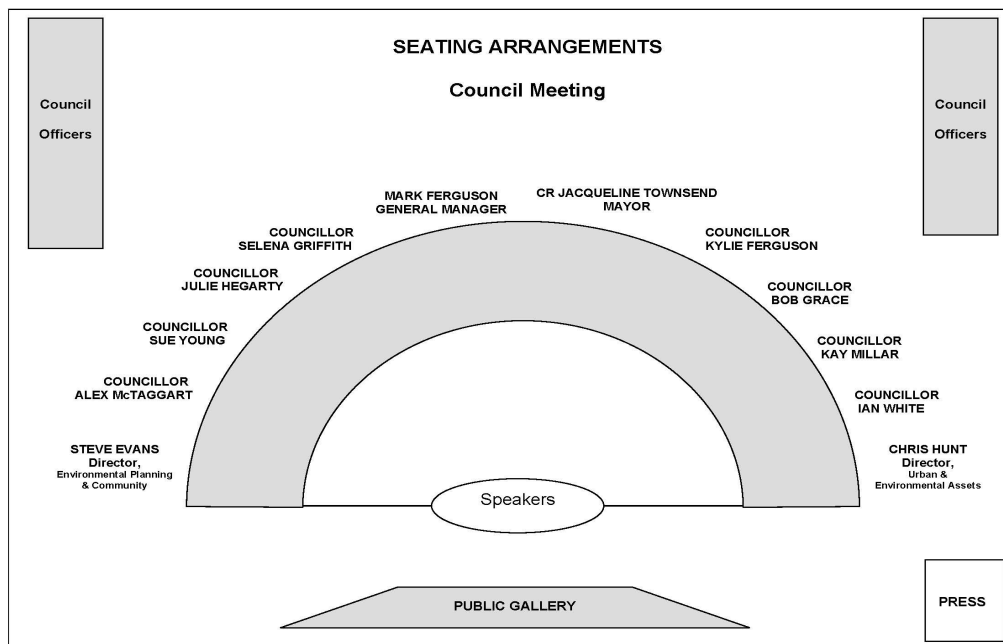
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

4 March 2013

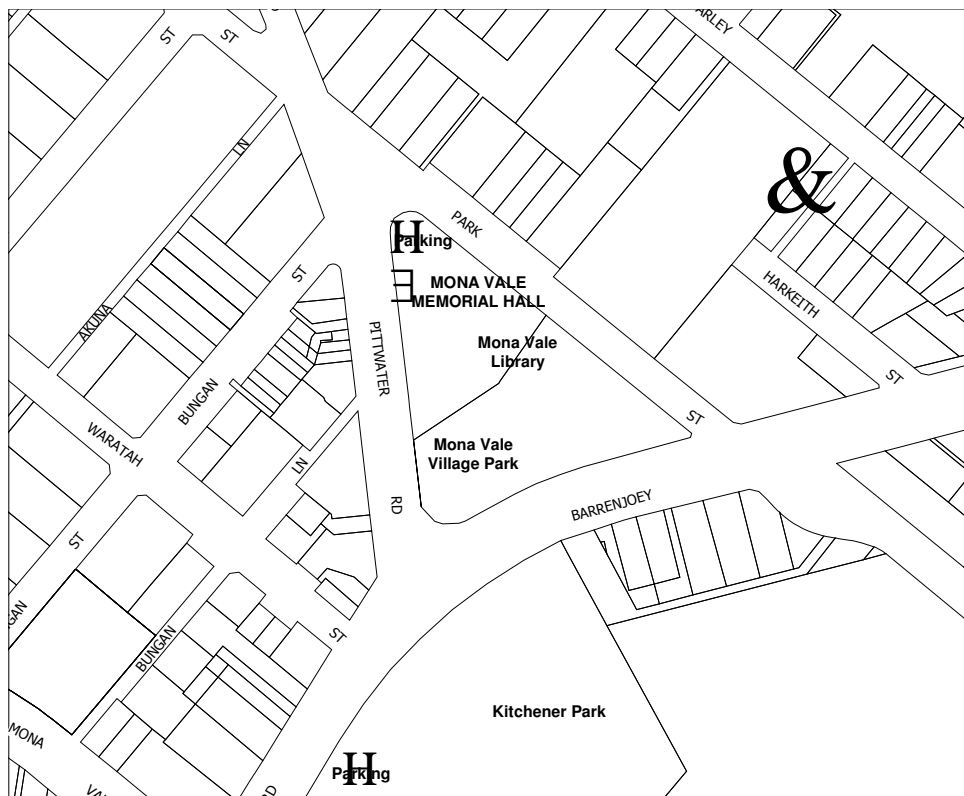
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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:

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C9.3	Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club	23
C9.4	Expression of Interest E04/12 - Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale	28
C10.3	Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council	94

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.

Tender T08/11 Establishment of a Panel for Printing and Related Services to Council

Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club

Expression of Interest E04/12 - Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale

Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council

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

Presentation of Certificates of Service to Councillors

The Mayor to present a framed Certificate of Service to former Councillors in recognition of their term of office with Pittwater Council.

Council Meeting

1.0 Apologies

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

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

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

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

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

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

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

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

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

* A reportable political donation is a donation of:

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

3.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 18 February 2013.

4.0 Public Addresses

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

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

Exceptions to these requirements may apply where:

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

5.0 Councillor Questions on Notice

Nil.

6.0 Mayoral Minutes

C6.1:	Mayoral Minute - Collaboration of SHOROC Councils and the Independent Local Government Review
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Meeting: Council

Date: 4 March 2013

MAYORAL MINUTE

BACKGROUND

The Independent Local Government Review was established by the NSW Minister for Local Government in response to a request from the LGSA. A three member panel was appointed to develop options to improve the strength and effectiveness of local government in NSW. The aim of the review is to drive key strategic directions identified in the Destination 2036 initiative and support the broader objectives of the State as outlined in NSW 2021: A Plan to Make NSW Number One (the State Plan).

The panel is tasked with investigating and identifying options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:

- the ability to support the current and future needs of local communities
- the ability to deliver services and infrastructure efficiently effectively and in a timely manner
- the financial sustainability of each local government area
- the ability for local representation and decision making; and
- barriers and incentives to encourage voluntary boundary changes.

Council on 19 September 2011, in consideration of a Mayoral Minute, resolved to reject amalgamation by adopting

“That following the Destination 2036 Workshop, Pittwater Council affirms its continued support for the development of beneficial regional co-operation through the SHOROC process BUT rejects any moves to amalgamation with other Councils”

At its meeting of 20 February 2013 the SHOROC Board considered the continuing review and the significant implications it has for councils and ROCs.

To date the review has released *Better, Stronger Local Government – The Case for Sustainable Change* and *Options to Enhance Regional Collaboration amongst Councils in NSW*. The next steps for the Review Panel are roundtable discussions, focus groups and opinion surveys on key issues; workshops for groups of councils identified in the ‘cluster-factor’ analysis; attendance at the ROC meetings of February and March 2012 (including the SHOROC Councillor Forum where Councillors were addressed by the Chair of the Independent Panel, Professor Graham Sansom); and the release of the *Final Directions* paper in April 2013.

It is likely the Review Panel’s paper will propose significant change and consolidation of councils in metropolitan Sydney including regional collaboration as a key feature of the future local government landscape.

The SHOROC Board at its meeting of 20 February 2013 agreed the following:

- To note the update of the *Independent Local Government Review* including its *Options to Enhance Regional Collaboration amongst Councils in NSW* report.
- To agree, subject to confirmation by individual councils, to a policy that SHOROC member councils should continue to collaborate regionally on policy and operational issues as an alternative to forced amalgamations.
- To agree that the draft policy be referred back to councils for consideration and confirmation.

The regional collaboration that is evident through SHOROC has delivered significant positive advocacy and operational outcomes for the communities of the SHOROC region. For example, the SHOROC Regional Directions Strategy and joint procurement and cost savings. Further enhanced collaboration through the individual SHOROC councils will continue to see greater benefits of collaboration flow to the communities of Pittwater and SHOROC while maintaining close community ties and true local representation.

Motion

1. That Pittwater Council endorse the SHOROC Board resolution on 20 February 2013 regarding regional collaboration and forced amalgamations.
2. That Pittwater council continue to collaborate regionally on policy and operational issues as an alternative to forced amalgamations.

Cr Jacqueline Townsend
MAYOR

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

8.0	Council Meeting Business
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Nil.

Community, Recreation and Economic Development Committee

9.0	Community, Recreation and Economic Development Committee Business
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C9.1 Bungan Head Road, Newport - Report on Further Consultation on Proposed One Lane Slow Point

Meeting: Community, Recreation & Economic Development Committee

Date: 4 March 2013

STRATEGY: Transport & Traffic

ACTION: Provide planning, design, investigation and management of traffic and transport facilities

PURPOSE OF REPORT

To provide advice to Council on the outcome of further community consultation carried out in respect to the Traffic Committee's support of a proposed one lane slow point in Bungan Head Road.

1.0 BACKGROUND

1.1 Council, at its meeting of the 3 September 2012, considered the Traffic Committee recommendations contained in the Minutes of the Meeting of 14 August 2012. The Traffic Committee recommendation presented to Council for Item 4.4: Bungan Head Road, Newport - Proposed One Lane Slow Point was:

- "1. That the Traffic Committee supports the proposal for a one lane slow point and associated works (shown on Council Plan No. 24-TC-2012) in Bungan Head Road (between Karloo Parade and Myola Road) to improve traffic safety pending the future reconstruction of this section of Bungan Head Road.*
- 2. That Council request that Roads and Maritime Services install a "No Right Turn" for northbound traffic off Barrenjoey Road into Karloo Parade for the morning and afternoon peak periods (6am-10am 3pm-7pm Mon-Fri)."*

1.2 After addresses by Mr Richard Links and Mr Antony Bloom speaking against the Traffic Committee recommendation at the meeting of 3 September 2012, Council in part resolved:

"That the Traffic Committee recommendations contained in the Minutes of the Meeting of 14 August 2012 be adopted after deleting part 2 of the Committee Recommendation in Item TC4.4 – Bungan Head Road Newport – Proposed One Lane Slow Point, and that part 1 of that recommendation be deferred for further discussion with the community."

1.3 This report describes the outcome of the further consultation undertaken.

2.0 ISSUES

2.1 Proposed One Lane Slow Point

- Council proposes the installation of a one lane slow point (refer Council Plan 24-TC-2012 included in **Attachment 1**) in Bungan Head Road (following recent resurfacing works) to improve traffic safety due to narrowed road width in the vicinity of a failed retaining wall.

- The narrowed section of road is not of sufficient width (4.4m) to provide two trafficable lanes (each 3m wide) to allow vehicles to safely pass. The purpose of the proposed one lane slow point is to channelise traffic away from the steep road edge and preserve that section of road supported by the failed retaining wall. The one lane slow point formalises the existing driver behaviour at this location by giving priority to westbound traffic.
- While most local residents already use this section of road as a one lane slow point without the need for signs, the formalisation of the slow point with signs will ensure safety for non resident visitors to beach and pedestrians.

2.2 Consultation

- In accordance with Council's resolution, part 2 of Traffic Committee recommendation ("No Right Turn" for northbound traffic off Barrenjoey Road into Karloo Parade for the morning and afternoon peak periods 6am-10am 3pm-7pm Mon-Fri) is no longer to be considered and no consultation in respect to this matter was undertaken.
- Council sought comments from residents in the immediate area of the proposed one lane slow point, the Newport Residents Association, and interested parties who have previously provided written submissions concerning the above matter. This consultation was undertaken from 4 September to 21 September 2012.
- Mr Antony Bloom addressed Council in the Public Forum at its meeting of 24 September 2012, and tabled a petition from 39 properties (57 signatures) that previously objected to the original proposal (for the benefit of the new Councillors). The petition was undertaken prior to the Council meeting of the 3 September 2012, for consideration of part 1 and part 2 of the Traffic Committee Recommendation in Item TC4.4 – Bungan Head Road Newport – Proposed One Lane Slow Point.
- The majority of the residents on the list included multiple signatures from the same household, with properties located in Karloo Parade, Barrenjoey Road, Beach Road and Bungan Head Road, that would have been directly affected by the "No Right Turn" from Barrenjoey Road into Karloo Parade (part 2 of the original Recommendation that was deleted) during the morning and afternoon peak periods.
- As a large proportion of the residents on the petition were not included in the consultation undertaken by Council from 4 September to 21 September 2012, it was decided that the additional residents would also be invited to comment on the proposal.
- Council undertook further consultation with the additional residents from 22 November 2012 to 11 January 2013.

2.3 Assessment of Responses

- A total of 10 submissions were received in response to the 27 letters sent out during the initial consultation period (4 September to 21 September 2012).
- Only 1 submission was received from the additional 32 letters sent during the period of further consultation (22 November 2012 to 11 January 2013).
- A total of 2 responses supported the one lane slow point with 9 objections to the proposal. A summary of the written responses are attached (refer **Attachment 2**).
- The main concerns relate to residents desire for Council to immediately repair the retaining wall and provide a road width to allow two way traffic. This is not a feasible option as the preliminary estimated cost to reconstruct the road and retaining wall is \$350,000 and the estimated cost for the proposed slow point is \$75,000. The provision of the slow point could be included in Council's 2013/14 Delivery Plan.
- Residents also expressed concerns that future funding will not be available to reconstruct the road and wall if money was spent to install the slow point facility, which is not the case.

- It was noted that minimal responses were received by residents in the surrounding streets who previously provided written submissions objecting to both part 1 and part 2 of the Traffic Committee Recommendation in Item TC4.4 – Bungan Head Road Newport - Proposed One Lane Slow Point, considered at the meeting of 3 September 2012. The absence of responses can probably be attributed to the removal of part 2 of the recommendation which included the installation of a “No Right Turn” for northbound traffic off Barrenjoey Road into Karloo Parade for the morning and afternoon peak periods (6am-10am 3pm-7pm Mon-Fri). The reasons for previous objections were mainly due to the inconvenience for local residents who would have to travel further to access their properties and the expected increase of traffic redirected to Queens Parade East as a result of the restrictions.

2.4 Conclusion

Council has a duty of care to address safety concerns on behalf of its community including visitors to the area. Council proposes the installation of a one lane slow point and associated works in Bungan Head Road (as an interim measure) to improve traffic and pedestrian safety due to the narrowed road width in the vicinity of a failed retaining wall. The proposed slow point should be constructed as soon as possible.

Council received a number of submissions from the consultation, with residents requesting that the narrowed section of road be restored to a width to allow two way traffic. Road widening cannot proceed without the reconstruction of the retaining walls, for which the preliminary estimated cost to reconstruct the road and retaining wall is \$350,000. There are no funds allocated for these works in Council's current 2025 Delivery Plan.

The proposal will provide an interim facility which addresses the existing traffic issues and assists pedestrian access and safety along this narrow section of Bungan Head Road until funds are available in the future to reconstruct the road and retaining wall. The provision of the slow point will be included in Council's 2013/14 Delivery Plan with an estimated cost of \$75,000.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The proposal provides improved, safer access to the area for road users and pedestrians.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Nil

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Nil

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The proposed action follows further consultation undertaken with the community, including directly affected residents in the immediate area of the proposal, the Newport Residents' Association and interested parties who have provided written submissions or were listed on petitions.
- 3.4.2 The proposed project would be included in Council's 2013/14 Delivery Plan at an estimated cost of \$75,000.
- 3.4.3 The propose one lane slow point is an interim measure to improve traffic and pedestrian amenity until future funding is available for the reconstruction of the road and retaining wall.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The proposed facility will improve traffic safety and facilitates existing driver behaviour.
 - 3.5.2 The proposed pedestrian footway will improve pedestrian access and mobility of residents and visitors through the narrowed section of road.
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4.0 EXECUTIVE SUMMARY

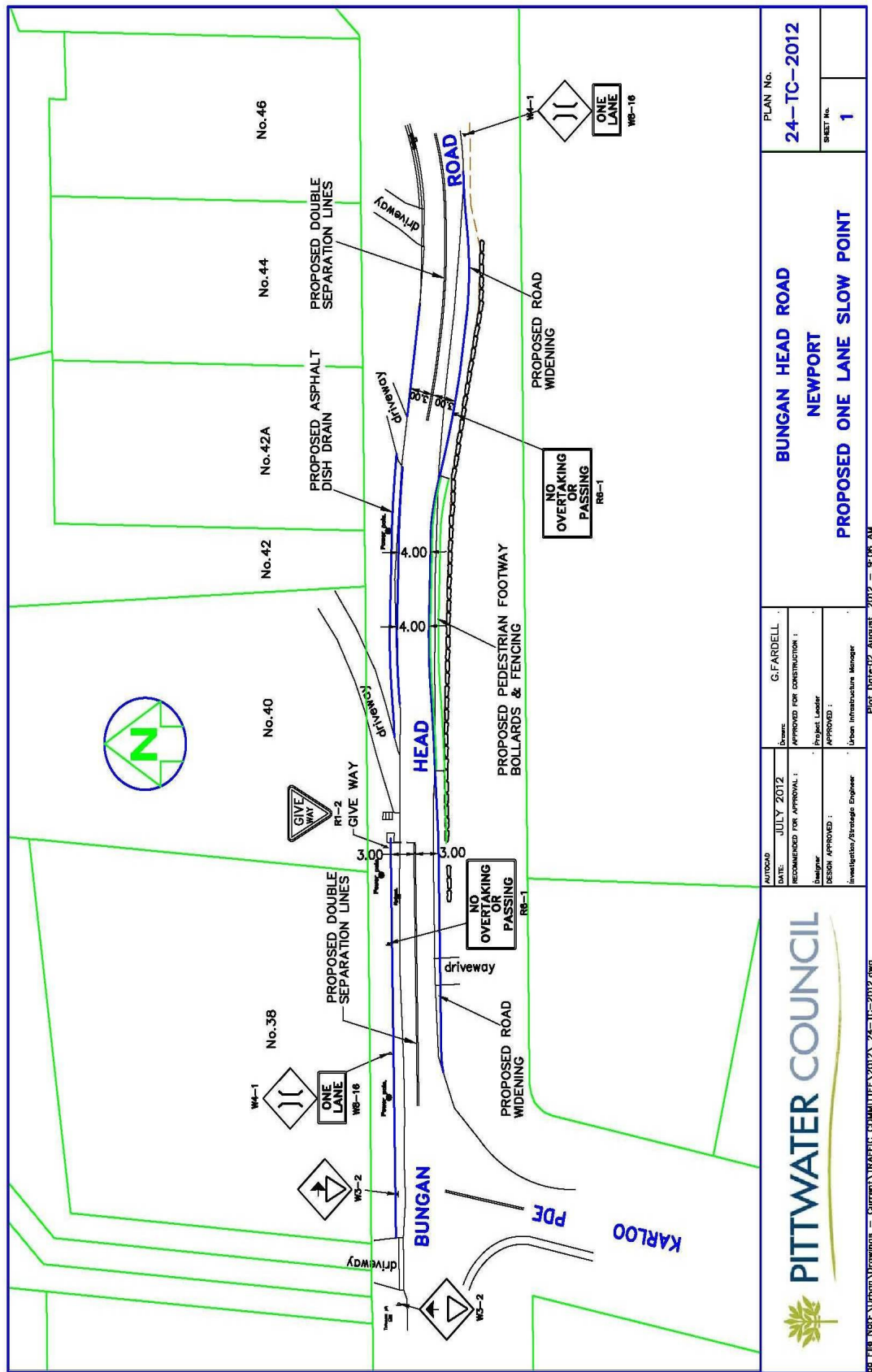
- 4.1 Council, at its meeting of 3 September 2012, resolved to delete part 2 of the Committee Recommendation in Item TC4.4 – Bungan Head Road Newport – Proposed One Lane Slow Point, and that part 1 of that recommendation be deferred for further discussion with the community.
 - 4.2 Further consultation was undertaken from 4 September to 21 September 2012, with comments sought from directly affected residents in the immediate area of the proposed one lane slow point, the Newport Residents Association, and interested parties who have previously provided written submissions concerning the above matter.
 - 4.3 Additional consultation was undertaken from 22 November 2012 to 11 January 2013, to include the residents listed on the petition tabled by Mr Antony Bloom at the meeting on 24 September 2012.
 - 4.4 The consultation revealed that the main objections related to a desire for Council to instead repair the retaining wall and restore the road to a width to allow two way traffic. Residents also expressed concerns that future funding will not be available to reconstruct the road and wall if money was spent to install the slow point facility, which is not the case.
 - 4.5 Council proposes the installation of a one lane slow point and associated works in Bungan Head Road (as an interim measure) to improve traffic and pedestrian safety due to the narrowed road width in the vicinity of a failed retaining wall. This project would be included in Council's 2013/14 Delivery Plan at an estimated cost of \$75,000.
 - 4.6 Council is unable to further widen the road, as requested by residents, without the reconstruction of the retaining walls. The preliminary estimated cost to reconstruct the road and retaining wall is \$350,000 and funds are not available in the foreseeable future.
-

RECOMMENDATION

- 1. That the report be noted.
- 2. That the proposed one lane slow point and associated works (shown on Council Plan No. 24-TC-2012) in Bungan Head Road (between Karloo Parade and Myola Road) be constructed as an interim measure to improve safety and that funding of \$75,000 be included in Council's 2013/14 Delivery Plan for this purpose.
- 3. That future works to construct a new retaining wall on a widened road alignment to accommodate two trafficable lanes and separate pedestrian footpath be carried out when funds are available.

Report prepared by
Ricky Kwok, Civil Design & Traffic Engineer - Strategy, Investigations & Design

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE



**Consultation responses/comments
– Proposed One Lane Slow Point for Bungan Head Road**

1. Summary of responses received

Street	No. of letters sent	No. of responses received	Support overall scheme	
			Yes	No
Bungan Head Road	31	9	1	8
Queens Parade East	9	1	1	
Karloo Parade	8			
Barrenjoey Road	4			
Myola Road	2	1		1
Beach Road	2			
Gladstone Street	1			
Crescent Road	1			
Lanyon Place	1			
Total	59	11	2	9

2. Council response to comments received

Resident Comments	No.	Council Response
Restore road to original width prior to narrowing from recent resurfacing	8	Not possible to restore the road pavement to previous substandard width without reconstructing the existing retaining wall on a new alignment to permit two traffic lanes and pedestrian path to be constructed in the future.
Repair retaining wall	3	While minor temporary works to stabilise the retaining wall are required so that the slow point can be provided, the existing retaining wall is not to be repaired as it is not on the correct alignment to facilitate the future road upgrade.
Provide path or nature walk below the wall and through the reserve	1	Pedestrian access to be provided at road level. No funds available to construct temporary, low level path adjacent to existing wall. Nature walk through Reserve referred to Reserves Manager for consideration.
Weight limit restrictions	1	Not supported as road is mainly used by local traffic and not as a thoroughfare for large heavy vehicles.
Install speed humps for traffic calming	1	Not supported due to noise impacts, and the preferred slow point provides traffic calming effect.
Make section of Myola Road between Bungan Head Road One Way Northbound	1	Requires further investigation and consultation. Unlikely to be supported by the community.
Provide No U-Turn restrictions on Barrenjoey Road at intersection with Karloo Parade	1	Needs to be considered by the RMS as they are the responsible authority for Barrenjoey Road.

C9.2 Tender T08/11 Establishment of a Panel for Printing and Related Services to Council

Meeting: Community, Recreation & Economic Development Committee

Date: 4 March 2013

STRATEGY: Business Management

ACTION: Establish a program of effective cost reduction through continuous monitoring of costs 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 the provision of printing and related services to Council and to formally resolve on a tenderer to provide these services.

1.0 BACKGROUND

- 1.1 From time to time, Council has a requirement to produce various print items such as letterhead, envelopes, brochures and other materials in order to effectively communicate with the community. In order to reduce costs of these services, improve consistency of corporate image and introduce improvements to current processes, an open tender process was conducted to establish a Panel of preferred suppliers.

2.0 ISSUES

2.1 Tender Process and Assessment

The tender process was via an open invitation to the market and called in accordance with Section 55 of the Local Government Act and Clause 177 of the Local Government Regulation. Tenders were to be on a schedule of Rates basis, with an annual escalation in accordance with CPI for Sydney (All Groups).

A contract term for these related products and services of an initial two (2) year period with one (1) optional extension of one (1) year was offered upon successful performance.

The tender process was facilitated by Paul van der Kraan, Procurement and Distribution Officer. Tender documentation included the Conditions of Tender, Schedules, the Product Specification, and the General Conditions of Contract.

2.2 Call for and receipt of tenders

Tender Advertising and Closing date

- Tenders were advertised by open tender on Tuesday, 2nd October, 2012 in the Sydney Morning Herald, Manly Daily and Tenderlink.
- The closing date for receipt of Tenders was 2.00 pm Tuesday, 30 November, 2012

Receipt of Tenders

As per the call for tenders, the 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 of 2.00 pm, 30 November, 2012.

Tender Opening & List of Tenders Received

At the specified tender opening time, nine (9) tenders were collected from the tender box, or received via Tenderlink and were duly registered by Council. Tenderers are listed as follows:

Tenderers

- The Printing Department
- SOS Print + Media Group Australia Pty Ltd
- Planet Press Pty Ltd
- Pegasus Print Group
- Geon Australia Pty Ltd
- ecoDesign ecoPrint
- Staples
- Blue Star Print Group
- Centrum Printing

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 has provided a confidential assessment with 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 following criteria:

Mandatory Criteria

Mandatory Criteria	Schedule	Assessment
Compliance with Conditions of Tender and submission of all documentation required by the Invitation to tender	Submission of all completed Forms	Pass/Fail
Form of Tender	Form 1	Pass/Fail
Financial Capacity	Form 3	Pass/Fail
Work Health and Safety	Form 8	Pass/Fail
Insurances	Form 9	Pass Fail
Departures, Qualifications and Compliance with Specification	Form 11	Pass/Fail

Scored Criteria

Scored Criteria	Schedule	%
The fees, rates and prices	Form 2	20
Key personnel including key personnel of sub-contractors	Form 3	10
Demonstrated past experience in performing work similar to the Works required in this tender and value added services	Form 4	10
Quality assurance system and procedures	Form 7	15
Environmental sustainability and social equity	Form 10	15
Work process methodology	Form 12	30

3.0 SUSTAINABILITY ASSESSMENT**3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 This tender and the products and services it provides will assist the Pittwater community to establish and maintain the resources required to properly service residents and rate payers.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The tender documentation also included a questionnaire covering aspects of environmental sustainability. Tenderers provided information relating to products used, waste management, energy and water efficiency as well as recycling and were scored accordingly.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 This tender supports the Council and the community's economic outcomes by providing a competitive opportunity to provide products and services to Pittwater.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Council provides a range of services to the community and resources these through a combination of internal and external providers.
- 3.4.2 The tender process enables Council to seek competitive prices from the market to resource its external providers of the supply of goods and services, projects and consultancies.
- 3.4.3 The calling for and assessment of tenders is in accordance with Section 55 of the Local Government Act and Local Government (General) Regulation.
- 3.4.4 Members of the Tender Evaluation Panel (TEP) are required to make a declaration in regard to any conflict or pecuniary interest.

3.4.5 The tenders received are assessed by a specifically convened TEP against the pre-determined mandatory and weighted criteria.

3.4.6 The tender assessment and recommendations are reported to Council for formal consideration and are assessed against organisational and product information, systems, policy, capacity to deliver and experience.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The establishment of a Specialist Contract Panel will add to the effectiveness of Council's printing requirements.

4.0 EXECUTIVE SUMMARY

4.1 Pittwater Council prepared a Request for Tender T08/11 for the provision of printing and related services to council.

4.2 Nine (9) Tender submissions were received from:

- The Printing Department
- SOS Print + Media Group Australia Pty Ltd
- Planet Press Pty Ltd
- Pegasus Print Group
- Geon Australia Pty Ltd
- ecoDesign ecoPrint
- Staples
- Blue Star Print Group
- Centrum Printing

4.3 The Tender Evaluation is presented to Council for consideration in the confidential section of this Agenda.

RECOMMENDATION

That Council consider the Confidential Tender Assessment and Recommendations for T08/11 – Establishment of a Panel for Printing and Related Services to Council as contained within the Confidential Section of this Agenda.

Report prepared by
Paul van der Kraan, Purchasing and Distribution Officer

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

C9.3 Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club

Meeting: Community, Recreation & Economic Development Committee

Date: 4 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 T15/12, Renovations to Avalon Beach Surf Life Saving Club and to formally resolve on a tenderer to engage to provide these services.

1.0 BACKGROUND

- 1.1 Avalon Beach Surf Life Saving Club is an important piece of Council infrastructure providing support to the areas surf life saving services and a gathering point for the community for various events. The club was last renovated in 1960 and is in serious need of rectification works to keep in safe working order.
- 1.2 The project has previously been reported to Council (as an expression of interest) and approval was given to seek select tenders at Council's meeting of 3rd December 2012. It was resolved at this meeting to proceed to market with a selective tender in accordance with Section 55 of the *Local Government Act*.
- 1.3 The funding package for the project is as follows:

\$1.3 million	Council SRV Program
\$400,000	Council Internal Loan (to be paid back from Restaurant lease income)
\$400,000	Avalon Surf Club (\$360,000 already raised)
\$320,000	Sport & Recreation Grant (confirmed)
\$50,000	Community Building Partnership Grant (unconfirmed)

2.0 ISSUES

2.1 Tender Process and Assessment

As per the Council resolution of 3rd December 2012, a selective tender was called in accordance with Section 55 of the Local Government Act and Clause 177 of the Local Government Regulation. Tenders were to be priced on a lump sum basis.

Tender documentation was prepared by Peter Baartz, Procurement with the assistance of John Berry, Building Services with specifications and drawings provided by Richard Coles (Architect) and Robert Hopton (architect) from Avalon Beach Surf Club. Tender documentation included the Conditions of Tender, Schedules, the Building Specification, Drawings, General and Special Conditions of Contract.

A twelve month time frame was expected for construction of the project.

2.2 Call for and receipt of tenders

Tender Distribution and Closing date

- Tenders were distributed via Tenderlink on Thursday, 20 December, 2012.
- The closing date for receipt of Tenders was 2.00 p.m. Monday, 11 February, 2013

Receipt of Tenders

As per the call for tenders, the 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 2.00 p.m. Monday, 11 February, 2013.

Withdrawal from tender process

During the tender period, two tenderers withdrew citing an inability to take on the project due to new business won since the running of the expression of interest. These two tenderers were:

- Grindley Pty Ltd
- Buildplan Group Pty Ltd

Tender Opening & List of Tenders Received

At the specified tender opening time, one (1) tender was collected from the tender box, and four (4) tenders received via Tenderlink and duly registered by Council. Tenderers are listed in no specific order as follows:

Tenderers

- Ichor Pty Ltd
- Illuka Constructions Pty Ltd
- Keystone Projects Group
- Patterson Building Group
- Unity NSW Pty Ltd

Alternate proposals were received from Keystone Projects Group and

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 has provided a confidential assessment with 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 following criteria:

	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 7	Pass/Fail
4.	Insurances	Form 8	Pass/Fail
5.	Departures and qualifications and compliance with Specification	Form 12	Pass/Fail

	Weighted Criteria (Scored)	Required Information	Weight
1.	The fees, rates and prices	Form 1	45%
2.	Key personnel including key personnel of sub-contractors	Form 2	15%
4.	Quality assurance system and procedures	Form 6	15%
5.	Environmental sustainability and social equity	Form 9	5%
6.	Anticipated sub-contracting	Form 10	5%
7.	Methodology, including works programme	Form 11	15%

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Surf life saving provides an essential community service through the provision of volunteer lifesaving services on council beaches. The surf life saving movement also provides valuable training, skills and mentoring for a broad demographic helping to promote healthy and caring lifestyles.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The proposed new works are located within the Active Wave Zone and therefore subject, at times, to severe weather conditions. The deep pile foundations will limit the impact on the beach and the building compared to the existing structure which is prone to collapse. Beach erosion can be either naturally replaced or supplemented by reprofiling.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 This project will help to create a strong restaurant cluster in Avalon and act as an attraction bringing new business to the Avalon Centre.
- 3.3.2 After this pay back period, the income can be used to supplement ongoing maintenance to the Surf Club building and Avalon Reserve.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Council has co-ordinated numerous meetings with stakeholders and the general public, has placed the proposal on exhibition and has held a final working party meeting (with community members) to fine tune final details of the project.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Avalon Surf Club is a Council building which is in need of a rebuild. Council needs to maintain its infrastructure in good condition in line with the requirements of Council's Asset Management Strategy.

4.0 EXECUTIVE SUMMARY

- 4.1 Pittwater Council prepared a Request for Tender T15/12 for Renovations to Avalon Beach Surf Life Saving Club.

- 4.2 Five (5) Tender submissions containing seven (7) proposals were received from:

Ichor Pty Ltd
Illuka Constructions Pty Ltd
Keystone Projects Group
Patterson Building Group
Unity NSW 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 T15/12 - Renovations to Avalon Beach Surf Life Saving Club as contained within the Confidential Section of this Agenda.

Report prepared by
Peter Baartz, Purchasing and Fleet Coordinator

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C9.4 Expression of Interest E04/12 - Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale

Meeting: Community, Recreation and Economic Development Committee

Date: 4 March 2013

STRATEGY: Town & Village

ACTION: To effectively manage and rationalise carparking to improve vehicular access

PURPOSE OF REPORT

To consider, in accordance with Clause 177 of the Local Government (General) Regulation, the Evaluation Panel's (EP) recommendations following its assessment of the expressions of interest received for the provision of a multi storey car park, Bungan Lane, Mona Vale and to formally resolve on a list of companies to be invited to submit select tenders to provide this project.

1.0 BACKGROUND

- 1.1 Parking in Mona Vale town centre has over time become increasingly constricted with surrounding new business and residential developments creating a higher need for off street parking.
- 1.2 The site is located at 4 Bungan Lane Mona Vale and has an existing council owned on grade car park. A D.A. is in place to construct a new multi level car park in this location with on grade parking and three levels of above ground parking.

2.0 ISSUES

2.1 Expression of Interest Process and Assessment

The Expression of Interest (EOI) process was via an open invitation to the market.

The EOI process was facilitated by Mark Shaw, Manager Urban Infrastructure with the assistance of Procurement. EOI documentation included the Conditions of EOI, returnable forms and concept drawings for the proposed car park.

2.2 Call for and receipt of tenders

Expression of Interest Advertising and Closing date

- The EOI was advertised by open advertisement on Tuesday, 11th December, 2012 in the Sydney Morning Herald, Manly Daily and Tenderlink.
- The closing date for receipt of EOIs was 11.00 am Tuesday, 29 January, 2013.

Receipt of Expressions of Interest

As per the call for EOIs, the EOIs 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 of 11.00 am Tuesday, 29 January, 2013.

Expression of Interest Opening & List of EOI Received

At the specified EOI opening time, seventeen (17) EOIs were collected from the tender box, or received via Tenderlink and were duly registered by Council. Respondents in no particular order are listed as follows:

Respondents

- Fernandes Construction
- Grindley Construction Pty Ltd
- ADCO Constructions Pty Ltd
- APP Corporation Pty Limited
- Cockram Construction
- FAL Construction Group Pty Ltd
- Haslin Construction Pty Ltd
- Hindmarsh Construction Australia
- Keystone Projects Group Pty Ltd
- Lipman Pty Ltd
- Mbuild Managements Australia Pty Ltd
- North Construction Building Pty Ltd
- Projectcorp Australia Pty Ltd
- B. R. Durham & Sons
- Structus
- Parkview Group Australia Pty Ltd
- Beach Constructions

2.3 Outline of Tender evaluation process

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

An Evaluation Panel (EP) was specifically formed to confidentially assess the tenders received. The EP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The EP 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 EOI
- Initial assessment & cull – this assesses compliance with the call for EOI requirements and any company not conforming is culled (not considered further) from the next stages of the EOI assessment process
- Detailed assessment of remaining EOIs then takes place, including performance against the evaluation criteria. The EOI was assessed using the following criteria:

Mandatory Criteria

Mandatory Criteria	Schedule	Assessment
Compliance with Conditions of EOI and submission of all documentation required by the EOI	Submission of all completed Forms	Pass/Fail
Corporate Capacity	Form 2	Pass/Fail
Work Health and Safety	Form 7	Pass/Fail
Insurances	Form 8	Pass Fail

Scored Criteria

Scored Criteria	Schedule	%
Key personnel	Form 2	35
Demonstrated past experience in performing work similar to the Works required in this tender	Form 3	35
Quality assurance system and procedures	Form 6	20
Environmental sustainability and social equity	Form 10	10

3.0 SUSTAINABILITY ASSESSMENT**3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The provision of this project will assist the Pittwater community in its engagements with the Mona Vale business community and allow a continued vibrant business centre for Pittwater.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The EOI documentation also included a questionnaire covering aspects of environmental sustainability. Respondents provided information relating to waste management, energy and water efficiency as well as recycling and were scored accordingly.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 This EOI supports the Council and community's economic outcomes by providing a competitive opportunity to provide services to Pittwater.
- 3.3.2 The provision of this project will provide increased opportunity for interaction by residents and others with the Mona Vale business community.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Council provides a range of services for the community and resources these through a combination of internal and external providers.
- 3.4.2 The EOI process enables Council to seek information from the market to best select providers of services to this project.
- 3.4.3 The calling for and assessment of EOIs are in accordance with Section 55 of the *Local Government Act* and the Local Government (General) Regulation.
- 3.4.4 Members of the Evaluation Panel (EP) are required to make a declaration in regard to any conflict or pecuniary interest.
- 3.4.5 The EOIs received are assessed by a specifically convened Evaluation Panel against the pre-determined mandatory and weighted criteria.
- 3.4.6 The EOI assessment and recommendations are reported to Council for formal consideration and are assessed against organisational information, systems, policy, capacity deliver and experience.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The establishment of a list of successful respondents will allow a tender to be conducted and subsequently delivery of this project.

4.0 EXECUTIVE SUMMARY

- 4.1 Pittwater Council prepared an Expression of Interest E04/12 for the provision of the provision of a multi storey car park, Bungan Lane, Mona Vale.
- 4.2 Seventeen (17) Expressions of Interest were received from:
- Fernandes Construction
 - Grindley Construction Pty Ltd
 - ADCO Constructions Pty Ltd
 - APP Corporation Pty Limited
 - Cockram Construction
 - FAL Construction Group Pty Ltd
 - Haslin Construction Pty Ltd
 - Hindmarsh Construction Australia
 - Keystone Projects Group Pty Ltd
 - Lipman Pty Ltd
 - Mbuild Managements Australia Pty Ltd
 - North Construction Building Pty Ltd
 - Projectcorp Australia Pty Ltd
 - B. R. Durham & Sons
 - Structus
 - Parkview Group Australia Pty Ltd
 - Beach Contractions
- 4.3 The Expression of Interest Evaluation is presented to Council for consideration in the confidential section of this Agenda.

RECOMMENDATION

That Council adopt the Confidential Expression of Interest Assessment and Recommendations for E04/12 - Provision of a multi storey car park, located at Bungan Lane, Mona Vale as contained within the Confidential Section of this Agenda.

Report prepared by
Peter Baartz, Purchasing and Fleet Coordinator

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

C9.5 North Narrabeen Synthetic Playing Field - User Fees

Meeting: Community, Recreation and Economic
Development Committee

Date: 4 March 2013

STRATEGY: Recreational Management

ACTION: Manage and maintain recreational facilities at the best practice standards in a cost effective and sustainable manner.

PURPOSE OF REPORT

To report to Council the results of the public exhibition of the User Fees for use of the synthetic playing field at Narrabeen Sports High School.

1.0 BACKGROUND

- 1.1 A report was presented to Council on 17 December, 2012, outlining proposed fees and charges for use of the new synthetic playing field at Narrabeen Sports High School.
- 1.2 Under a partnership/lease arrangement with the Education Department, Pittwater Council manages this ground outside of normal school hours.
- 1.3 At the meeting of 17 December 2012, Council resolved to place the schedule of fees on public exhibition and at the end of the exhibition period, bring a further report back to Council for consideration.
- 1.4 The schedule of fees was exhibited on Council's website from 18 December 2012 to 14 February 2013 (refer **Attachment 1**).
- 1.5 Advertisements notifying of the exhibition were also placed in the Manly Daily on Saturday 26 January 2013.

2.0 ISSUES

- 2.1 One submission was received during the exhibition period from the organiser of Pittwater Super Touch objecting to the rate exhibited for commercial hire of the ground. The operator claims that the rates are excessive and that he makes only a small profit.
- 2.2 No comments/objections have been received from other hirers (including commercial hirers).
- 2.3 The ground is now almost fully booked with only limited availability on Friday nights and some Saturdays between now and September. This strong take up highlights the user demand for these types of facilities and adds to the long term viability.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The new field will provide much needed additional sports facilities of a high standard to help offset the additional pressure from the population increase from the Warriewood Valley land release on the sportsfield network.

3.1.2 Being a synthetic surface, it is far less affected by wet weather, dry conditions and wear and tear and can be used by multiple sporting codes. As such, provides scope for much higher utilisation on a superior surface.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 Water will be harvested from the new synthetic field and used to irrigate the turf field at the western side of the school.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 A user fee will be charged for use of the ground. These funds will be used for maintenance of the field, servicing costs and to support a sinking fund which will cover future resurfacing costs at the ground.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 Council will manage the operations of the ground to ensure equitable use by all codes.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 This facility adds to Council's playing field assets providing sporting groups with quality fields.

4.0 EXECUTIVE SUMMARY

4.1 The fees and charges for the hiring of the Synthetic Sports Field at Narrabeen Sports High School were on public exhibition from 18 December 2012 until 14 February 2013.

4.2 One submission was received.

4.3 The fees and charges will be used to cover maintenance costs and establish a sinking fund which will cover the costs of replacing the surface in years to come.

RECOMMENDATION

That the schedule of fees and charges for the hiring of the synthetic playing field at Narrabeen Sports High School, as per **Attachment 1**, be adopted.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

NORTH NARRABEEN SYNTHETIC PLAYING FIELD**SCHEDULE OF FEES AND CHARGES
(Includes GST)**

Casual (local teams)	\$ 60 per hour
Casual (non local teams)	\$ 90 per hour
Seasonal usage (local teams)	\$ 50 per hour
Seasonal usage (non local teams)	\$ 70 per hour
Local schools (other than NSHS)	\$ 30 per hour
Non local schools	\$ 50 per hour
*Commercial Hire, eg professional sporting organisations	\$150 per hour
Floodlights	\$ 30 per hour (additional to above)
Dressing Rooms	\$ 40 (additional to above)

\$1,000 bond required.

Note:

1. Local teams/schools are those based in Pittwater

C9.6 Church Point Commuter Wharf - User Fees

Meeting: Community, Recreation and Economic
Development Committee

Date: 4 March 2013

STRATEGY: Business Management

ACTION: To provide the community with a broad range of quality natural and built assets in a sustainable (social, environmental, economic and governance) manner to meet the needs of current and future generations.

PURPOSE OF REPORT

To seek Council approval for the setting of user fees for the upgraded and expanded commuter wharf at Church Point.

1.0 BACKGROUND

- 1.1 Council adopted a Plan of Management (PoM) for Church Point in 2009. One of the elements in the PoM was the construction of a new commuter wharf for use mainly by offshore residents accessing the mainland. The PoM suggested a user fee of \$285 be negotiated with users.
- 1.2 The new commuter wharf was constructed in 2012 and Council has been negotiating with the Scotland Island Residents Association and the West Pittwater Community Association for the past few months to gain agreement on a user fee for the commuter wharf.
- 1.3 Funds were borrowed from the Church Point Reserve account to supplement grant funding to assist in the construction of the wharf.
- 1.4 The agreement was that borrowed funds would be repaid through user fees.
- 1.5 Following extensive negotiations it was finally agreed that a fair user fee, to begin with, of \$210 would be charged. This would then be subject to annual review and indexation as part of Council's Fees and Charges.
- 1.6 Arguments from offshore residents were that they had already had a new fee of \$285 introduced for the use of the Church Point carpark and this was a further impost on them.

2.0 ISSUES

- 2.1 A user fee of \$285 was adopted in Council's Fees and Charges in 2012.
- 2.2 Representations have been made to Council from both offshore user groups (SIRA and WPA) regarding the user for tie-ups at Church Point Commuter Wharf. Council staff have met with these groups on a number of occasions. A fee of \$210 has been negotiated.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Provision of safe tie-up facilities for offshore residents will improve their accessibility.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Nil Impact

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 A fee will be charged for utilisation of the facility with the funds collected used to pay back loan borrowings.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The system of issuing of tie-up permits to users will be managed by Council's Reserves and Recreation staff.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The new commuter wharf greatly enlarges and improves quality of tie-up facilities for the offshore residents providing safer access to the mainland.

4.0 EXECUTIVE SUMMARY

- 4.1 Council constructed a new commuter wharf in 2012 at Church Point for use mainly by offshore commuters.
- 4.2 The project was funded by grant funds and loan borrowings from the Church Point Reserve account.
- 4.3 It is proposed that a user fee be charged and the funds collected used to pay back the loan borrowings.
- 4.4 A fee of \$285 was suggested to be negotiated in the PoM which was adopted in 2009 and subsequently adopted by Council in the fees and charges in 2012.
- 4.5 Following representations from both offshore resident groups (SIRA and WPA) a fee of \$210 per user has been negotiated.

RECOMMENDATION

That the negotiated fee for a boat tie-up at Church Point Commuter Wharf be noted and modified in conjunction with the 2013/14 Delivery Plan.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C9.7 Review of Reference Groups

Meeting: Community, Recreation and Economic
Development Committee

Date: 4 March 2013

STRATEGY: Community Engagement, Education & Awareness

ACTION: Ongoing Review and Management of Council's Reference Groups

PURPOSE OF REPORT

To update Council on the recent review of reference groups and to outline proposed amendments to the Reference Group Charter.

1.0 BACKGROUND

- 1.1 The meetings of reference groups in February 2013 conclude for the term of appointment for current reference group members.
- 1.2 As part of a plan to continuously improve the operation of reference groups, a review was initiated. As part of this review, a survey was emailed to all reference group members (approximately 60) in December 2012. This was completed via a Survey Monkey tool. 29 reference group members completed the survey. Of those who completed the survey, 14 members completed every question.
- 1.3 The survey was undertaken as a means to gather anonymous feedback from members about satisfaction and the operation of reference groups. Members were asked for their suggestions about how reference group meetings could be improved.
- 1.4 Both quantitative and qualitative questions were asked within the survey. Please see **Attachment 1** for a copy of the survey tool.
- 1.5 Survey findings were reported back to all reference groups at their February meetings. Members were appreciative of the opportunity to provide suggestions. Survey findings and general feedback from reference group meetings have been the basis of proposed changes to the reference group charter.
- 1.6 An Expression of Interest process needs to be initiated as soon as possible to ensure that members can be appointed by May 2013. Current members have been encouraged to apply again if they wish to do so.

2.0 SURVEY FINDINGS

2.1 *General Survey Findings*

2.1.1 *Respondents belonged to the following reference groups:*

Community Recreation and Economic Development	(9)	31.0%
Natural Environment	(7)	24.1%
Planning and Integrated Built Environment	(10)	34.5%
Community Engagement, Information and Governance	(3)	10.3%

2.1.2 Postcode

13% of respondents lived in the 2101 postcode
8.7% of respondents lived in the 2104 postcode
17.4% of respondents lived in the 2105 postcode
17.4% of respondents lived in the 2106 postcode
43.5% of respondents lived in the 2107 postcode (incorporating Avalon, Bilgola, Careel Bay, Clareville, Newport, Stokes Point, Taylors Point and Whale Beach)

2.1.3 Gender

65.2% were female

34.8% were male

2.1.4 Age

36-49	4.5%	1
50-55	9.1%	2
Over 65	86.4%	19

N.B. 7 respondents skipped this question

2.1.5 Location and timing of meetings

The Coastal Environment Centre (91.7%) on Wednesdays (45.8%) at 4-6pm (75%) on a quarterly basis (69.6%) is the most preferred location and time and frequency for meetings.

2.1.6 Preferred method of communication with other members

Email	58.3%
On-line forum	4.2%
Website page devoted to reference groups	29.2%
Other (e.g. workshops, coffee mornings)	8.3%

2.2 Level of satisfaction

2.2.1 79.5% of respondents were mostly or very satisfied with reference groups.

2.2.2 Satisfaction arose from the fact that members felt they were recipients of comprehensive information on matters that were of interest to their groups. Respondents valued reference groups as a mechanism for input and felt it was important that they were a conduit between Council and the community group they represented.

2.2.3 Others liked the informative presentations given by Council staff and appreciated the willingness of staff to respond to questions. One member stated that they "liked working constructively with Council and community members to improve Pittwater". Individuals felt that their input was "accepted and included in Council policy". They also appreciated hearing about examples of successful initiatives and developments in Australia and overseas.

2.2.4 Members liked being part of a group that had members with diverse expertise and background's who were able to contribute valuable suggestions. They believed that "Pittwater Council promoted inclusiveness in community reference groups". Reference groups provided the opportunity to network with others interested in similar issues.

- 2.2.5 There is no doubt that satisfaction was linked to tangible outcomes and members from the Planning an Integrated Built Environment (PIBE) reference group particularly liked working on concrete projects such as the Sustainability Principles and Checklist. This working party met between scheduled reference group meetings.
- 2.2.6 More than one person highlighted that they were pleased to see that reference groups were becoming more interactive rather than just receiving information.
- 2.2.7 Discussion within reference groups assisted members to have a better understanding and appreciation of issues that ultimately are debated widely. As one member stated, “the better informed the debate, the better the outcome”.

2.3 Areas of Dissatisfaction

- 2.3.1 For those who were less satisfied about the operation of reference groups, their dissatisfaction centred around their role in the decision making process.
- 2.3.2 Whilst some participants felt that Council was listening and had tried to incorporate suggestions from the reference groups, a number of members were not sure how much input is taken on board.
- 2.3.3 Some perceived that a decision had already been made and were frustrated that reference groups do not have a decision making function.

2.4 Suggestions for Improvement

- 2.4.1 As stated earlier a number of members commented that they would like to have a more tangible sense of achieving things. This included reporting on resolutions that have been agreed by the reference group. One person stated that more feedback on actions taken as a result of group discussions would be welcome and motivating. One person identified that Council could crosslink the accepted ideas from the reference groups with the strategic plan and delivery program. (Council does this on a yearly basis). Some would also like further follow up on issues at subsequent meetings.
- 2.4.2 Members were keen to be involved in projects at an early stage so that they could shape the thinking and highlight important elements of the debate prior to decisions being made. They were supportive of more “homework” being undertaken by representatives who could take resolutions and ideas back to their group for further comment.
- 2.4.3 Some older members commented that they would like to see a younger cohort of members within the group and would be vacating their position for younger members of their resident group who could continue representation on the reference group.
- 2.4.4 There appears to be some support for occasionally holding a combined reference group meeting on matters that may have been of special interest or were contentious, so that a wider perspective can be gained.

- 2.4.5 Efficient chairing of meetings was a theme that emerged from the survey. Members wanted the Chairperson to ensure that discussion is ordered and that meetings do not run overtime. They commented that the Chairperson needs to run meetings so that the most value is gained out of the group. They would also like effective skilled chairpersons that can tighten up time spent on presenting information and allow more time to for input from community members.

It was suggested that times should be allocated for each agenda item and only allowed to go overtime on the understanding that other items will have reduced discussion or be deferred.

- 2.4.6 Despite the fact that members have the opportunity to present an item themselves, few took this opportunity during this term of appointment. One member suggested that there be a clearer pathway for reference group members to bring items for discussion at reference group meetings. "In this way members can be proactive rather than just reactive". One member recommended that we develop a register of ideas from the reference group at the beginning of the term of appointment and those that are accepted for implementation would have proposal and implementation dates.
- 2.4.7 As stated earlier one of the positive attributes of reference groups is the opportunity to hear ideas from other members who have diverse experience. It was suggested that at the start of the term for the reference groups, that Council organise a "get to know you session" for all members. This would strengthen team spirit and give others a better understanding of the various talents and values of the group members.
- 2.4.8 In this term for reference groups, Council appointed members who were Pittwater residents not affiliated with a registered group. This attracted members with diverse skills and significantly broadened the demographic profile of reference groups. Further thought should be given to devising a structure for those that are appointed as Pittwater residents so they can disseminate information to communities of interest.
- 2.4.9 Some members would like greater involvement in some Council projects and suggested it would be good if reference group members could work directly with Council staff on various committees, project teams. They recommended that this could also involve site visits on projects so that further knowledge is captured about the project.

3.0 ISSUES

The following outlines proposed actions to enhance the operation of reference groups in the future. They are identified according to the three key themes discussed above.

3.1 Level of Satisfaction

- 3.1.1 The contribution of all reference group members at reference group meetings is extremely valuable and is acknowledged. It is clear that members have varying levels of confidence and capacity to communicate about their work in reference groups. Developing reference group members ability to participate will greatly enhance their level of satisfaction.
- 3.1.2 Council will conduct a "get to know you" session at the beginning of each term of appointment so that members can highlight their interests, expertise and the matters of importance to them with their other reference group members.

- 3.1.3 Council will continue to conduct briefings on larger strategic projects (e.g. Community Strategic Plan and Delivery Program 2013-2017) and regional issues affecting Pittwater.

3.2 Areas of Dissatisfaction

- 3.2.1 During the survey a number of members commented that they would like a more structured role in the decision making process. It is important to note that reference groups are not the final decision making body. Ultimately it is Council's elected representatives that will make a final decision. However, reference group members have a significant opportunity to shape ideas, be part of debate and offer recommendations. Reference groups are one of a number of mechanisms by which Pittwater residents can be involved in decision making processes.
- 3.2.2 Council will encourage the continuation of working parties (such as the Sustainability Principles and Checklist) as a mechanism that can provide further involvement in decision making.
- 3.2.3 Council will table Minutes of each reference group meeting at Council meetings. Councillors are therefore aware of the issues of interest to reference group members and can choose to progress the "reference points" contained within these minutes.
- 3.2.4 A more structured feedback process will be initiated to ensure that feedback is given to reference group meetings concerning how Councillors have progressed reference points.
- 3.2.5 Council will continue to report to reference groups on a yearly basis about reference points identified for implementation in the Delivery Program.
- 3.2.6 The Agenda for Reference Group meetings will incorporate a range of items so that reference groups can genuinely be seen as think tank mechanisms of Council. Reference Group agendas may include items on the following:
- Challenges and Opportunities articulated in the Community Strategic Plan
 - Innovations – Council or community
 - Strategic issues such as SHOROC Regional priorities, Local Environmental Plan
 - Presentation from a Reference Group member
 - Emerging issues – items that Council staff may want members to be aware of
 - Q & A session

3.3 Suggestions for Improvement

- 3.3.1 Membership on a reference group is extremely important as members have the opportunity to be briefed on key strategic projects and then have input on a range of issues. Reference groups are a key consultation mechanism of Council so it is important that the calibre of the membership is kept at a high level. Council is also keen for members to have a sense of ownership and not consider themselves as passive recipients of information. The Expression of Interest process will clearly set out expectations of reference group members. This includes:
- Members will be asked to identify how they will communicate to their network about the issues discussed in reference groups.

- Members will be required to provide a brief presentation to a reference group meeting during their term of appointment on an item of importance related to the terms of reference for their reference group.
 - Members will be expected to be involved in the consultation processes concerning larger strategic projects of Council such as the Community Strategic Plan, Delivery Program and Local Environmental Plan.
 - Members will ensure that the contact details for their group remain up to date.
- 3.3.2 Council is working hard to ensure that representation on reference groups reflects the demographics of the Pittwater community. Council is currently reviewing the Register of Pittwater Community Groups to ensure that Council continues to communicate and promote contact with the broadest set of stakeholder groups in our community. This is intended to capture a number of new community groups which have been created since the current term of appointment.
- 3.3.3 To ensure the largest number of community groups are involved in reference groups it is recommended that the reference group charter be amended to allow one representative from each group to be eligible for appointment. This is intended to provide equity for all groups and means a reduction from 2 representatives allowed in the current charter.
- 3.3.4 Each appointed reference group member will be able to nominate an alternate delegate for occasions when they cannot attend.
- 3.3.5 Council will continue with the individual “Pittwater Resident” as a category for selection on reference groups. This positive initiative has resulted in a younger (under 45 years old) and broader cohort of Pittwater residents on reference groups. Council will continue to appoint up to 4 “Pittwater Residents” on each reference group and per the current charter.
- 3.3.6 A small number of reference group members within the survey and as a result of reference group discussions stated that it was sometimes difficult to contribute to discussion when so many members wanted to have a say. It is suggested that a total of 14 members be appointed to each reference group. It is therefore recommended that the Charter be amended so that up to 12 members from registered community groups and community organisations are appointed. This represents a reduction from 14 in the current charter. 14 community group/organisations could be appointed in circumstances where there was a lack of applications from the “Pittwater Resident” category.
- 3.3.7 It is noted that there is support for young residents to participate on reference groups. A strategy is currently being implemented by the Social, Community and Economic Coordinator and the Principal Officer Community Engagement to initiate a young leaders group for people aged 16-24. Young people have indicated their preference for involvement in these mechanisms rather than the formal reference groups.
- 3.3.8 The Community Strategic Plan will be in draft format at the time that members of reference groups are appointed. Council will align the structure of reference groups with that identified in the draft Community Strategic Plan.

3.3.9 Council proposes a minor re-alignment and renaming of reference groups as follows:

1. **Connecting Communities** (Key Direction 1)
 - Building Communities Strategy
 - Recreational Management Strategy
 - Traffic and Transport Strategy
2. **Natural Environment** (Key Direction 2)
 - Beach and Coastal Management Strategy
 - Catchment Management Strategy
 - Flora and Fauna Management Strategy
3. **Sustainable Towns and Villages** (Key Direction 3 & 4)
 - Land Use and Development Strategy
 - Town and Village Strategy
 - Economic Development Strategy
4. **Leading and Learning** (Key Direction 3 & 5)
 - Corporate Management Strategy
 - Disaster, Risk and Emergency Management Strategy
 - Community Education and Learning Strategy

3.3.10 The terms of reference for Reference Groups be amended to:

Reference Groups will consider matters relating to the Objectives, Challenges and Opportunities within each Strategy contained within the relevant Key Direction of the Community Strategic Plan.

3.3.11 It is recognised that further work can be undertaken to promote the work conducted within reference groups.

3.3.12 Council will devise a communication plan to more effectively promote reference groups. This may include prominent articles and media releases in local media and newsletters, through the Mayoral Column, in the Pittwater Report and at Council events where appropriate.

3.3.13 Councillors will be encouraged to talk more about this work in their interactions with the community, especially when the expression of interest process is initiated.

4.0 SUSTAINABILITY ASSESSMENT

4.1 Supporting & Connecting our Community (Social)

4.1.1 Reference Groups have been an important mechanism to bring members of the community together. They have collectively provided input on a range of social issues confornting Council.

4.2 Valuing & Caring for our Natural Environment (Environmental)

4.2.1 The Natural Environment Reference Group has discussed and provided feedback on important environmental projects being undertaken by Council.

4.3 Enhancing our Working & Learning (Economic)

- 4.3.1 The Community, Recreation and Economic Development Reference Group has been involved in the development of the Economic Development Plan for Council.

4.4 Leading an Effective & Collaborative Council (Governance)

- 4.4.1 The reference groups are an additional mechanism which aims to involve the community in decision making processes. The intention of this format is to build trust between Council and the community and demonstrate a genuine desire to achieve good outcomes for the community.

4.5 Integrating our Built Environment (Infrastructure)

- 4.5.1 The Planning an Integrated Built Environment Reference Group has considered a number of matters concerning planning for Pittwater's future. They have also been briefed on regional directions and had input into some regional projects about the infrastructure in Pittwater.

5.0 EXECUTIVE SUMMARY

- 5.1 A survey distributed to all reference group members in December 2012 has been used to guide the ongoing development of reference groups.
- 5.2 Survey results revealed that 79.5% of respondents were mostly or very satisfied with reference groups. This level of satisfaction was related to feeling informed about key issues and having the opportunity to come together with other residents of diverse experience and interest to shape and guide thinking concerning key Council projects.
- 5.3 Council wishes to strengthen the partnership between Council and the community through participation on reference groups. Strategies are highlighted in this report to enhance the operation of reference groups and make clear the responsibilities of Council and reference group members in achieving this goal.
- 5.4 Amendments to the current Charter for Reference Groups are proposed. These include:
- Re-alignment and renaming of 4 reference groups
 1. Connecting Communities
 2. Natural Environment
 3. Sustainable Towns and Villages
 4. Leading and Learning
 - Reference Groups will consider matters relating to the Challenges and Opportunities within each Strategy contained within the relevant Key Direction.
 - A maximum of 14 members be appointed to each reference group. Membership will consist of up to 12 registered community group/organisation members AND up to 4 Pittwater Residents.
 - A maximum of one person from each registered community group/organisation can be appointed to each reference group.
- 5.5 An Expression of Interest process will be initiated as soon as possible so that a new term of members can be appointed for the May reference group meetings.

RECOMMENDATION

1. That the findings of the survey highlighted by this report be noted.
2. That Council adopt the proposed amendments to the Reference Group Charter.
3. That Council note that an Expression of Interest process will be initiated from Saturday 9 March 2013 for a period of 28 days.
4. That a Panel be created to review applications and select members to each reference group. The panel shall consist of:
 - 3 Councillors (one from each ward)
 - Director of Environmental Planning and Community Division
 - Director of Urban and Environmental Assets

Report prepared by
Jane Mulroney – Principal Officer, Community Engagement

Paul Reid
MANAGER, CORPORATE STRATEGY AND COMMERCIAL

Evaluation of Reference Groups 2012



As we are nearly at the end of the second term of Pittwater Council Reference Groups, it is time again to get your feedback about the operation of these groups. We want the reference groups to continue to thrive and as such seek your ideas about how they can be improved. This is a confidential survey. A summary of the results and key themes will be reported to reference groups. Please complete this survey by 16 DECEMBER 2012.

Thank you for taking the time to complete this survey.

*1. Name of Reference Group

- ☐ Community Recreation and Economic Development Reference Group
- ☐ Natural Environment
- ☐ Planning an Integrated Built Environment
- ☐ Community Engagement, Information and Governance

Satisfaction with & participation in Reference Groups

*2. Please rate your overall satisfaction with Reference Groups

- ☐ Very unsatisfied ☐ Moderately unsatisfied ☐ Neither satisfied or unsatisfied ☐ Mostly satisfied ☐ Very satisfied

Please comment

3. What did you like about being part of this Reference Group?

4. Are there any aspects concerning the operation of the Reference Group which you have been dissatisfied with? If yes, what are they?

Evaluation of Reference Groups 2012

5. How have you contributed to the reference group over the past two years?

6. What ideas do you have about how you could contribute further to reference group meetings?

7. What interaction do you have with your network/community group about agenda items covered at reference group meetings?

8. Please provide ideas that will assist in making improvements to the Reference Groups

Location and timing of meetings

***9. What time is most suitable for you to attend Reference Group meetings?**

- ☐ 2-4pm
☐ 4-6pm
☐ 5-7pm
☐ 6-8pm

Evaluation of Reference Groups 2012

* 10. What day would you prefer Reference Group meetings to be scheduled?

- ☐ Monday
- ☐ Tuesday
- ☐ Wednesday
- ☐ Thursday
- ☐ Friday

* 11. Does the current location of reference group meetings suit you?

- ☐ Yes
- ☐ No

If not, please nominate alternate location

12. How often would you prefer Reference Groups to meet?

- ☐ Every 6 months
- ☐ Every 4 months
- ☐ Quarterly

13. How would you like to communicate with other Reference Group members between meetings?

- ☐ Email
- ☐ On-line forum
- ☐ Access information via page devoted to Reference Groups on Council's website
- ☐ Other

Please specify

Representation of the Community within Reference Groups

14. What suggestions do you have to encourage the involvement of the broadest cross-section of the community in Reference Groups?

Evaluation of Reference Groups 2012

Demographic detail

* 15. Postcode

☐ 2101

☐ 2102

☐ 2103

☐ 2104

☐ 2105

☐ 2106

☐ 2107

☐ 2108

16. Gender

☐ Male

☐ Female

17. Age

☐ Under 35

☐ 36-49

☐ 50-55

☐ 56-65

☐ Over 65

Final Comments?

18. Further comments:



Thank you for completing this survey.

Please press DONE to save and close.

C9.8 Minutes of the Pittwater Traffic Committee Meeting held on 12 February 2013

Meeting: Community, Recreation and Economic Development Committee **Date:** 4 March 2013

STRATEGY: Traffic and Transport

ACTION: Provide planning, design, investigation and management of traffic and transport facilities.

PURPOSE OF REPORT

To present to Council for consideration, the Traffic Committee Minutes of 12 February 2013.

1.0 BACKGROUND

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 12 February 2013 (refer **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Maritime Services (RMS) of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

2.0 ISSUES

2.1 Item 4.1: Avalon Tattoo - Saturday 15 June 2013

Street closures in Avalon to allow the Avalon Tattoo March to proceed - **Supported**

2.2 Item 4.2: Mona Vale Market Day - Sunday 3 November 2013

Street closure to allow Mona Vale Market Day to proceed in Park Street - **Supported**

2.3 Item 4.3: Warriewood Road, Warriewood - Proposed Linemarking and No Stopping Restrictions

Proposed linemarking to define the edge of the through carriageway and to delineate the centre of the road for opposing traffic movements in Warriewood Road between No.186 and the intersection of Foley Street, Vineyard Street, Jubilee Avenue and Warriewood Road. The proposal also included 'No Stopping' restrictions on the western side of Warriewood Road, from the end of the Bus Zone to the intersection to improve traffic safety. Residents who spoke at the Traffic Committee opposed the proposal on grounds that the proposed linemarking would shift traffic closer to pedestrians who use the western side of the road as there is no footpath. **Traffic Committee decision supported the provision of 'No Stopping' restrictions but not the proposed linemarking.**

2.4 Item 4.4: Delecta Avenue, Clareville – Changes to No Stopping Restrictions – Supported

2.5 Item 4.4: Irrubel Road/King Street, Newport – Provision of Stop Signs - Supported

2.6 **Item 4.6: Patrick Street/Cabarita Road, Avalon - Double Separation Lines and No Stopping Restrictions**

Proposed double separation lines along the centre of Patrick Street/Cabarita Road and 'No Stopping' restrictions opposite its intersection with Wanawong Road to ensure clear traffic sight distances. Written submissions from residents east of the intersection opposed the proposal on grounds that on street parking would be lost. A resident who supported the proposal requested that the double separation lines be extended even further west of the intersection. The Traffic Committee **supported** the report recommendations.

2.7 **Item 4.7: Ismona Avenue, Newport – Proposed No Stopping Restrictions – Supported**

2.8 **Item 4.8: Jubilee Avenue, Warriewood – Proposed 2 Hour Parking Restrictions - Supported**

2.9 **Item 4.9: Old Samuel Street, Mona Vale - Partial Road Closure**

Proposal to make the partial road closure of Old Samuel Street at Cabbage Tree Road permanent. Consultation undertaken following the 6 month trial indicated that the majority of the local residents support the proposal. The Traffic Committee **supported** the report recommendation to request RMS approval to make the partial road closure permanent.

2.10 **Item 4.10: Elanora Road, Elanora Heights - Parking Restrictions around the Elanora Public School**

Support for implementation of proposed parking restrictions and traffic chicane to improve road user safety and resident amenity around the Elanora Public School following consultation with affected property owners (refer **Attachment 2**).

2.11 **Item 4.11: Macpherson Street/Boondah Road, Warriewood - Proposed Roundabout**

Proposed roundabout (including associated kerb blisters) at the Macpherson Street/Boondah Road intersection to improve traffic safety and intersection efficiency as identified in the Section 94 Traffic & Transport Plan for the Warriewood Valley Land Release - **Supported**

2.12 **Item 4.12: Boondah Road, Warriewood - Temporary Road Closure**

Road closure in Boondah Road to facilitate the widening and partial raising of Boondah Road along its existing alignment above the 1% flood level, as identified in the Section 94 Traffic & Transport Plan for the Warriewood Valley Land Release and condition of approval of development at 14-18 Boondah Road - **Supported**

2.13 **Item 4.13: Jacksons Road/Boondah Road, Warriewood - Proposed Interim Roundabout**

Proposed interim roundabout (including painted islands) at the intersection of Jacksons Road and Boondah Road, with a temporary traffic island and parallel parking on the eastern side of Boondah Road, to improve traffic safety and intersection efficiency, and to facilitate traffic movements during the temporary closure of Boondah Road. A permanent roundabout to be provided in the future in accordance with the Section 94 Traffic & Transport Plan for the Warriewood Valley Land Release - **Supported**

3.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 12 February 2013 for Council's consideration.

RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 12 February 2013 be adopted.

Report prepared by
Ricky Kwok - Civil Design & Traffic Engineer - Strategy, Investigation and Design

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

MINUTES

Traffic Committee Meeting

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

12 February 2013

Commencing at 1:02pm.

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

Attendance:

Voting Members of the Committee are invited to attend, namely:

Chairperson, Cr Young
Roads and Maritime Services, Ms Nazli Doraji Sabi
Roads and Maritime Services, Mr Alex Coates
Member for Pittwater, Rob Stokes MP
Traffic NSW Northern Beaches – Sergeant Matthew Paterson

And Non Voting Representatives from Bus Providers including State Transit Authority

State Transit Authority, Mr Jay Zmijewski

Council Staff:

Manager, Urban Infrastructure, Mr Mark Shaw
Principal Engineer, Strategy Investigation and Design, Mr Paul Davies
Civil Design & Traffic Engineer, Mr Ricky Kwok
Road Safety Officer, Ms Michelle Carter
Administration Coordinator / Minute Secretary, Ms Sherryn McPherson

Pittwater Traffic Committee Meeting

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1.0 Apologies

COUNCIL DECISION

That apologies be received and accepted from Mr Aaron Cutugno of Forest Line Coaches and leave of absence be granted from the Traffic Committee Meeting held on 12 February 2013.

(Cr Young / Sgt Matthew Paterson)

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the Minutes of the Traffic Committee Meeting held on 13 November 2013, be confirmed as a true and accurate record of that meeting.

(Ms Nazli Doraji Sabi / Sgt Matthew Paterson)

4.0 Committee Business

TC4.1	Avalon Tattoo - Saturday 15 June 2013
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COMMITTEE RECOMMENDATION

That the Traffic Committee, to enable the proposed Avalon Tattoo March to be held on Saturday 15 June 2013, supports the temporary closure of Old Barrenjoey Road (Dress Circle Road to Barrenjoey Road), Avalon Parade (Bellevue Avenue to Barrenjoey Road) and Bowling Green Lane (at Dunbar Park) on that day. Small changes to the timing of the march proposed prior to the day of the event may be granted by Council administratively following appropriate consideration.

(Cr Young / Rob Stokes MP)

TC4.2	Mona Vale Market Day - Sunday 3 November 2013
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the temporary closure of Park Street (between the entrance to Pittwater Place and the entrance to the car park next to Thomas Dux grocers) from 6am - 7pm on Sunday 3 November 2013 to enable the Mona Vale Market Day to proceed, subject to the following conditions:

1. That the TCP be prepared in accordance with the RMS Traffic Control at Work Sites Manual and Australian Standards.
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RMS.
3. That barriers and signs to be used in the road closures are to be to RMS standards.
4. That the road closure be staffed at all times to allow access for affected businesses, emergency vehicles, and to ensure barriers are not moved.
5. That the affected businesses in Park Street be notified be notified at least 2 weeks in advance of the road closures, with details of access restrictions.
6. That the applicant advises the Sydney Buses, Forest Coach Lines and the various emergency services of the closure.
7. That Council staff discuss with Forest Coach Lines alternate locations for a temporary bus stop for the use of their buses on the day of the event (one that reduces loss of parking near the reserve) and report agreed alternate location to the next meeting of the Traffic Committee.
8. That the closure be advertised in "The Manly Daily" the week prior to the event.
9. That approvals being granted by Council for the use of the public reserves specified in the application for stalls, etc.
10. That Council request RMS approval of a Traffic Control Plan to delete the right hand turning lane from Barrenjoey Road into Park Street for the duration of the event and to direct traffic to utilise Darley Street.

(Rob Stokes MP / Cr Young)

TC4.3	Warriewood Road, Warriewood - Proposed Linemarking and No Stopping Restrictions
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Proceedings in Brief

Ms Valerie Jenson, Mr Carl Jenson, Ms Rhonda Schweinsberg and Mr Philip Walker addressed the meeting speaking against this item.

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following proposals to improve traffic safety in Warriewood Road between No.186 and the intersection of Foley Street, Vineyard Street, Jubilee Avenue and Warriewood Road (shown on Council Plan 1-TC-2013).

1. Install 'No Stopping' restrictions on the western side of Warriewood Road, from the end of the Bus Zone to the intersection.
2. That the Committee recognizes potential future pedestrian safety improvements in this location which will be further considered by Council.
3. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Ms Nazli Doraji Sabi / Sgt Matthew Paterson)

TC4.4	Delecta Avenue, Clareville - Changes to No Stopping Restrictions
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee supports the residents' request to improve traffic safety, on the sharp bend at the southern end of Delecta Avenue, by relocating the 'No Stopping' sign to a new position 6m south of its existing location (shown on Council Plan No. 2-TC-2013).
2. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Rob Stokes MP / Ms Nazli Doraji Sabi)

TC4.5	Irrubel Road/King Street, Newport - Provision of Stop Signs
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the residents' request to improve traffic safety by replacing the existing 'Give Way' controls with 'Stop' controls at the Irrubel Road/King Street intersection (shown on Council Plan No. 3-TC-2013).

(Ms Nazli Doraji Sabi / Cr Young)

TC4.6	Patrick Street/Cabarita Road, Avalon - Double Separation Lines and No Stopping Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following proposals to improve traffic safety at the Patrick Street/Cabarita Road/Wanawong Road intersection and along the bend in Patrick Street/Cabarita Road (shown on Council Plan No. 4-TC-2013).

1. Provide double separation lines west of driveway No.79 to the Patrick Street/Cabarita Road/Wanawong Road intersection.
2. Provide double separation lines 20m west and 10m east of the existing STA bus stop in Cabarita Road.
3. Provide 'No Stopping' restrictions on the northern side of the Patrick Street/Cabarita Road/Wanawong Road intersection.
4. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Ms Nazli Doraji Sabi / Sgt Matthew Paterson)

TC4.7	Ismona Avenue, Newport - Proposed No Stopping Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the following restrictions, to improve access to the properties at the western end of Ismona Avenue (shown on Council Plan No.5-TC-2013).

1. Provide 'No Stopping' restrictions on the northern side of the road, west of the driveway to No.5 to the end of the cul-de-sac.
2. Provide 'No Stopping' restrictions on the southern side of the road, west of the driveway to No.4 to the end of the cul-de-sac.
3. That all residents of Ismona Avenue be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Rob Stokes MP / Ms Nazli Doraji Sabi)

TC4.8	Jubilee Avenue, Warriewood - Proposed 2 Hour Parking Restrictions
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee supports the proposal for 2 hour parking restrictions (8.30am-6pm Everyday) fronting No.9 Jubilee Avenue, to provide short term customer parking for the businesses in the area (shown on Council Plan No.6-TC-2013).
2. That the adjacent businesses be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Rob Stokes MP / Cr Young)

TC4.9	Old Samuel Street, Mona Vale - Partial Road Closure
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee recommends that Council seek consent from the RMS for the permanent, partial road closure of Old Samuel Street at Cabbage Tree Road in accordance with Council Plan No. 2012-02, as supported by the local community.
2. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Sgt Matthew Paterson / Rob Stokes MP)

TC4.10	Elanora Road, Elanora Heights - Parking Restrictions around the Elanora Public School
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COMMITTEE RECOMMENDATION

1. That the Traffic Committee recommends approval of the following parking restrictions to improve road user safety and resident amenity around the Elanora Public School:
 - a. Elanora Road – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the western side between the existing 'No Stopping' restriction at No. 88 and Woorarra Avenue, to replace all existing parking restriction in this section.
 - b. Elanora Road – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the northern side between Nos. 53 and 57.
 - c. Elanora Road – extend the existing P2 zone on the eastern side to No. 37.
 - d. Elanora Road – create a new P2 zone (same restrictions as existing zone) on the eastern side from No. 27 (at end of 'No Stopping' zone) to the statutory 'No Stopping' limit at Weeroona Avenue.
 - e. Georgina Avenue – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the eastern side between No 21 and the statutory 'No Stopping' limit at Anana Road.
 - f. Elanora Rd – provide 'No Stopping' on the eastern side between the extended P2 zone (No. 37) and the new P2 zone (No. 27).
2. That the Traffic Committee recommends approval of a kerb blister and median island adjacent to No. 174 Woorarra Avenue as shown on plan 30-TC-2012, subject to approval by the Traffic Committee of a construction plan for the work prior to its construction.
3. That all property owners who received consultation letters from Council be advised of the Traffic Committee recommendations prior to their consideration by Council.
4. That the Committee suggests that the Elanora Public School and the P & C provide a letter of support for the proposed scheme prior to consideration of the matter by Council.

(Sgt Matthew Paterson / Ms Nazli Doraji Sabi)

TC4.11	Macpherson Street/Boondah Road, Warriewood - Proposed Roundabout
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the construction of a roundabout (including associated kerb blisters) at the intersection of Macpherson Street and Boondah Road in accordance with RMS requirements (shown on Council Plan 2012-18).

(Cr Young / Ms Nazli Doraji Sabi)

TC4.12	Boondah Road, Warriewood - Temporary Road Closure
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the temporary closure of portion of Boondah Road (adjacent to No.14-18) to allow the Boondah Road upgrade in accordance with the Warriewood Valley Roads Master Plan, subject to the following conditions:

1. That the TCP be prepared in accordance with the RMS Traffic Control at Work Sites Manual and Australian Standards;
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RMS.
3. That barriers and signs to be used in the road closures are to be to RMS standards.
4. That the road closure be staffed at all times to allow access for affected businesses, emergency vehicles, and to ensure barriers are not moved.
5. That the full road closure only extends to the area required to undertake work safely in order to minimise disruption and access to affected residents.
6. That signs advising of the proposed date and time of the closure be placed on the approaches to Boondah Road to inform all road users of the proposed closure at least 2 weeks prior to the closure of the road to traffic.
7. That the affected properties in Boondah Road be notified at least 2 weeks in advance of the road closures.
8. That the applicant advises the Sydney Buses, Forest Coach Lines and the various emergency services of the closure.
9. That the closure be advertised in "The Manly Daily" the week prior to the event.

(Cr Young / Sgt Matthew Paterson)

TC4.13	Jacksons Road/Boondah Road, Warriewood - Proposed Interim Roundabout
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the installation of an interim roundabout (including painted islands) at the intersection of Jacksons Road and Boondah Road, with a temporary traffic island and parallel parking on the eastern side of Boondah Road (shown on Council Plan 7-TC-2013).

(Ms Nazli Doraji Sabi / Cr Young)

5.0 General Business

Elimatta Road, Mona Vale – Residents Parking Vehicles / Trailers on the road – Councillor tabled correspondence on behalf of a resident for the reduction of vehicles and trailers being parked between Elimatta Road and Jenkins Street.

Action: Matter has been dealt with administratively by Council staff. Not a future Agenda item.

Pittwater High School, Mona Vale – Residents Parking Trailers on Road – Councillor tabled correspondence on behalf of a resident for the implementation of parking restrictions to prevent the long term parking of trailers at this location, which reduces the availability of parking during school drop off / pick up times and creates hazards for children entering and exiting the school.

Action: RMS currently considering the issue of trailers with advertising signs being parked on roads. Currently legal so no action possible. Not a future Agenda item.

Bilgola Bends, Avalon – Parking Advertising Trailers on the Road – The Local MP tabled correspondence on behalf of a resident raising safety concerns of advertising trailers being parked on the Bilgola Bends and would like to see parking restrictions implemented.

Action: RMS currently considering issue of trailers with advertising signs being parked on roads. Currently legal so no action possible. Not a future Agenda item.

Dygal Street, Mona Vale – Parking Restrictions – Councillor tabled a request from a resident requesting Council implement parking restrictions on Dygal Street during business hours.

Action: Council staff will commence consultation process with residents and stakeholders and aim to include the proposal as an Agenda item at the April Traffic Committee Meeting.

McCarrs Creek, Church Point – Turning Area – State Transit Authority reported Concerns regarding the signage for the bus turning area. The signage in this area is outdated and needs to be updated with reflective signage.

Action: Council will review signage and upgrade if necessary. Possible future Agenda item.

Ocean Place, Palm Beach – One Way Street – Sydney Buses raised a concern for public safety in this street due to vehicles driving the wrong way up this One Way street.

Action – Northern Beaches Police Service will monitor the area. Signs comply with RMS requirements. Not a future Agenda item.

Barrenjoey Road, Avalon – Timed Parking Restrictions – Council staff raised a resident request for timed parking restrictions on the western side of Barrenjoey Road between Avalon Parade and Old Barrenjoey Road to increase the availability of short term parking for shoppers and to prevent advertising trailers and cars parking there with 'For Sale' signs.

Action – RMS, as the responsible Authority, to consider the matter in consultation with the Avalon Chamber of Commerce.

6.0 Next Meeting

That the next meeting of the Traffic Committee Meeting will be held on 9 April 2013 in the Level 3 Conference Room, 5 Vuko Place, Warriewood commencing at 1.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 3.37PM ON
TUESDAY 12 FEBRUARY 2013**

TC4.10: Elanora Road, Elanora Heights - Parking Restrictions around the Elanora Public School**1.0 BACKGROUND**

- 1.1 Following a meeting between Council staff, Councillors and representatives of the Elanora Public School, the school's Parents & Citizens' Association and the Department of Education it was agreed that Council staff would investigate possible actions (on the public roads surrounding the school) to further ameliorate the existing adverse traffic/safety impacts on the local community resulting from students being dropped off and collected by carers in vehicles. The school representatives agreed to investigate what actions could be undertaken by themselves to also assist in alleviating the adverse impacts.
- 1.2 Council staff investigated the existing traffic situation and potential actions, including seeking feedback/suggestions from local property owners and the school community. A report was produced for a further meeting with school stakeholder representatives (report to be tabled at this meeting) at which several specific actions suggested in the report were supported.
- 1.3 Those actions supported at the meeting (from the list of options considered) were then provided to the local affected property owners (see **Attachment 1** plan of proposed parking restrictions) seeking their comments prior to their consideration by the Traffic Committee and Council.

2.0 ISSUES**2.1 Elanora Road, Elanora Heights - Proposed Parking Restrictions and Traffic Facilities**

The significant components of the proposal are:

1. Elanora Road
 - 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the northern side between Nos. 53 and 57.
 - 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the western side between the existing 'No Stopping' restriction at No. 88 and Woorarra Avenue, to replace all existing parking restriction in this section.
 - Extension of the existing P2 zone on the eastern side to No. 37.
 - New P2 zone (same restrictions as existing zone) on the eastern side from No. 27 (at end of 'No Stopping' zone) to the statutory 'No Stopping' limit at Weeroona Avenue.
 - 'No Stopping' on the eastern side between the extended P2 zone (No. 37) and the new P2 zone (No. 27).
2. Georgina Avenue
 - 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the eastern side between No 21 and the statutory 'No Stopping' limit at Anana Road.
3. Woorarra Avenue
 - Proposed kerb blister/median island (chicane) adjacent to No. 174 Woorarra Avenue.

2.2 Consultation Process

- Consultation was undertaken from 3 December 2012 to 14 January 2013.
- Letters were sent to affected property owners seeking written comments on the proposal.

2.3 Assessment of Responses

- Refer to **Attachment 2** for a summary of residents' comments and Council responses to them.
- Assessment of the responses in respect to the components of the proposal are as follows:

1. **Elanora Road** - proposed parking restrictions (Georgina Avenue to Marinna Avenue).

- Vehicles are able to legally park on the northern side of Elanora Road between Nos. 53 and 57, in a short 20 metre section of the road where there are no double separation lines. Vehicles parked here during school drop off/collection times impede the flow of traffic and force overtaking vehicles into potential conflict with the opposing heavy traffic flow.
- Imposing 'No Stopping' restrictions at this location during school drop off/collection times would improve traffic amenity/safety with minimum impact on parking for adjacent property owners as parking would remain available at all other times.
- The existing school bus zone immediately to the east of this area is of a shorter length than the current standard and would be upgraded in conjunction with the provision of any new 'No Stopping' signs. This would be for purely technical reasons as the existing separation lines already prevent parking.
- Council received four responses in respect to the proposal to implement 'No Stopping' restrictions. One was in support and the other three against on the basis of loss of parking. One resident opposing 'No Stopping' restrictions stated they would accept the restriction if it applied only during school drop off and collection times, which is what has now been recommended.

Elanora Road - proposed parking restrictions (Anana Road to Woorarra Avenue)

- This section of road experiences the worst traffic impacts due to the desire of carers to drop off and collect students as close as possible to the school pedestrian access gates. Impacts arise from the volume of traffic, cars parked both sides of the street restricting the road to one traffic lane for the two way flow of traffic, parked vehicles blocking driveways, drivers doing multi-point turns (or using driveways), students crossing the street amidst manoeuvring traffic and pedestrians have to walk on the road pavement (of particular concern in the section of curves between Nos. 25 and 29).
- Parking restrictions implemented on both sides of the street in the past (including P2 student collection/drop off zones) have had a limited effect in reducing adverse traffic impacts.
- It is considered that existing traffic impacts would be significantly ameliorated if the following system of parking restrictions were implemented:
 - a. 'No Stopping' on the eastern side of Elanora Road from No. 37 to No 27, to ensure one clear traffic lane is maintained at all times in this section of road (S curve) that has to be narrowed to approximately 6 metres to allow Council to construct a footpath. No restrictions exist at present on the existing 7.2 metre wide roadway.

- b. 'No Stopping' on the western side of Elanora Road from No 88 (existing 'No Stopping' restriction) to Woorarra Avenue during school drop off/collection times (8.30 to 9.00am and 2.30 to 3.30pm) on school days, to ensure two traffic lanes are available at these times. This replaces existing parking restrictions between Nos. 88 and 70. This would reduce congestion, encourage circulation of traffic around the block and place all school drop off zones on the school side of the road.
 - c. P2 parking zones (school drop off areas). Extend the existing P2 zone to No. 37 (start of 'No Stopping' zone) and create a new P2 zone between No. 27 and the statutory 'No Stopping' restriction at Weeroona Avenue. The new zone would be usable now with students being able to walk to the school gate and also serve the school access steps adjacent to No. 25 when this pathway is reopened by the school in the future.
- Council received nine responses, three in support and six against principally on the basis of loss of on-street parking (cannot park for 24 hours on school days) and that the school should provide sufficient parking on school property for carers to drop off/collect students.

2. **Georgina Avenue** - proposed parking restrictions

- When dropping off students or collecting them carers park their vehicles on both sides of the road, as close as possible to the intersection with Anana Road. This results in the obstruction of driveways and in reducing vehicular access to one traffic lane serving two way traffic, causing extensive traffic congestion at these times only.
- To improve safety and reduce congestion it is proposed to extend the statutory 'No Stopping' zone on the eastern side of Georgina Avenue (on approach to the intersection) up to No. 21 (approximately 35 metres) by creating a 'No Stopping' zone (school days only) between the hours of 8.30 to 9.00am and 2.30 to 3.30pm. These periods are when the worst congestion occurs.
- This proposal leaves the existing parking situation unchanged outside these hours and means that carers would have to either park further along Georgina Avenue (away from Anana Road) where parking exists or in another local street. Both would require them to walk a short additional distance to the school, which is considered acceptable as a footpath exists in Elanora Road and the nature strips are generally even in the other low traffic streets.
- Three resident responses received with one in support and two opposing this proposal principally on the basis that parking would be lost for 1.5 hours on school days and that they doubted this would improve the situation.

3. **Woorarra Avenue** - proposed kerb blister/median island (chicane)

- Some residents and carers of school students have expressed concern when travelling south along Elanora Road turning right into Woorarra Avenue due to the limited traffic sight distance available and perceived excessive speed of approaching traffic.
- As a result they choose to undertake multi-point turns in Elanora Road (or use driveways) rather than circulate around the block, as promoted by the school. This further aggravates the existing traffic congestion in Elanora Road near the school and adversely impacts traffic and pedestrian safety.
- The provision of a kerb blister and median island to form a chicane in Woorarra Avenue (in front of No. 174) as shown in concept plan (30-TC-2012) **Attachment 3**, would both slow approaching vehicle speeds and improve the traffic sight distance for vehicles exiting Elanora Road.

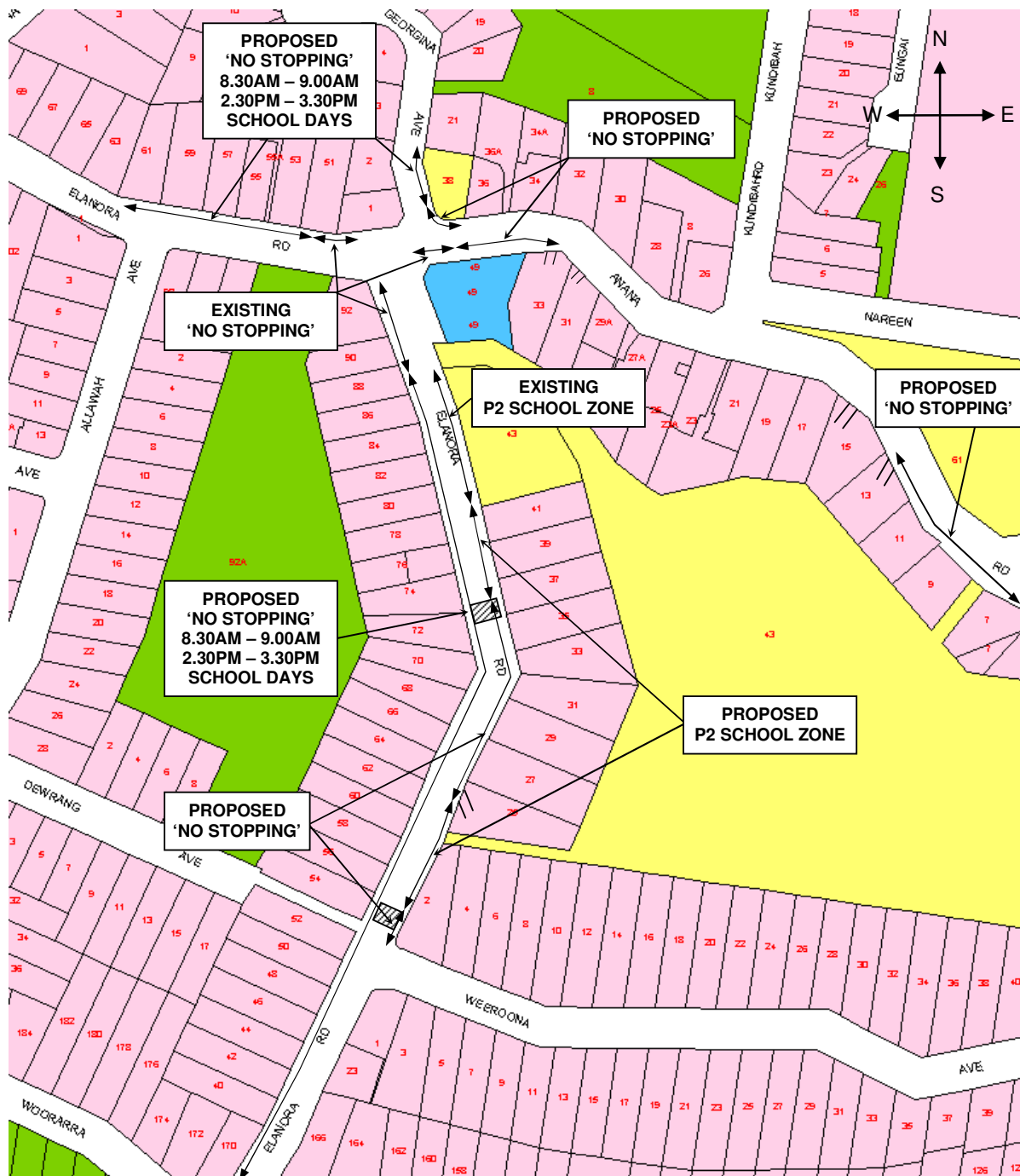
- The resulting improvement in perceived safety would encourage additional numbers of carers to circulate around the block and ease congestion in Elanora Road.
- Council has received no responses from any resident in Woorarra Avenue in respect to this proposal. One response from a resident of Elanora Road did not support the proposal as they considered that no problem exists at this intersection.

3.0 TRAFFIC COMMITTEE CONSIDERATIONS

3.1 A report was considered by the Traffic Committee on 12 February 2013 presenting the outcomes of the consultation with affected property owners with the following recommendations:

1. That Council supports the approval of the following parking restrictions to improve road user safety and resident amenity around the Elanora Public School
 - a. Elanora Road – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the western side between the existing 'No Stopping' restriction at No. 88 and Woorarra Avenue, to replace all existing parking restriction in this section.
 - b. Elanora Road – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the northern side between Nos. 53 and 57.
 - c. Elanora Road – extend the existing P2 zone on the eastern side to No. 37.
 - d. Elanora Road – create a new P2 zone (same restrictions as existing zone) on the eastern side from No. 27 (at end of 'No Stopping' zone) to the statutory 'No Stopping' limit at Weeroona Avenue.
 - e. Georgina Avenue – provide 'No Stopping' (8.30 to 9.00am and 2.30 to 3.30pm, school days) on the eastern side between No 21 and the statutory 'No Stopping' limit at Anana Road.
 - f. Elanora Rd – provide 'No Stopping' on the eastern side between the extended P2 zone (No. 37) and the new P2 zone (No. 27).
2. That Council supports the approval of a kerb blister and median island adjacent to No. 174 Woorarra Avenue as shown on plan 30-TC-2012, subject to approval by the Traffic Committee of a construction plan for the work prior to its construction.
3. That all property owners who received consultation letters from Council be advised of the Traffic Committee recommendations prior to their consideration by Council.
4. That Council suggests that the Elanora Public School and the P & C provide a letter of support for the proposed scheme prior to consideration of the matter by Council.

ATTACHMENT 1
TC4.10: ELANORA ROAD, ELANORA HEIGHTS – PARKING RESTRICTIONS



Elanora Road, Elanora Heights – Proposed parking restrictions

ATTACHMENT 2
TC4.10: ELANORA ROAD, ELANORA HEIGHTS – PARKING RESTRICTIONS

**Consultation responses/comments – proposed parking restrictions in
Elanora Road between Anana Road and Woorarra Avenue**

1. Summary of responses received

- A total of 107 letters were sent to affected property owners and only their responses to be considered.
- Responses received (total of 16) generally focussed on proposal for their street, rather than the overall scheme and are summarised as follows:

Street	No. letters sent	No. responses received	Support overall scheme		Support proposal for their street	
			Yes	No	Yes	No
Georgina Avenue	21	3	0	0	1	2
Elanora Road (Georgina Ave to Marinna Rd)	12	4	2	2	1	3
Elanora Road (Anana Rd to Woorarra Ave)	58	9	3	6	3	6
Woorarra Avenue	5	0	0	0	0	0
Anana Road (sign post existing 'No Stopping' restrictions)	11	0	0	0	0	0
Total	107	16	5	8		

2. Council response to comments received

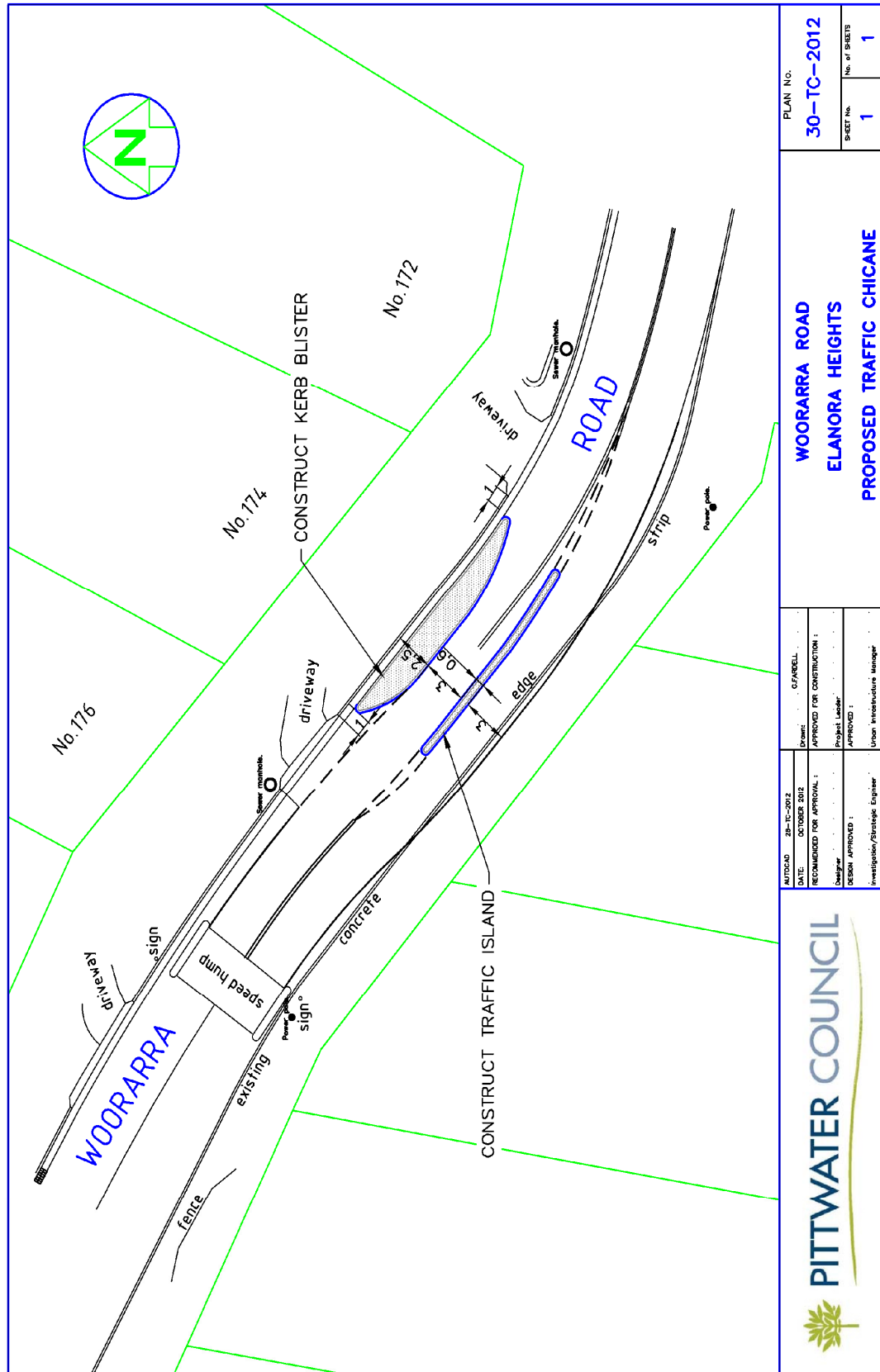
Street respondent resides	Resident comment	Council response
Georgina Avenue	<ul style="list-style-type: none"> • Parking problem in Georgina Avenue only exists during the afternoon collection period 	<ul style="list-style-type: none"> • Observations show problems are worse in the afternoon but do also occur in the mornings
	<ul style="list-style-type: none"> • Putting 'No Stopping' in Georgina Ave on a short length of one side will increase extent of parking over the rest of the length of street 	<ul style="list-style-type: none"> • Agreed. However, traffic congestion in Georgina Avenue will be decreased and amenity/safety improved for both residents and students
	<ul style="list-style-type: none"> • School to provide parking on school property to ease problems 	<ul style="list-style-type: none"> • Possible but would create additional student safety and traffic issues at the school.
	<ul style="list-style-type: none"> • 'No Stopping' restrictions over short length of Georgina Place would prevent resident's visitors/service people parking for 1.5 hours each school day 	<ul style="list-style-type: none"> • Current demand for public parking during school drop off/collection times would already make it near impossible for resident's visitors to park during these times
	<ul style="list-style-type: none"> • Cannot park in front of their property for 1.5 hours each school day 	<ul style="list-style-type: none"> • On-street public parking is available to any person and parking is available at other locations in Georgina Avenue

Street respondent resides	Resident comment	Council response
Georgina Avenue	<ul style="list-style-type: none"> Provide resident parking permit to allow parking in proposed no stopping zone 	<ul style="list-style-type: none"> Such permits are not approvable under RMS guidelines and would defeat the purpose of the restrictions, to reduce traffic congestion
	<ul style="list-style-type: none"> Greater level of ranger enforcement of parking regulations, especially parking across driveways 	<ul style="list-style-type: none"> Rangers provide enforcement within the limits of their resources
	<ul style="list-style-type: none"> School to educate carers as to parking requirements and consideration of school neighbours 	<ul style="list-style-type: none"> School currently undertakes regular parent/carers education in respect to collection/drop off of students
Elanora Road – Georgina Avenue to Marinna Road	<ul style="list-style-type: none"> Remove kerb blisters on marked pedestrian crossing at Georgina Ave to allow traffic to pass vehicles turning right into Elanora Rd and Anana Rd at pedestrian crossing in Elanora Rd 	<ul style="list-style-type: none"> Not supported. RMS guidelines do not permit two traffic lanes (same direction) across pedestrian crossings and crossing cannot be relocated
	<ul style="list-style-type: none"> Proposed 'No Stopping' between Nos 53 and 57 Elanora Road not supported due to loss of parking. At most, should only apply during school drop off/collection times. 	<ul style="list-style-type: none"> 'No Stopping' during school collection/drop off times necessary for student safety and traffic efficiency. Support limited time for restriction to apply.
	<ul style="list-style-type: none"> 'No Stopping' restriction would result in cars parking in other places in local roads. 	<ul style="list-style-type: none"> On street public parking in any street is free for anyone to use and ample parking exists within streets 500 metres of school gates. Walking to school is to be encouraged.
	<ul style="list-style-type: none"> Council to construct additional parking areas on the nature strip for residents affected by 'No Stopping' restrictions. 	<ul style="list-style-type: none"> Not supported for financial and practical reasons and as Council is not responsible to provide parking for private vehicles. Residents to provide sufficient parking on their own properties where public parking is limited.
	<ul style="list-style-type: none"> Make a section of Elanora Road one way traffic from the school gate to Woorarra Ave. 	<ul style="list-style-type: none"> Not supported. This suggestion not approvable and previous consultation showed that the local community does not support a one way traffic option.
	<ul style="list-style-type: none"> Residents should provide parking for their own vehicles on their own properties so Council only has to provide roads for traffic. 	<ul style="list-style-type: none"> Roads are constructed to cater for vehicular and pedestrian traffic first and to provide for parking only where practical. Development controls require property owners to provide at least two parking spaces on their own property.
	<ul style="list-style-type: none"> Greater enforcement of existing parking regulations by rangers (especially P2 areas) would overcome problems 	<ul style="list-style-type: none"> Rangers provide enforcement within their available resources but cannot be there every day
	<ul style="list-style-type: none"> No stopping restrictions will increase speeding on approach to pedestrian crossing 	<ul style="list-style-type: none"> Possible, but increased traffic volumes and the 40kph school speed zone would make this unlikely

Street respondent resides	Resident comment	Council response
Elanora Road – Georgina Avenue to Marinna Road	<ul style="list-style-type: none"> Implement all proposed no stopping restrictions except at this location and see what happens before considering it 	<ul style="list-style-type: none"> Not supported as part of an overall traffic scheme
	<ul style="list-style-type: none"> Should not reduce parking spaces for carers who want to drop off/collect students near the school 	<ul style="list-style-type: none"> Parking near schools is highly desirable, but other options (walk, ride, bus) exist where this is not possible.
	<ul style="list-style-type: none"> Do not support loss of parking in front of their properties for amenity reasons 	<ul style="list-style-type: none"> Prime function of roads is to facilitate a safe traffic flow, with on street parking being provided only where appropriate
Elanora Road – Anana Road to Woorarra Road	<ul style="list-style-type: none"> Support proposed scheme 	<ul style="list-style-type: none"> Noted
	<ul style="list-style-type: none"> Support provision of footpath and associated 'No Stopping' restrictions 	<ul style="list-style-type: none"> Noted
	<ul style="list-style-type: none"> School to provide parking and drop off/collection area on school site and not use road 	<ul style="list-style-type: none"> Not supported. Creates additional student safety and traffic issues without eliminating problems in Elanora Road
	<ul style="list-style-type: none"> Construct a carpark in Elanora Rd where a playground now exists in public reserve (adjacent to No 92) 	<ul style="list-style-type: none"> Not supported
	<ul style="list-style-type: none"> P2 zone and other parking restrictions ignored. Need enforcement by rangers 	<ul style="list-style-type: none"> Rangers enforce regulations within the limits of their available resources
	<ul style="list-style-type: none"> School to reopen closed access path adjacent to No. 25 	<ul style="list-style-type: none"> Supported
	<ul style="list-style-type: none"> Move the bus stops in Elanora Road and replace with parking 	<ul style="list-style-type: none"> Not supported. Safest location is near an intersection and the marked pedestrian crossing
	<ul style="list-style-type: none"> Allow parallel parking in Elanora Rd opposite the 90° parking area near Anana Rd 	<ul style="list-style-type: none"> Not supported. Inadequate pavement width to meet legal minimum distances
	<ul style="list-style-type: none"> Widen road to construct the footpath and avoid need for no parking restrictions 	<ul style="list-style-type: none"> Not a practical option due to the standard of construction of some adjacent driveways/garages on the eastern side and the rockface on the western side
	<ul style="list-style-type: none"> Proposals not necessary for problems that only exist for 1.5 hours each school day 	<ul style="list-style-type: none"> Safety and amenity of road users at any time is paramount
	<ul style="list-style-type: none"> Meeting between school and resident representatives, Council and other stakeholders is necessary to discuss possible options. 	<ul style="list-style-type: none"> Not required for consultation carried out to date and Council has responsibility for final decision for benefit of the whole community
	<ul style="list-style-type: none"> Proposed chicane in Woorarra Ave not necessary as not aware of speeding problem and do not want any impediment of access to Wakehurst Parkway 	<ul style="list-style-type: none"> Many drivers perceive speeding to be an issue at the Woorarra/Elanora intersection and chicane will alleviate this without impeding access to Wakehurst Parkway.

Street respondent resides	Resident comment	Council response
Elanora Road – Anana Road to Woorarra Road	<ul style="list-style-type: none"> Want no stopping the full length of the western side of Elanora Rd between 8.30 and 3.30 on school days 	<ul style="list-style-type: none"> Not supported as monitoring has not shown that cars parked outside of the collection/drop off times do not cause any traffic problem
	<ul style="list-style-type: none"> Traffic calming required in Anana Rd to assist use of private driveways 	<ul style="list-style-type: none"> Speed monitoring has not shown any problem in Anana Rd and traffic calming not to be considered. It is responsibility of property owner to provide a safe driveway and use it safely
	<ul style="list-style-type: none"> Do not want no stopping in front of nos. 25 – 37 (where road proposed to be narrowed to provide a footpath) as needed to park their vehicles that cannot be parked within their properties 	<ul style="list-style-type: none"> Public on street parking is provided by Council wherever possible, for use by any member of the public. It is only provided after provision has been made for the safe flow of traffic and pedestrians and only where possible. Council is not responsible for providing public on street parking for residents to garage vehicles; as such parking always remains the responsibility of the vehicle owners.

ATTACHMENT 3
TC4.10: ELANORA ROAD, ELANORA HEIGHTS – PARKING RESTRICTIONS



Natural Environment Committee

10.0 Natural Environment Committee Business

C10.1	Background Report outlining Pre-Gateway Review Process for R0002/12 - 120 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood
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Meeting: Natural Environment Committee

Date: 4 March 2013

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

This report informs Council of the Planning Proposal (Rezoning Application) lodged for the subject site to permit residential development, and outlines the status of the assessment.

A request for Pre-Gateway Review has now been initiated by the proponent, as Council has not determined the application within 90 days. This request is before the Department of Planning and Infrastructure (the Department), who have requested Council's views and comments in relation to the application.

Council's comments are to be forwarded to the Department by 8 March 2013. Council's decision on this application (separately included in this Agenda) will form the basis of Council's position and will be forwarded to the Department.

1.0 THE SITE

1.1 Four properties are proposed to be rezoned under the Planning Proposal (Rezoning Application). A Location map of the subject properties is in **Attachment 1**.

- 120 (Lots 3, 4 & 5 DP 124602) and 122 Mona Vale Road (Lot 1 DP383009) and have frontage to Mona Vale Road and utilises an existing driveway at Mona Vale Road. 120-122 Mona Vale Road is owned by Opera Properties Pty Ltd.

120-122 Mona Vale Road has a total site area of 8.29 hectares and is triangular in shape. The property is primarily undulating, and is cleared generally along the eastern and southern sections with stands of trees dispersed in this area. A portion of existing bushland extends onto the southern and western margins of 120-122 Mona Vale Road from the adjoining Ingleside Chase Reserve, as well as a vegetated creekline (Narrabeen Creek) which runs through the northern section of the property.

A dwelling and other structures including glass houses exist on the property.

- 4A Boundary Street (Lot 2 DP 816070) is a clear area with a house exercise area as well as dwelling house and ancillary structure located in the south-eastern corner. The southern side of the site contains significant vegetation and canopy trees with sections of the site steeply sloping. 4 Boundary Street is owned by Planet Warriewood Pty Ltd.

- 10 Jubilee Avenue (Lot 10 DP 50055) is located on the north-west side of Jubilee Road. This property is owned by the Uniting Church Australia and contains a church, child care centre accessible by a meandering private road to account for the site's topography.

The portion of land proposed in this rezoning application relates to a rectangular portion, approximately 18 metres wide and 141 metres in length, aligning the southern (side) boundary of 10 Jubilee Avenue. This portion of land is extensively vegetated and includes canopy trees, and has a gradient from 15% to over 32%.

The private road serves as a Right-of-Carriageway for a number of properties in Boundary Street (including 4A Boundary Street) as Boundary Street is closed at the intersection of Mona Vale Road and Boundary Street. The Right of Carriageway permits restricted public access for a limited number of dwellings. Council has benefit of this Right of-Carriageway.

Boundary Street is a partially formed road however has very little utility as it is closed at the northern end due to a history of traffic accidents entering Mona Vale Road. The southern section of Boundary Street is not constructed.

2.0 DESCRIPTION OF APPLICATION

- 2.1 Charles Hill Planning lodged the Planning Proposal (Rezoning Application) to rezone 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue Warriewood, on behalf of Opera Properties Pty Ltd, Planet Warriewood Pty Ltd and the Uniting Church Australia respectively, to permit residential development.
- 2.2 The documentation submitted to Council on 11 October 2012 was incomplete. Council sought the following information:-
 - Owners consent for the properties, being the registered property owners as stated in Council's property rating system.
 - Completed Political Donations Disclosure Forms from all owners and the applicant.
 - Application fees payable to Council.
 - Clarification if the proposed residential lots shown on 4A Boundary Street will form part of this application (given Council's resolution of 18 September 2006 refers only to 120 Mona Vale Road).
- 2.3 The information was provided to Council separately with the final outstanding documentation provided on 13 November 2012.

Council considers that the completed Planning Proposal/Rezoning Application was formally lodged on 13 November 2012.
- 2.4 The application shows a masterplan comprising 71 residential lots, ranging from 400m² to over 2000m². 3 of the 71 lots, greater than 4,000m², are located at the north-western portion of the site fronting Mona Vale Road and are to be accessed by a single driveway off Mona Vale Road.

Two options are proposed to facilitate access for the majority of the development:-

- Option 1 seeks the reinstatement of Boundary Street to access Mona Vale Road in a left in-left out arrangement.
- Option 2 seeks to accommodate an access corridor within 4A Boundary Street and 10 Jubilee Street should Option 1 not be supported.

The owner of 4A Boundary Street in his letter dated 15 October 2012 no longer seeks to propose residential lots on 4A Boundary Street regardless of what is shown the submitted masterplan.

3.0 ASSESSMENT OF THE APPLICATION

3.1 A number of the properties (the subject of this application) had been the subject of recent strategic planning work and applications assessed by Council officers.

3.2 Council prepared a project brief and invited quotes from 5 planning consultants to undertake the assessment of the application.

Responses were evaluated and Council engaged The Planning Group NSW (TPG) to undertake the assessment of the planning proposal.

3.3 At its meeting of 17 October 2011, Council in considering the Pittwater Standard Instrument Local Environmental Plan, resolved inter-alia:-

- “2. That Council not process future individual Planning Proposals other than through the Pittwater Standard Instrument LEP process unless in exceptional circumstances, being demonstrated public benefit, demonstrated hardship, environmental preservation or as contained with the Warriewood Valley Strategic Review area.*
- 3. All individual Planning Proposals submitted during the period of preparation of the Pittwater Standard Instrument LEP be initially reported to Council for notation in relation (2) above. Noting that it will remain open to Council to lift the moratorium in exceptional circumstances being demonstrated public benefit, demonstrated hardship or environmental preservation.”*

In regard to the point 2, the following comments are provided:-

- 120 Mona Vale Road is in the Warriewood Valley Strategic Review area.
- Council at its meeting of 4 July 2011 in considering the development application to construct a new private road on 4A Boundary Street and 10 Jubilee Avenue to access 120 Mona Vale road, resolved inter-alia:-
 - “2. That consideration of the present application be deferred pending the outcome of the current Strategic Review of the Warriewood Valley and consideration of the Masterplan suggested above.”*
- The Planning Proposal (Rezoning Application) relates to the main property that is generally in the Warriewood Valley Strategic Review area (strategic review). Although part of the land pertaining to the access corridor is outside of the strategic review area, it was considered that the application generally fitted in the strategic review area and is in accord with point 2 of Council's decision of 17 October 2011.

Having regard to the above, the non-statutory notification was undertaken. Submissions received during the non-statutory notification process were referred to TPG for their consideration.

TPG commenced their assessment of the proposal in December 2012. By February 2013 TPG's assessment of the application was well advanced and the need for additional information identified.

On 13 February 2013 the Acting Director, Environmental Planning & Community, in light of the application reaching the 90 day Pre-Gateway review threshold period, wrote to the Department advising that the assessment of the proposal was due to be finalised shortly and expected to be presented to the next available Council meeting.

Prior to Council receiving the Department's letter dated 15 February 2013, no formal contact was received from the Department seeking information on the progress of this application.

4.0 PRE-GATEWAY REVIEW PROCESS

- 4.1 On 15 February 2013, the Director-General of Planning wrote to Council advising that the Department has received a Pre-Gateway Review request regarding the subject application, as *'Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal on 23 October 2012.'* This letter is in **Attachment 2**.

As stated earlier, Council considers that the completed application was lodged on 13 November 2012. The 90th day was on 11 February 2013.

Council has been requested to provide its views and comments on the application within 21 days from 15 February 2013. This matter is reported to Council as Council's comments need to be forwarded to the Department by 8 March 2013.

- 4.2 The Pre-Gateway Review is enabled under Section 56(5) of the Environmental Planning and Assessment Act (EP&A Act) and allows the Minister to arrange for a review of a Planning Proposal by the Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).
- 4.3 The Review must consider if the application complies with criteria as established in the Department's Guide to Preparing Local Environmental Plan. The criteria are:-
- a. *has strategic merit as it:*
 - *is consistent with a relevant local strategy endorsed by the Director-General or*
 - *is consistent with the relevant regional strategy or Metropolitan Plan or*
 - *can otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (eg proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)*

- b. *has site specific merit and is compatible with the surrounding land uses, having regard to the following:*
- *the natural environment (including known significant environmental, values, resources and hazards)*
 - *the existing uses, approved uses and likely future uses in the vicinity of the proposal*
 - *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision*

The flowchart of the Pre-Gateway Review process is in **Attachment 3**.

Proposals that do not meet the assessment criteria above will generally not proceed to the review by the JRPP/PAC. A decision of the Director-General that a planning proposal does not qualify for review is final.

If a decision is made that the proposal is to be referred to the JRPP/PAC for review, these bodies may meet with the Department, Council and proponent to clarify any issues before completing their review.

The JRPP/PAC's advice will be based on the merits of the proposal and will recommend to the Minister whether the proposal should be submitted for determination under Section 56 of the EPA&A Act.

The Minister (or delegate) will make the final decision concerning whether the proposal should proceed to a Gateway Determination.

5.0 ISSUES

5.1 Availability of Council and TPG's Assessment Report

An assessment report to Council has been prepared by Council staff and planning consultant TPG on the Planning Proposal (Rezoning Application) submitted by Charles Hill Planning. Due to the time constraints imposed by the Director-General the Assessment Report has not been finalised in to be included in the Agenda and the report will be circulated separately to the Councillors and made available on the Council's website, Customer Service Centres and libraries no later than 5pm Friday 1 March 2013.

5.2 Insufficient information provided by the Applicant

On 21 February 2013, Council wrote to the applicant seeking additional information based on the preliminary assessment undertaken by TPG regarding the documentation submitted with the application, submissions from state agencies and comments from Council's specialist units. Council's letter is in **Attachment 4**.

The information sought relates to deficiencies in the submitted documentation that demonstrates the property's capability to support low density housing (as it relates to Option 2, Council's letter refers to it as Option B) to justify proceeding with the proposed LEP Amendment, namely:-

- Feasibility and functionality of the access arrangements, particularly for emergency vehicles and future safety of residents in bushfire or evacuation event.
- The application has not submitted information that assesses the impacts for the properties that would accommodate the access corridor to support the rezoning.

- Demonstrating how water can be managed on all four properties such that there is no detrimental impact on downstream properties in the catchment.
- A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land.
- An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed.
- A preliminary assessment of Aboriginal archaeological and cultural heritage is required.

Additionally, the applicant was provided with a Preliminary Draft Minimum Lot Size Map prepared by TPG for consideration given its implications for lot yield and project feasibility.

At the time of finalising this report, the applicant has not responded to Council's request for additional information.

6.0 EXECUTIVE SUMMARY

- 6.1 A Planning Proposal (Rezoning Application) has been submitted for four properties. The submitted masterplan shows a proposal for 71 residential lots, ranging from 400m² to over 2000m² to be located on 120-122 Mona Vale Road.
- 6.2 After Council had failed to indicate its support within 90 days of lodgement of the application, the proponent has successfully sought a Pre-Gateway Review by the Department of Planning & Infrastructure.
- 6.3 The Director-General in a letter dated 25 February 2013 has sought Council's views on the proposal and why a decision has not be made within 90 days.
- 6.4 This report outlines the process of assessing the application and why a decision was not made within 90 days and a separate report on this Agenda provides Council with an opportunity to provide the Director-General with its views on the application.

RECOMMENDATION

- 1 That Council note the contents of this report.
- 2 That the General Manager write to the Director-General of the Department of Planning & Infrastructure indicating the following reasons why a decision was not made within 90 days for the Planning Proposal R0002/12 – 120-122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street:-
 - a) The information submitted in support of the Planning Proposal is deficient. The material submitted to date does not adequately demonstrate that 10 Jubilee Avenue and 4A Boundary Street are able to provide acceptable access, with reasonable environmental impacts, to 120 and 122 Mona Vale Road. The material submitted to date does not adequately demonstrate that 120 and 122 Mona Vale Road are able to support low density residential housing. The following additional information is required to enable an appropriate assessment of the proposal:
 - Access arrangements must be demonstrated to be appropriate for the number new lots proposed. This includes appropriate access for emergency vehicles. The environmental impacts of any access arrangement should also be appropriately considered and demonstrated to be acceptable.
 - Water Management must be appropriately considered inclusive of details demonstrating no detrimental impact on downstream properties.

- A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land
- An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed
- A preliminary assessment of Aboriginal archaeological and cultural heritage is required
- A revised masterplan that reflects the recommended changes to minimum lot sizes

3 That the General Manager write to the Director-General of Department of Planning & Infrastructure expressing Council's concern that the Department agreed to a Pre-Gateway review even though the application for review appears to have failed the Department's own test as outlined below:

"That Council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information."

Report prepared by

Lindsay Godfrey
ACTING DIRECTOR, ENVIRONMENTAL PLANNING AND COMMUNITY



Aerial Photography - March 2012
 Licensed from NearMap.
 This plan is not survey accurate,
 & aerial photography is indicative only.

NORTH
 A4 Scale 1:3000

Properties subject of draft Planning Proposal R0002/12



Planning & Infrastructure

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
Mona Vale NSW 1660

Contact: Lee McCourt
Phone: 02 9228 2094
Fax: 02 9228 6244
Email: lee.mccourt@planning.nsw.gov.au
Our ref: PGR_2013_PITTW_001_00
Your ref:

Dear Mr Ferguson

Re: Request for Pre-Gateway Review – (Notification to Council of Request for Review)

I am writing to notify Council that a Pre-Gateway Review request, dated 31 January 2013, regarding the proposed instrument as detailed below, has been submitted to the Minister for Planning and Infrastructure for consideration.

Dept. Ref. No:	PGR_2013_PITTW_001_00
LGA:	Pittwater
LEP to be Amended:	Pittwater Local Environmental Plan 1993
Address/ Location:	120 – 122 Mona Vale Road, Warriewood
Proposed Instrument:	Rezone site from non-urban to residential use

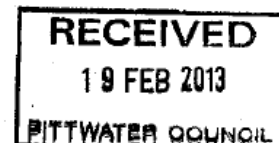
The request states that the proponent is seeking a Pre-Gateway Review as the Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal on 23 October 2012.

I understand that Council determined the proponent's initial application to be deficient and a revised application was submitted addressing key concerns on the 13 November 2012. I also note that Council has engaged an independent planning consultant to assess the planning proposal.

Council is invited to provide its views about the proposal. Any views and response must be submitted no later than 21 days from the date of this notification and sent to the Sydney Region East Office of the Department of Planning and Infrastructure (Department).

The views of Council will be taken into consideration by the department and the Joint Regional Planning Panel when considering whether to support the proponent's request for the matter to proceed to Gateway. Council should therefore provide all relevant information to demonstrate why a decision was not made within 90 days.

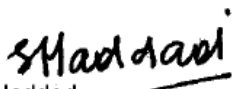
Department of Planning & Infrastructure
Bridge Street Office 23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Phone 02 9228 6111 | Fax 02 9228 6244 | www.planning.nsw.gov.au

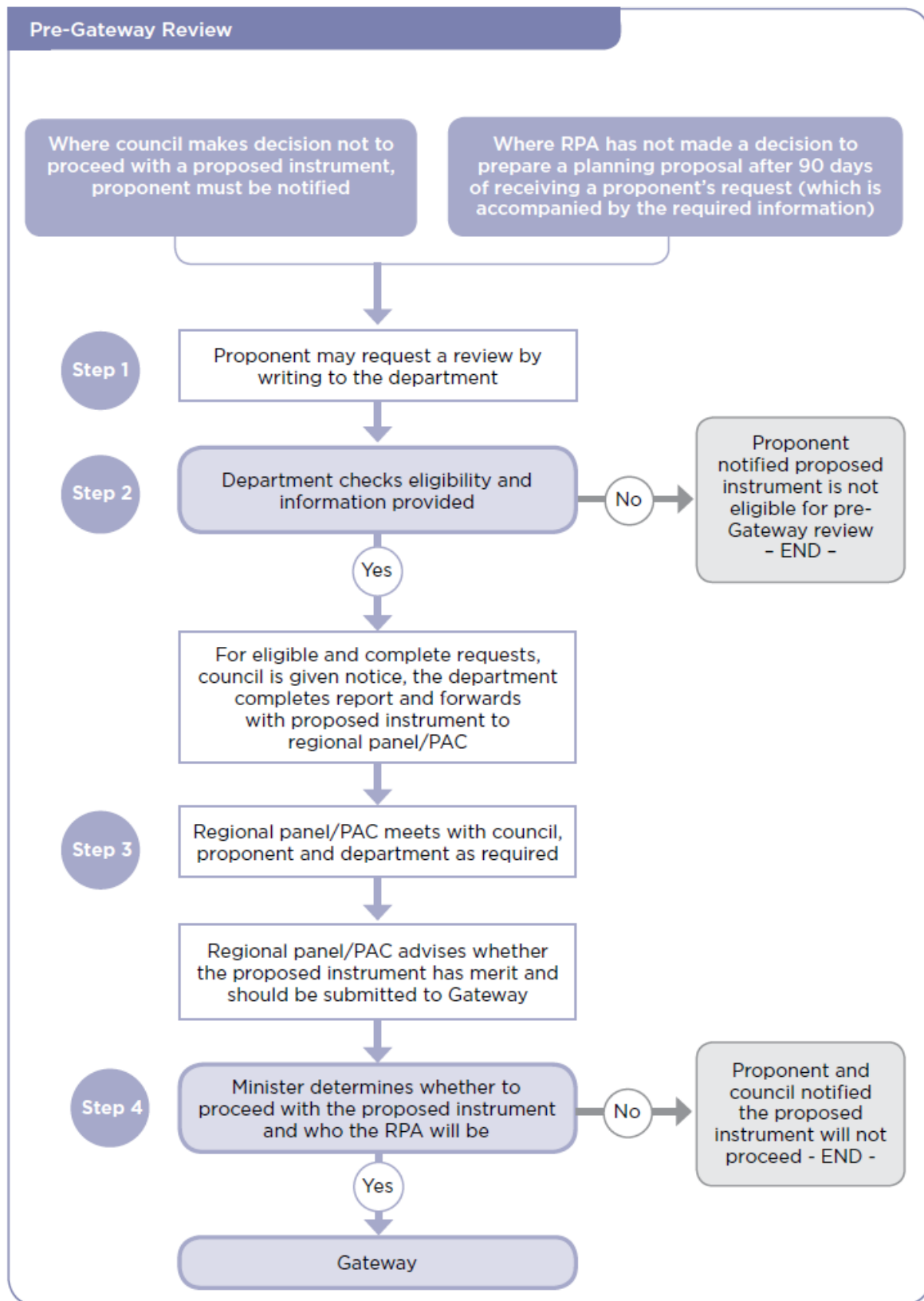


The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on-line at www.planning.nsw.gov.au/gateway-process. You can check the progress of this request for review on the LEP Tracking System at www.leptracking.planning.nsw.gov.au/default.aspx

Should you have any questions in regard to this matter, please contact Ms Lee McCourt, of the Sydney Region East Office of the Department of Planning and Infrastructure on 02 9228 2094.

Yours sincerely


Sam Haddad
Director General
15/2/2013





ABN61 340837871
 Telephone 02 9970 1111
 Facsimile 02 9970 1200
 Postal Address
 PO Box 882
 Mona Vale NSW 1660
 DX 9018, Mona Vale

Liza Cordoba, Principal Officer (Land Release)
 8:00am to 5:30pm Monday - Thursday, 8:00am to 5:00pm Friday
 Phone 9970 1150

21 February 2013

Mr Charles Hill
 Charles Hill Planning
 GPO Box 5113
ELANORA HEIGHTS NSW 2101

(Council Ref. **R0002/12**)

Dear Mr Hill

Re: Request for Additional Information to be submitted for Planning Proposal Application at 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue Warriewood

Council has engaged The Planning Group (TPG) NSW to undertake an assessment of your Planning Proposal Application for 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue, Warriewood. TPG NSW has identified in its assessment, in conjunction with submissions from NSW Government agencies and internal referrals from Council specialist units, that additional information on the following matters is required in order to demonstrate the site is capable of supporting low density housing and to justify proceeding with the proposed LEP Amendment:

- Road access feasibility;
- Hydrology study that meets Council's technical requirements;
- Preliminary Aboriginal archaeological assessment and cultural heritage assessment;
- Preliminary Investigation of Contamination in satisfaction of the requirements specified in State Environmental Planning Policy No. 55 – Remediation of Land;
- Supplementary Bushfire Assessment addressing the issues raised by the NSW Rural Fire Service and Council's bushfire assessment officer.

We request that the following additional information be provided prior to the Planning Proposal Application being reported to Council for a determination. Without this additional information, the Planning Proposal Application information submitted to date does not provide sufficient certainty that the site is capable of supporting low density housing to justify proceeding with the Planning Proposal to a gateway determination. The following information is requested by Council.

1. For any Planning proposal to be supported on 120-122 Mona Vale Road, it must be demonstrated that adequate access arrangements are available to this site. As you would be aware from the 'Application Tracking' on Council's Website, the Roads and Maritime Services and other emergency agencies do not support Option A which proposes access onto Mona Vale Road from Boundary Street.

Engineering details have been provided by you to support Option B which proposes access via Jubilee Avenue to Boundary Street. Your letter dated 15 October 2012 pertaining to Option B requires rezoning of 4A Boundary and 10 Jubilee Avenue. The level of detail in support of Option B is deficient given it does not assess impacts for 4A Boundary Street and 10 Jubilee Avenue to support their rezoning. An assessment of these properties pertaining to the Option B access requires:-

- Information on the potential tree loss resulting from the access corridor and assessment of trees identified as Significant or High Landscape Significance;
- Impact on flora and fauna on and adjacent 4A Boundary Street and 10 Jubilee Avenue, particularly the open forest habitat and potential disturbance of local wildlife;

Email pittwater_council@pittwater.nsw.gov.au Web pittwater.nsw.gov.au

Mona Vale Customer Service Centre
 Village Park 1 Park Street, Mona Vale

Avalon Customer Service Centre
 59A Old Barrenjoey Road, Avalon

Support Services
 Units 11, 12, 13 + 16/5 Vuko Place, Warriewood

Boondah Depot
 1 Boondah Road, Warriewood

- Visual analysis of these properties including visual impact associated with the proposed access corridor;
- Information on how water will be managed to achieve pre-development discharges up to the 1% AEP, how impact on adjoining properties will be minimised, and how pollution will be minimised as a result of the proposed road;
- Details of the treatment of the depth of soil above any rock cutting to maintain its stability;
- Particular consideration of the functionality of the access corridor for emergency vehicles and the future safety of residents in a bushfire event will be required to ensure access can be achieved given the:-
 - utility of the gradient and carriageway width of the access corridor for emergency vehicles,
 - vegetation on and adjacent 4A Boundary Street and 10 Jubilee Avenue may increase bushfire threat within the access corridor, need to achieve minimum traffic sight distances on the crest,
 - southern section of the access corridor may need to be redesigned to incorporate:-
 - the proposed intersection design of the proposed road and Jubilee Avenue in accordance with the Warriewood Valley Roads Masterplan,
 - the proposed intersection of the proposed road with the existing ROW to the Uniting Church needs to be designed in accordance with Pittwater 21 Development Control Plan, control B6.2, and

in turn ensure there is sufficient width in that portion of No10 Jubilee Avenue (the subject of this rezoning application) to enable the access corridor to be accommodated. Additionally, confirmation is sought that the Uniting Church (the owner of No 10 Jubilee Avenue) consents to rezoning of that portion of their land to contain the access corridor.

I attach for your information the Fire & Rescue NSW letter dated 16 January 2013 and Rural Fire Service letter dated 3 January 2013.

2. The submitted Water Management Report - Impact of Warriewood Valley Strategic Review Hydrology Study is inadequate as it simply reviewed the Warriewood Valley Strategic Review Hydrology Study November 2011 prepared by Cardno for a much wider area. The application has not demonstrated how water can be managed on all four properties (the subject of this application) such that there is no detrimental impact on downstream properties in the catchment. A new Hydrology Report will need to be submitted that addresses this issue.
3. Agriculture is the current use on 120-122 Mona Vale Road however no preliminary contamination report has been submitted with the application. A preliminary investigation of the land (all four parcels) is required for this application under State Environmental Planning Policy No 55 – Remediation of Land.
4. No preliminary assessment of aboriginal archaeological and cultural heritage has been submitted for this application. This preliminary assessment should be prepared to ascertain whether there is a potential change to future land use arrangements that in turn affects the viability of developing the subject properties.
5. The RFS letter identified clear deficiencies with the submitted Bushfire Report regarding the identified vegetation category on site. The outcomes in identifying the correct vegetation category will result in changes to future land use arrangements that require further consideration by the applicant/owner. A supplementary bushfire report that addresses the matters raised by the RFS is required.

6. Residential allotments are proposed fronting Mona Vale Road however there is no acoustic assessment demonstrating future impact of traffic noise from Mona Vale Road and adequacy of the land use arrangements proposed in the masterplan.

TPG has prepared a Preliminary Draft Minimum Lot Size Map which is attached for your information. We request that you give consideration to this preliminary draft map and its implications for lot yield and project feasibility, and advise Council of your response.

Council has now received formal notification from the Department of Planning and Infrastructure that you are seeking a Pre-Gateway Review. Council is now obliged to report the progress and the status of this Planning Proposal Application to its meeting on 4 March 2013 and then to the Department of Planning and Infrastructure. Under the circumstances, the additional information addressing the matters above is to be submitted to Council by **5pm, 25 February 2013**.

If you seek further clarification on the above matters, please contact me on 9970 1150.

Yours sincerely



Liza Cordoba

PRINCIPAL PLANNING OFFICER (URBAN LAND RELEASE)

File Ref. No: NFB/02794
TRIM Doc. No: D13/1069
Contact: J Black

16 January 2013

Manager Planning & Assessment
Pittwater Council
PO Box 882
MONA VALE NSW 1660
pittwater_council@pittwater.nsw.gov.au

Attention: Robbie Platt

Dear Sir

**Re: Assessment of 120-122 Mona Vale Road, 10 Jubilee Avenue and
4 Boundary Street, WARRIEWOOD**

I refer to your correspondence dated 22 November 2012 requesting Fire and Rescue NSW (FRNSW) comment on a Draft Planning Proposal for the above address.

After review of the submitted documentation the following comments are provided;

1. FRNSW recommends that all developments should comply with the requirements of the Building Code of Australia (BCA) and relevant Australian Standards.
2. To facilitate FRNSW firefighting operations it is recommended that minimum carriageway widths, turning areas, gradients, kerb dimensions and minimum Allowable Bearing Pressures for the carriageways and hardstand areas be provided in accordance with FRNSW Guidelines for Emergency Vehicle Access, Policy No. 4.
(http://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/vehicle_access.pdf), available through the FRNSW website.
3. FRNSW recommends that the sites' reticulated water authority main incorporate the comprehensive installation of fire hydrants throughout the entire site. The fire hydrants should be provided with suitable hinged type covers that will enable local FRNSW crews to safely access the hydrants with readily identifiable indicators such as hydrant indicator plates and cats-eye reflectors.
4. To facilitate rapid firefighting intervention and other emergency service response, FRNSW recommends that all streets and roadways are prominently

signposted and for all buildings to be clearly identified by their relevant street number.

5. A second entry/exit point should be incorporated into the plan to facilitate emergency vehicle access or egress and resident evacuation in the event one entry point is unavailable. This is particularly relevant in an area bordering a bushland environment which could be impacted by a fire event.

Should you have any further enquiries regarding any of the above matters, please do not hesitate to contact the Structural Fire Safety Unit.

Yours faithfully



Peter Nugent
Acting Manager
Building Fire Safety Unit



All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: 1300 679 737
e-mail: csc@rfs.nsw.gov.au

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8867 7963



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

Your Ref: R00002/12
Our Ref: L08/0142
ED12/034410

Attention: Liza Cordoba

3 January 2013

Dear Sir / Madam

Re: Preliminary Notification (Non-statutory) of rezoning for 120-122 Mona Vale Rd, 10 Jubilee Ave & 4 Boundary Street Warriewood.

I refer to your letter dated 22 November 2012 seeking advice for the above rezoning proposal and apologize for our delay in response.

The NSW Rural Fire Service (RFS) notes that portions of the subject sites fall within bush fire prone areas as identified on the Pittwater Bush Fire Prone Land Map.

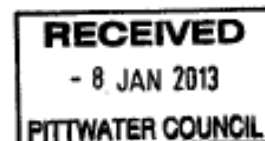
The RFS raises concerns with both proposals (Options 1 & 2) tabled for the site. Of particular concern is the access / egress provided to the site and the accuracy of the bush fire assessment report provided with the application.

In relation to access / egress to the site, the RFS raises concerns that access / egress from the site is reliant on a single access point to the nearest through road (Mona Vale Road) which, may not provide a satisfactory level of service for evacuation of occupants in the event of an emergency. This access point being potentially subject to the restriction of left in left out onto Mona Vale Road.

The RFS prefers Option 2 to Option 1 with a minor modification. From the plan provided, it appears that a through road is proposed within Lot 2 DP 816070 to Jubilee Road, which would connect the proposal with the existing road network further to the east of the site. This would improve the access provisions by providing an alternate access/egress route to Mona Vale Road. If a through road has not been proposed, consideration should be given to its provision.

Please be advised that a perimeter road is the preferred option to separate bush land from rural-residential subdivisions and the subject site is considered to have the potential to accommodate a perimeter road.

1 of 2



It is also noted that the bushfire assessment report prepared Advanced Bushfire Performance Solutions dated September 2012 for Options 1 & 2 has inconsistencies that will require further information and analysis.

Matters that require further clarification include Asset Protection Zones (APZ's), including compliance with Planning for Bushfire Protection for subdivisions, demonstrated modelling within the report that results in potential flame contact, APZ's on lands greater than 18 Degrees, and the potential requirement for a buffer from Narrabeen Creek that will potentially increase the minimum required APZ's.

Furthermore, clarification is required of the potential ramifications of the proposed park/bushland/creek areas proposed within the site that may increase the bush fire threat to the site. This potentially increases the risk in providing 'fire runs' through the subject site, potentially resulting in bush fire behaviour of significant intensity impacting the vicinity.

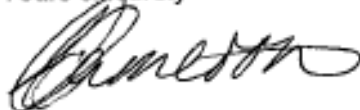
The RFS recommends that the rezoning - and subsequent related planning directions - demonstrate due consideration for the bush fire risk that exists within the area, and provide for appropriate mitigation of the evaluated risks.

As such, any future development within the abovementioned subject site will be required to comply with section 79BA (residential, commercial or industrial development) or section 91 (subdivision or special fire protection purposes development) of the *Environmental Planning and Assessment Act 1979*. Applications affected by section 91 will require the issue of a bush fire safety authority as per section 100B of the *Rural Fires Act 1997*.

Consideration should also be given to ensuring appropriate access, water and utilities is available to the proposed Lots. Where an increase in density or a special fire protection purpose development could be proposed, roads should provide a satisfactory level of service for evacuation of occupants in the event of an emergency.

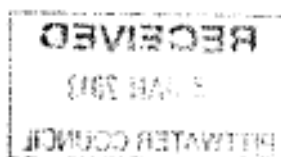
For any enquiries regarding this correspondence please contact Jason Hulston on 1300 NSW RFS.

Yours sincerely



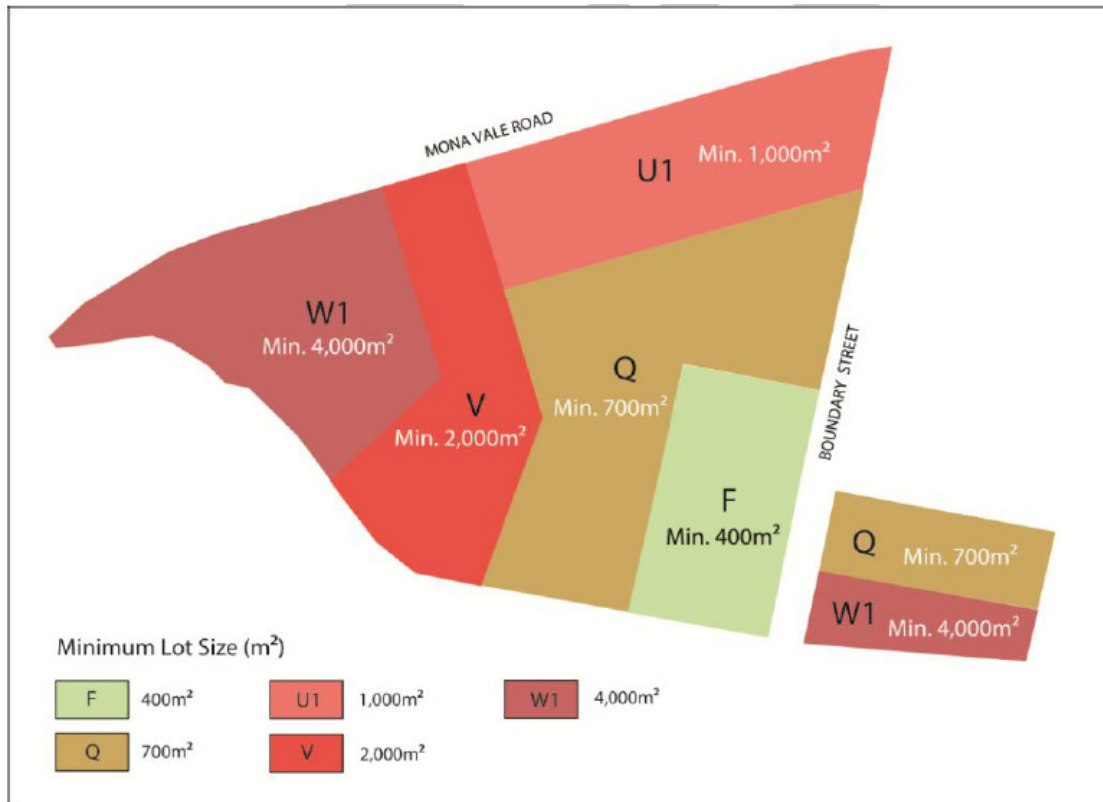
Iona Cameron
A/Team Leader, Development Assessment

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.



2 of 2

Preliminary Draft – Minimum Lot Size Map



C10.2	Planning Assessment of R0002/12 - 120 to 122 Mona Vale Road, 10 Jubilee Avenue and 4 Boundary Street Warriewood
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Meeting: Natural Environment Committee

Date: 4 March 2013

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

An assessment report to Council has been prepared by Council staff and planning consultant TPG on the Planning Proposal (Rezoning Application) submitted by Charles Hill Planning. Due to the time constraints imposed by the Director-General the Assessment Report has not been finalised to be included in the Agenda and the report will be circulated separately to the Councillors and made available on the Council's website, Customer Service Centres and libraries no later than 5pm Friday 1 March 2013.

Report prepared by

Lindsay Godfrey

ACTING DIRECTOR, ENVIRONMENTAL PLANNING AND COMMUNITY

C10.3	Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council
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Meeting: Natural Environment Committee

Date: 4 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 T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council and to formally resolve on tenderers to engage to provide this service.

1.0 BACKGROUND

- 1.1 Council is responsible for the general management and maintenance of all trees on Council Lands. All tree related work is undertaken by approved contractors under the terms of a written contract for service.

2.0 ISSUES

2.1 Tender Process and Assessment

The tender process was via an open invitation to the market and called in accordance with Section 55 of the *Local Government Act* and Clause 177 of the Local Government Regulation. Tenders were to be on a schedule of Rates basis, with an annual escalation in accordance with CPI for Sydney (All Groups).

A contract term for these related services of an initial two (2) year period with two (2) optional extensions of one (1) year was offered upon successful performance.

Successful performance is assessed against a number of criteria being:

1. Quality of work performed
2. Timely response to work requests
3. After hours availability/response to emergency situations
4. No contravention of Council's DCP, TPO and environmental practices
5. Compliance to the adopted Pricing Schedule, and
6. No damage caused to property during the operation of the service.

Tender documentation included the Conditions of Tender, Schedules, the Product Specification, and the General Conditions of Contract.

2.2 Call for and receipt of tenders

Tender Advertising and Closing date

- Tenders were advertised by open tender on Tuesday, 30 October, 2012 in the Sydney Morning Herald, Manly Daily and Tenderlink.
- The closing date for receipt of Tenders was 2.00 pm Tuesday, 20 November, 2012

Receipt of Tenders

As per the call for tenders, the 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 of 2.00 pm, 30 November, 2012.

Tender Opening & List of Tenders Received

At the specified tender opening time, eight (8) tenders were collected from the tender box, or received via Tenderlink and were duly registered by Council. Tenderers are listed in no specific order as follows:

Tenderers

- Utility Asset Management Pty Ltd
- Sydney Metro Tree Services Pty Ltd
- Plateau Tree services Pty Ltd
- General Forest Tree Surgeon Pty Ltd
- C J Murphy Tree Recycling Services Pty Ltd
- City Wide Service Solutions Pty Ltd
- Arbor Pride Pty Ltd
- Active Tree Services

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 has provided a confidential assessment with 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 following criteria:

Mandatory Criteria

Mandatory Criteria	Schedule	Assessment
Compliance with Conditions of Tender and submission of all documentation required by the Invitation to tender	Submission of all completed Forms	Pass/Fail
Form of Tender	Form 1	Pass/Fail
Financial Capacity	Form 3	Pass/Fail
Work Health and Safety	Form 8	Pass/Fail
Insurances	Form 9	Pass Fail
Departures, Qualifications and Compliance with Specification	Form 11	Pass/Fail

Scored Criteria

Scored Criteria	Schedule	%
The fees, rates and prices	Form 2	20
Key personnel including key personnel of sub-contractors	Form 3	20
Demonstrated past experience in performing work similar to the Works required in this tender and value added services	Form 4	10
Quality assurance system and procedures	Form 7	10
Environmental sustainability and social equity	Form 10	10
Work process methodology	Form 12	30

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 This tender and the services it provides will assist the Pittwater community to establish and maintain the resources required to properly service residents and rate payers.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The tender documentation also included a questionnaire covering aspects of environmental sustainability. Tenderers provided information relating to products used, waste management, energy and water efficiency as well as recycling and were scored accordingly.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 This tender supports the Council and the communities' economic outcomes by providing a competitive opportunity to provide services to Pittwater.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Council provides a range of services for the community and resources these through a combination of internal and external providers.
- 3.4.2 The tender process enables Council to seek competitive prices from the market to resource its external providers of the supply of services, projects and consultancies.
- 3.4.3 The calling for and assessment of Tenders is in accordance with Section 55 of the Local Government Act and the Local Government (General) Regulation.
- 3.4.4 Members of the Tender Evaluation Panel (TEP) are required to make a declaration in regard to any conflict or pecuniary interest.

3.4.5 The tenders received are assessed by a specifically convened Tender Evaluation Panel against the pre-determined mandatory and weighted criteria.

3.4.6 The Tender assessment and recommendations are reported to Council for formal consideration and are assessed against organisational and product information, systems, policy, capacity to deliver and experience.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The establishment of a Specialist Contractor Panel will add to the effectiveness and quality of Council's Tree Maintenance Services

4.0 EXECUTIVE SUMMARY

4.1 Pittwater Council prepared a Request for Tender T12/12 for the Establishment of a Panel for the Provision of Tree Maintenance Services.

4.2 Eight (8) Tender submissions were received from:

- Utility Asset Management Pty Ltd
- Sydney Metro Tree services Pty Ltd
- Plateau tree Services Pty Ltd
- General Forest Tree Services Pty Ltd
- C J Murphy Tree Recycling Pty Ltd
- City Wide Service Solutions Pty Ltd
- Arbor Pride Pty Ltd
- Active Tree Services

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 T12/12 – Establishment of a Panel for the Provision for Tree Maintenance Services to Council as contained within the Confidential Section of this Agenda.

Report prepared by
Robert Clarke, Tree Management Officer

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C10.4	N0466/11 - 316-324 Barrenjoey Rd and 2 The Boulevarde Newport
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Meeting: Natural Environment Committee

Date: 4 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 N0466/11 for shop top housing development and an attached dual occupancy at 316 – 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063) and 2 The Boulevarde, Newport (Lot 39 DP 18415).

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 N0466/11 for shop top housing development and an attached dual occupancy at 316 – 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063) and 2 The Boulevarde, Newport (Lot 39 DP 18415).

1.2 This application is the subject of an appeal to the Land and Environment Court based on the deemed refusal of the application. A 'without prejudice' Section 34 mediation process has been undertaken at the direction of the Court and amended plans have been received, advertised and notified. The amended plans were assessed within a previous report (**Attachment 1**) recommending approval and presented to the DU meeting of 29 November 2012. After due consideration, the DU resolved to defer the matter to determine whether:

- Owners Consent is required for the use of the drainage corridor crossing to the provision of parking to support the development.
- The uppermost residential unit be explored in terms of its removal and subsequent height reduction via either an amendment to the proposal or a condition.
- To allow for further expansive comments to be provided in relation to the extent and nature of compliance of the proposal with Council's Flood Policy and Controls.

2.0 REASON FOR REFERRAL TO COUNCIL

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

3.0 DEVELOPMENT UNIT DELIBERATIONS

The Development Unit at its meeting held on Thursday, 14 February 2013 resolved to not endorse the Assessing Officer's recommendation of granting development consent subject to the conditions in the draft determination for the following reason:

Non-compliance with the requirements of Clause D10.6 - Height (Newport Commercial Centre) of Pittwater 21 DCP.

4.0 ISSUES

- Owners Consent is required for the use of the drainage corridor crossing to the provision of parking to support the development.
 - The uppermost residential unit be explored in terms of its removal and subsequent height reduction via either an amendment to the proposal or a condition.
 - To allow for further expansive comments to be provided in relation to the extent and nature of compliance of the proposal with Council's Flood Policy and Controls.
-

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 did not endorse 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 not be endorsed and development application N0466/11 for shop top housing development and an attached dual occupancy at 316 – 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063) and 2 The Boulevard, Newport (Lot 39 DP 18415) not be granted development consent due to a non-compliance with the requirements of Clause D10.6 - Height (Newport Commercial Centre) of Pittwater 21 DCP.

Report prepared by
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

SUBJECT: N0466/11 - 316-324 Barrenjoey Road Newport & 2 The Boulevard Newport - Shop top housing development and an attached dual occupancy

Determination Level: Development Unit

Date: 14 February 2013

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY:	Gordon Edgar
APPLICATION SUBMITTED ON:	21 December 2011
APPLICATION SUBMITTED BY:	DL NEWPORT PTY LTD PO BOX 42 HUNTERS HILL NSW 2110
OWNER(S):	DL NEWPORT PTY LTD (Own) DL NEWPORT PTY LTD (Own)

1.0 PURPOSE OF THIS REPORT

The purpose of this report is to provide a response to the issues that were raised in regard to this matter at a previous DU meeting on 29 November 2012 and provide a recommendation that takes this further assessment into account.

2.0 BACKGROUND

This application is the subject of an appeal to the Land and Environment Court based on the deemed refusal of the application. A 'without prejudice' Section 34 mediation process has been undertaken at the direction of the Court and amended plans have been received, advertised and notified. The amended plans were assessed within a previous report (**Attachment 1**) recommending approval and presented to the DU meeting of 29 November 2012. After due consideration, the DU resolved to defer the matter to determine whether:

1. Owners Consent is required for the use of the drainage corridor crossing to the provision of parking to support the development.
2. The uppermost residential unit be explored in terms of its removal and subsequent height reduction via either an amendment to the proposal or a condition.
3. To allow for further expansive comments to be provided in relation to the extent and nature of compliance of the proposal with Council's Flood Policy and Controls.

3.0 ASSESSMENT OF ISSUES PREVIOUSLY RAISED BY THE DEVELOPMENT UNIT

3.1 Owners Consent

Further investigation of Council's property records has revealed that the drainage channel and the bridges over it are Crown Land. This issue continues to be raised as a contention in the ongoing appeal and the Applicant has not yet produced any evidence of owner's consent by the Crown for the lodgement of the development application. As the owner's consent relates to the use of an existing structure for a similar use to that which it was previously used (i.e. a vehicular bridge), it is likely that this owners consent would ultimately be obtained. Thus, this matter is not considered to be potentially fatal to the application.

It is therefore recommended that the submission of written owners consent from the Crown be required as a deferred commencement condition of consent to the approval of the development. (Refer to **Condition 1 of Part 1** in the amended draft determination).

3.2 Removal of Unit on Uppermost Floor

The Applicant has been requested to remove the unit on the uppermost floor of the shop top housing development in accordance with the DU resolution, however, to date the Applicant has declined to make this amendment to the development.

As for the possibility of the Development Unit requiring the deletion of this unit and uppermost floor by a condition of consent, this is possible, however it is considered that this could result in a sub-optimal design.

Other conditions requiring changes to the design of the development were already recommended in the previous assessment report, primarily to reduce the apparent bulk of the building. These conditions are still recommended in the current report. When there are a multitude of such design-changing conditions affecting a proposal in such a prominent location imposed by a consent authority and without consultation with or agreement by the designer, the end result in terms of the coherence of the resultant design of the development can often be awkward and clumsy. Whereas the previously recommended design change conditions were relatively minor in terms of their impact to the overall design and appearance of the development, the removal of the entire upper floor would be a significant change that would be likely to give the built form of the development a more horizontal and lengthy appearance. This could be balanced out by stronger vertical articulation and a more effective breaking-up of Level 2 of the building but such changes should not also be conditioned – they should be made by the designer of the building as a considered design response to the deletion of the vertical height on the corner.

As a responsible consent authority, it is Council's responsibility to assess the application before it rather than become its de-facto designer through the imposition of multiple design-changing conditions.

Council already has an expert urban designer providing evidence in relation to the Land and Environment Court appeal on this matter. In addition to concerns regarding height, this urban design expert raises other design related concerns relating to the development as a whole. Given this, it would be more beneficial to allow for the opportunity for all of these design issues to be explored wholistically and addressed through the Court process of joint reporting between Council's and the Applicant's design experts. Should the Applicant continue to refuse to delete the uppermost floor and address the design issues raised by Council's design expert in a satisfactory manner then the Court has the option of refusing the overall development if it is not satisfied that the development is appropriate.

For the above reasons, it is considered that Council's Development Unit should either approve the development as recommended without a condition requiring the deletion of the top floor or refuse the development entirely for failing to appropriately respond to the previously expressed height non-compliance concern in relation to this uppermost floor. The former option is recommended in this report as the height of the development is not considered unreasonable by the assessing officer for the reasons given in the previous assessment report (**Attachment 1**).

3.3 Additional Assessment Against Council's Flood Policy and Controls

The Application was referred to Council's Catchment Management and Climate Change section for more expansive comments relating to the extent and nature of compliance of the proposal with Council's Flood Policy and Controls. The following advice has been received:

"This memo is provided by the Catchment Management and Climate Change Business Unit in response to the Development Unit's request for further expansive comments to be provided in relation to the extent and nature of compliance of the proposal with Council's Flood Policy and Controls.

The relevant information from the development proposal include:

- *Statement of Environmental Effects – Proposed Mixed Use Development No. 316-324 Barrenjoey Road and No. 2 The Boulevard, Newport, NSW (Dickson Rothschild, 8 October 2012)*
- *316-324 Barrenjoey Road and 2 The Boulevard, Newport (Dickson Rothschild) plans dated October 2012*
- *316-324 Barrenjoey Road, Newport Flood Emergency Plan – Final Report (Molino Stewart, undated)*
- *Flooding Statement: Development on 2 The Boulevard, Newport and 316-324 Barrenjoey Road, Newport (Molino Stewart, 10 October 2012)*
- *Survey plan for 324 Barrenjoey Road, Newport (Adam Clerke Surveyors dated 17 May 2011).*

PITTWATER 21 DCP CONTROLS

Relevant controls for 316-324 Barrenjoey Rd, Newport:

- *B3.18 Flood Hazard – Flood Category 1 – High Hazard – Shop Top Housing, Business and Light Industrial Development.*
- *B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)*
- *D10.27 Design for Flooding (Newport Commercial Centre)*

Relevant controls for 2 The Boulevard, Newport:

- *B3.16 Flood Hazard – Flood Category 1 – High Hazard – Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy.*
- *B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)*

FLOOD LEVELS AND FLOOD CHARACTERISTICS

Estimated flood levels for 316-324 Barrenjoey Rd, Newport and 2 The Boulevard, Newport:

- *1% AEP Flood Level with climate change = 4.8mAHD.*
- *Flood Planning Level (FPL) with climate change = 5.3mAHD*
- *Probable Maximum Flood (PMF) with sea level rise = 5.7mAHD.*

At 316-324 Barrenjoey Rd, Newport, the property is identified as a high hazard flood storage area in a 1%AEP in Newport Floodplain Risk Management Study & Plan (Note: climate change impacts is not been taken fully into account in the Study & Plan), with the high hazard floodway in the adjacent drainage channel.

At 2 The Boulevard, Newport, the property is predominantly affected by high hazard flood storage in a 1%AEP in Newport Floodplain Risk Management Study & Plan with a slight portion affected by the High Hazard Floodway in the 1%AEP.

ASSESSMENT SUMMARY - 316-324 Barrenjoey Rd, Newport

Retail Area

All minimum floor levels are required to be at the FPL (5.3mAHD), however DCP B3.18 can allow a variation within the Newport shopping precinct for the first internal 5 metres from the Barrenjoey Road street frontage to be below the Flood Planning Level as long as certain conditions are satisfied.

The proposed development currently proposes a floor level at 4.06mAHD and does not meet the minimum floor level for the ground floor retail areas and the lobby, whereas the first floor of the retail area level (accessible by stairs from each ground floor retail area) is at 6.4mAHD.

It is noted that the Molino Stewart's October 2012 report relies on a building design that deliberately allows floodwaters to enter into the building to ensure that there is no net decrease to flood storage. This is an unusual measure and is generally not supported, however, as the site is a former service station, its former building footprint would be much smaller than any proposals for development based on Newport Village Commercial Centre Masterplan. The Masterplan also prevents the use of the ground floor to be used as open carparking, a design which could have achieved flood storage requirements for the site. On this basis, further consideration of the proposed design was considered against compliance with the variation allowed for the Newport shopping precinct.

In order to satisfy intent of the variation, and to reduce the impacts of flood risk on property and stock damages, the rear of the retail areas (directly under the first floor retail level labelled "refuge") must not be used for commercial activity and must be set aside for flood storage only.

The proposed plans currently show approximately 2.4m clearance between the ground floor and the first floor, which is the floor to ceiling height of a standard room. At this height, there is the potential for the users of the shop to use the area for commercial use. During a flood event, this would result in significant damage to stock. It is requested that the underfloor level of the first floor retail area be no higher than 5.3m AHD. Whilst the ground floor of Retail Area 5 does not satisfy all the requirements of the variation (in that it has greater than 30 square metres of functional commercial space below the FPL) the additional flood risk due to the unusual shape of the retail space is accepted but will need to be adequately managed.

For the purpose of flood emergency refuge from the retail areas, the proposed development has incorporated a first floor refuge area at 6.4mAHD. The minimum requirement for flood refuge is at the PMF (5.7mAHD). Whilst this requirement has been exceeded, the previous maximum underfloor level condition must still be maintained.

Residential Area

The residential floor levels meet the minimum floor level requirements of the FPL of 5.3mAHD.

Car parking

The entries to the basement carparking (Basement 02 Plan) is bunded to the FPL as required in DCP B3.18 and stair and lift access is provided from the basement to the PMF level.

The ground floor retail carparking (Basement 01 Plan) is permitted at ground level however there are currently no movement prevention devices specified to prevent cars from being washed around and causing additional structural damage. Vehicle restraints need to be installed in Basement 1.

There are no emergency exits within Basement 1. Stairs are required for emergency access out of basement 1 during a flood event, to prevent people from walking into floodwaters to evacuate out the building. During our meeting with the applicant of 24 September 2012, it was suggested stairs could be added to the northern end of the car park.

Fencing

Any fencing associated with the site is to allow the movement of flood compatible materials to ensure the impact on flood storage and velocities to surrounding properties is minimised.

RECOMMENDED CONDITIONS:

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

- *The under floor level of the retail area shown as "Refuge" on drawing DA202-N is to be a maximum of 5.3m AHD.*
- *A minimum floor level of the PMF of 5.7mAHD applies to areas to be used for high-level on-site refuge.*
- *Flood storage areas are to be maintained within the development. The area underneath the refuge is to be separated from the commercial premises via an open screen to allow for the entry of floodwaters. Shop frontages are to be constructed with open materials to allow for floodwater entry. There will not be any use of flood barriers to impede flows.*
- *All building structures are to be flood compatible in terms of materials used and in the design and ensured structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the PMF level with climate change (5.7mAHD).*
- *All shop fitouts and displays are to be flood proofed from immersion and buoyancy impacts below the Flood Planning Level.*
- *Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above the Flood Planning Level.*
- *Vehicle restraints are required for the open carparking area to prevent floating vehicles from leaving the site. The vehicle restraints are required to be structurally sound under the likely hydraulic and impact forces up to the PMF level, and must not redirect and/or exclude floodwaters.*
- *Emergency access is to be provided out of basement 1 via stairs at the northern end of the car park to allow pedestrian evacuation up the PMF.*
- *All fencing is to allow for the movement of flood waters and not impede the flow.*

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

- The Flood Emergency Response Plan (Molino Stewart – 316-324 Barrenjoey Road Newport Flood Emergency Plan or as updated) is to be implemented by the retail and strata operators and incorporated into lease agreements.

ASSESSMENT SUMMARY - 2 The Boulevard, Newport

Floor and Surface Levels

The residential first floor level is proposed at 6.02mAHD, and is above the minimum requirement of the FPL, and is above the PMF level. The first floor level provides high-level on-site refuge above the PMF.

Carparking

The garages are partially enclosed and at a ground level of 3.32mAHD. Molino Stewart's Flooding Statement considers the parking to be open carparking given that the lattice allows 50% permeability under all flood conditions.

Provided that the permeable fencing is structurally sound and retained throughout the life of the development, then the floor level of the carparking is acceptable, however it must be accepted that vehicles will be damaged during certain flood events.

Part of the garage can be affected by the high hazard floodway, and additional structural damage must be prevented from occurring caused by the movement of cars from being washed around. Movement prevention devices must be used within the garage.

The design of the garage is required to be open to ensure that flood storage volumes are not impacted and that there is no net loss to flood storage.

Fencing

Any fencing associated with the site is to allow the movement of flood compatible materials to ensure the impact on flood storage and velocities to surrounding properties is minimised.

RECOMMENDED CONDITIONS:

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

- Flood storage areas are to be maintained within the development. There will not be any use of flood barriers to impede flows.
- All building structures are to be flood compatible in terms of materials used and in the design and ensured structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the PMF level with climate change (5.7mAHD).
- Storage of hazardous materials, electrical items, items of plant, equipment or stock and other items which may be susceptible to water damage are to be located above the Flood Planning Level.
- Vehicle restraints are required for the carparking area to prevent floating vehicles from leaving the site. The vehicle restraints are required to be structurally sound under the likely hydraulic and impact forces up to the PMF level, and must not redirect and/or exclude floodwaters.
- All fencing is to allow for the movement of flood waters and not impede the flow.

CONCLUSION

The proposed development at 316-324 Barrenjoey Road, Newport and at 2 The Boulevarde, Newport requires additional conditions to satisfy the management of flood risk."

Planner's Comment

Most of the conditions recommended above were already incorporated within the recommended conditions in the draft determination accompanying the previous report (**Attachment 1**) with some exceptions. These are as follows:

New Condition B46 is recommended in the revised draft determination attached to this report setting a floor level of 5.7AHD for high-level on-site refuge. **New Condition B47** is added to address flood storage. **New Condition B48** is recommended to ensure all construction materials used below the PMF are flood compatible. **New Condition B49** is recommended to ensure that shop fitouts and displays are flood proof. **Amended Condition B43** has been expanded to include reference to hazardous materials and electrical items. **Amended Condition C28** has been expanded to reflect the required structural and flood compatibility properties of vehicle restraints. **New Condition E20** has been added to ensure the Flood Emergency Response Plan is implemented.

With regard to the dual occupancy development, **New Condition B50** is recommended specifically referring to floor storage area requirements for this development. The flood compatibility of materials for this development is covered by **New Condition B48**. The requirement that hazardous or electrical materials be above FPL is also covered under **Amended Condition B43**. The requirement for vehicle restraints for the dual occupancy development is included in **New Condition C32**.

With the incorporation of the above new and amended conditions, the above recommendations of Council's Catchment Management and Climate Change section are reflected in the recommended conditions of the attached revised draft determination.

4.0 CONSIDERATION OF ADDITIONAL LATE SUBMISSIONS

The Application has not been re-advertised or re-notified since the matter was considered by the Development Unit on 29 November 2012 as the plans have not been amended since that time. Notwithstanding this, Council has received 17 further objections from residents of Newport in the past few weeks. The issues raised in these late submissions were as follows:

- Over-development;
- General criticism of Council for failing to show leadership and 'rubber stamping' the development;
- General criticism of Council staff for supporting the development;
- Development should comply with the Newport Masterplan and existing planning controls;
- Inconsistent and out of character with Newport's 'village atmosphere';
- Non-compliance with Masterplan controls relating to setbacks and height;
- 'Ugly' design;
- Not energy efficient;
- Materials not in-keeping with Masterplan;
- Maximum height should be 3 storeys, not 4 storeys, and be in-keeping with existing building heights;
- Council is 'out of touch' with Newport community and is not representing its interests;
- Development is more consistent with scale of Dee Why than Newport;

- Potential traffic congestion;
- Excessive bulk and scale;
- Risk of precedent for future 4 storey development in Newport;
- Privacy impacts to adjoining development;

Planner's Response

It is apparent from the content of a number of the late objections received that the writers had not read the previous assessment report and yet, many criticise the manner in which this application has been dealt with by Council staff.

In response to these concerns, it would appear that the objectors are not aware that the current amended plans are the end result of a long and drawn out process over more than 12 months of intense, robust negotiation and discussion between Council officers and the Applicant. Multiple re-designs have occurred and ALL of the previous series of re-designs WERE rejected as unacceptable. Moreover, the matter is still to be heard in the Land and Environment Court in further detail.

It is noted that a flyer has been circulated around Newport relating to this application that contains a diagram which compares the proposal against the adjoining existing development, drawing a line indicating the height of the existing development through the proposed development. This diagram is considered to be misleading to the public as it suggests that the relevant height control for the proposal is the height of the adjoining existing development. This is not, in fact, the case. The majority of the proposed development complies with the applicable height limit. The only non-height compliant element is the top corner unit and this is discussed in this report and the previous report in detail. The Newport Masterplan sets a greater height limit than the maximum height of the adjoining existing building to allow new development to be built to flood mitigation requirements. Any future development in the Newport town centre will be more consistent with the height of the north-eastern end of the proposed development than with the adjoining existing development. In this context, the development cannot be argued to be "out of scale".

Likewise, the majority of the development complies with applicable setback requirements. Non-compliances are identified and justified in the previous report.

It would be an unreasonable expectation to expect a development of this nature to numerically comply with every applicable planning control. These numerical controls are extensively researched when they are formulated but compliance with them cannot be expected to magically result in good development for every potential development site. This is why they are supported by a range of objectives setting out their intent and allowing planners to test any non-compliant elements of the development against the outcome which these controls were formulated to achieve in the first place. This assessment and justification is detailed in the previous report. Any person who suggests that the Newport Masterplan has been "ignored" clearly has not read this report in any detail.

It is not the job of Council planning officers to "represent" community concerns. This is the role of Councillors. It is the job of Council planners to provide an objective and professional planning assessment against the applicable controls. All opinions expressed are justified and all objections and the issues they raise are considered. The fact that a significant number of objections have been received is not in itself legitimate grounds for refusal that would be defensible in the Land and Environment Court UNLESS the issues raised in these objections have merit. In this case, it is not considered that any of the concerns listed above warrant the outright refusal of the development. The reasons for this opinion are detailed in the previous report.

It is respectfully suggested that the previous detailed assessment report should be read more thoroughly before making any further criticism of Council staff regarding the assessment of this application. It is acknowledged that not everybody will necessarily agree with the opinions expressed, however, it cannot be legitimately claimed that the subject development has not been through an extremely rigorous and appropriate assessment process, nor can it be legitimately suggested that the Newport Masterplan has been 'ignored'.

All other issues listed above and not dealt with in the above discussion were considered in the detail of the previous assessment report (**Attachment 1**).

5.0 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 and Pittwater 21 DCP and other relevant Council policies.

The issues raised by the Development Unit on 29 November 2012 have been considered and this has resulted in some amendments to the previously recommended draft determination with the addition of a deferred commencement condition requiring the consent of the Crown for the use of the bridge over the drainage channel. Additional and amended conditions have also been added to address the more detailed flooding assessment that has been provided.

This assessment has not identified the height of the proposal as unacceptable for the reasons given in the previous report. Consequently, the previous recommendation for approval remains.

In response to the Development Unit's request that the topmost floor be deleted, the Applicant has refused to make this amendment. The Development Unit is advised that it would be possible to delete this floor by condition but that this may have a detrimental impact on the overall character and design appearance of the development. Ideally, this change should be negotiated with the designer for the Applicant through the Land and Environment Court appeal joint reporting process that is yet to occur between Council's own urban design expert and the Applicant's expert. This would be more likely to result in a better standard of design and more balanced proportioning of the built form.

For the reason given above, it is not recommended that the top floor be deleted by a condition. However, should the Development Unit decide that the failure of the Applicant to respond to its request for the deletion of the upper floor is unacceptable, then the development should be refused as a whole for this reason. This issue would then be dealt with through the current Land and Environment Court Appeal process.

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 N0466/11 for the construction of a shop top housing development at 316-324 Barrenjoey Road, Newport and the construction of an attached dual occupancy at 2 The Boulevard Newport subject to the attached draft conditions of consent.

Report prepared by

Gordon Edgar
EXECUTIVE PLANNER

REVISED DRAFT DETERMINATION

CONSENT NO: N0466/11 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

DL NEWPORT PTY LTD
PO BOX 42
HUNTERS HILL NSW 2110

Being the applicant in respect of Development Application No N0466/11

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 N0466/11 for:

Shop top housing development and an attached dual occupancy

At: 316 - 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063), 2 The Boulevard, Newport (Lot 39 DP 18415).

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 plans numbered: DA -101 Revision C, dated 11/10/12; DA-200 Revision F dated 11/10/12; DA-201 Revision E dated 11/10/12; DA-202 Revision N dated 10/10/12; DA-203 Revision M dated 11/10/12; DA-204 Revision M dated 11/10/12; DA-206 Revision L dated 11/10/12; DA-207 Revision D dated 11/10/12; DA-208 Revision K dated 11/10/12; DA-209 Revision H dated 11/10/12; DA-301 Revision D dated 11/10/12; DA-302 Revision C dated 11/10/12; DA-401 Revision H dated 11/10/12; DA-402 Revision F dated 11/10/12; DA-403 Revision D dated 11/10/12; DA-404 Revision F dated 11/10/12; DA-904 Revision D dated 11/10/12; DA-905 Revision D dated 11/10/12; DA-906 Revision C dated 9/10/12, all drawn by Dickson Rothschild.**
- **Landscape plans numbered: 000 Issue F dated 10/10/12; 101 Issue F dated 10/10/12; 102 Issue F dated 10/10/12; 103 Issue B dated 10/10/12; 501 Issue F dated 20/12/11, all drawn by Site Image.**
- **Engineering Drawings numbered: SW0 Revision A dated 20/12/11; SW1 Revision D dated 9/10/12; SW2 Revision D dated 20/12/12; SW3 Revision F dated 10/10/12; SW4 Revision C dated 10/10/12; SW5 Revision D dated 9/10/12; SW6 Revision D dated 9/10/12; SW7 Revision C dated 10/10/12; SW8 no revision number dated August 2011.**
- **Waste Management Plan prepared by Dickson Rothschild and dated 10 October 2012.**
- **BASIX Certificate numbered 396930M_03 dated 9 October 2012 and prepared by Damien O'Toole Town Planning.**
- **BASIX Certificate numbered 396860M_03 dated 9 October 2012 and prepared by Damien O'Toole Town Planning.**
- **Traffic and Parking Report dated October 2012 prepared by GSA Planning.**
- **Access Review report dated 11 October 2012 and prepared by MGAC Consulting.**
- **Acoustic Assessment dated 16/12/11 and Addendum report dated 10/10/12, both prepared by Koikas Acoustics Pty Ltd.**
- **Site Validation Report dated 25/10/10 prepared by Coffey Environments Pty Ltd**
- **Geotechnical Report dated 16/11/11 and prepared by Coffey Geotechnics Pty Ltd**

- **Statement of Environmental Effects dated 8/10/12 and prepared by Dickson Rothschild**
- **SEPP 1 Objection dated 10/10/12 prepared by Dickson Rothschild**
- **SEPP 65 Design Verification Statement dated 10/10/12 prepared by Dickson Rothschild**
- **Flooding Statement dated 10/10/12 and prepared by Molino Stewart**
- **Flood Emergency Plan dated October 2012 and prepared by Molino Stewart**

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

PART 1

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL THE CONSENT AUTHORITY IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING CONDITION/S:

- 1. The written approval is to be provided from the Department of Primary Industries, Catchments and Lands for the use of the south-western bridge, identified as Crown Land, and spanning across the drainage channel, for the purposes of vehicular access to the shop top housing development..**

Upon receipt of evidence within 12 months from the date of this consent satisfying the above, the consent will become operative, subject to the conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.

Part 2

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,
 - 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. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
4. The landscape treatment to the road footpath area for the total frontage of the development site within the Newport commercial centre is to be in accordance with Plans numbered: 000, Issue F, dated 10/10/12; 101, Issue F, dated 10/10/12; 102, Issue F, dated 10/10/12; 501, Issue F, dated 20/12/11, all drawn by Site Image (NSW) Pty Ltd.
5. Separate development consent is to be obtained for the occupation, fit-out and use of each of the retail units.
6. Garbage and recycling facilities shall be provided in designated enclosures. The premises shall accommodate the following garbage and recycling capacities:
 - (i) Garbage: 1 x 240 litre garbage bin is dedicated for use for every three households
 - (ii) Paper Recycling: 1 x 240 litre paper recycling bin is dedicated for use for every five households, and
 - (iii) Container Recycling (plastics, glass etc): 1 x 240 litre container recycling bin is dedicated for use for every five households.
7. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
8. Structural requirements for the Garbage and Recycling room/s include:
 - (a) A room/enclosure is to be dedicated for the storage of garbage and recyclables.
 - (b) The room/enclosure used for the storage and washing down of garbage/recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted. The walls of the room shall be cement rendered and steel trowelled to a smooth, even surface. 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.

- (c) Stormwaters are to be prevented from entering the garbage/recycling enclosure/room.
 - (d) The garbage/recycling enclosure/room 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.
 - (e) Hot and cold water hose cocks shall be located within the garbage/recycling enclosure/room or in close proximity.
 - (f) Clear access to the garbage/recycling enclosure/room must be available for the garbage service provider.
 - (g) Domestic garbage/recycling enclosure/rooms shall be separated from commercial premises garbage/recycling rooms.
9. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
10. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
11. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
12. No water pollution shall result from the operation of any plant or equipment or activity carried out.
13. Noise from the operation of any plant or equipment at the premises shall not exceed criteria listed in the NSW Industrial Noise Policy January 2000.
14. No emissions causing air pollution shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
15. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
16. 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.
17. 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.
18. 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.

19. Landscaping is to be implemented in accordance with the approved Landscape Plans prepared by Site Image Landscape Architects SS112369, drawing numbers 102, 000, 10Z and 101. Issue F dated 10/10/12 and drawing number 501 Issue F, dated 20/12/11. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed.

This landscaping is to then be maintained for the life of the development. Unit pavements proposed for the front road reserve areas of Barrenjoey Road and The Boulevard are to be the existing selected paver (Claypave Pittwater Council) and installed as per detail. Indicated planters to road reserve frontage are to be installed insitu (as planters at ground level allowing 4m³ per planter [2m x 2m 2 1m] Livistonas to be installed at 3m trunk heights). All trees to be planted to road frontages are to be installed at 400 litre size.

20. All vehicles shall be wholly contained on site before being required to stop.
21. All vehicles shall enter and exit in a forward direction.
22. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004.
23. All works associated with the proposed development are to be at no cost to RMS.
24. Disabled parking space and the internal access route dimensions/gradient shall be signposted and delineated clearly to comply with AS 2890.6-2009.
25. Any service parking associated with the retail component of the development is required to comply with AS 2890.2.
26. Proposed off street parking areas for service vehicles are to comply with AS 2890.2 with the service/loading area to be designed to accommodate the turning requirements of the largest service vehicle expected.
27. The required sight lines to pedestrians or other vehicles in or around the car park or entrance are not to be compromised by landscaping, signage, fencing or display materials.
28. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or agents.
29. An intercom security system is to be installed at the entrance to the basement car park and also at the residential lobbies to enable residents and retail tenants to control access to the on-site parking spaces, and internal circulation areas of the building. This intercom system is to be installed prior to release of the Occupation Certificate and maintained for the life of the development.
30. The ground level external areas accessible from the public domain, particularly the pedestrian building entry points, are to be appropriately lit. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting. The at-grade parking area is to be used in association for the retail use only and not for any resident or residential visitor parking.

31. Walls and/or ceilings of the attached dual occupancy dwellings and shop top housing units shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
32. The development is to include a minimum number of 6 units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - *Adaptable Housing* Unless specifically approved through development consent no mesh enclosing of the car parking spaces of any kind will be permitted.
33. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
34. Planter areas where canopy trees are proposed must be minimum of 4sqm. A minimum depth of 500mm of garden mix (ANL Botany Mix or equivalent) must be provided to all garden areas with 150mm hardwood chip mulch to cover all garden areas.
35. The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.
36. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of 316-324 Barrenjoey Road at the full cost to the developer.
37. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
38. All external glazing is to have a maximum reflectivity index of 25%.
39. New electrical connections are to be carried out using underground cabling.
40. Materials and colour schemes are to be in accordance with the sample scheme approved by Council.
41. The designated loading bay is only to be used for loading/unloading purposes.
42. The developer shall ensure that Ausgrid's infrastructure located at the adjoining property at 314 Barrenjoey Road, Newport, is not damaged or impaired by the development.
43. Storage of **hazardous materials electrical items, items of plant, equipment or commercial stock and other items susceptible to water damage, both in the shop top housing development and the dual occupancy** is to be above the Flood Planning Level of RL 5.30 in order to avoid damage to **these materials** from flooding.
44. Any fencing associated with the development is to allow for the movement of flood waters and not impede the flow.
45. No outdoor tables and chairs are to be placed within the boundaries of the property known as 314 Barrenjoey Road, Newport.
46. **A minimum floor level of the PMF of 5.7mAHD applies to areas for high-level on-site refuge.**

47. **Flood storage areas are to be maintained within the development. The areas within the shops under the refuge are to be separated from the trafficable retail area via an open screen to allow for the entry of floodwaters. Shop frontages are to be constructed of open materials to allow for floodwater entry. There shall not be any use of flood barriers to impede flows.**
48. **All building structures are to be flood compatible in terms of materials used. The design of all structures are to be flood compatible and shall ensure structural integrity for immersion and the impact of hydraulic forces of floodwaters and debris up to the PMF level with climate change (5.7AHD).**
49. **All shop fitouts and displays are to be flood proofed from immersion and buoyancy impacts below the Flood Planning Level.**
50. **Flood storage areas within the dual occupancy development site are to be maintained. There shall not be any use of flood barriers to impede flows.**
51. **The Flood Emergency Response Plan (Molino Stewart – 316-324 Barrenjoey Road, Newport – Flood Emergency Response Plan or as updated) is to be implemented by the retail and strata operators and incorporated into lease agreements.**

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. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to RMS for determination prior to the issue of the Construction Certificate.
2. Planter boxes are to be installed to the edges of the larger balconies to both of the dual occupancy dwellings, as shown in the landscape plans. Detail is to be included in the architectural plans submitted with the Construction Certificate. This condition has been imposed in order to mitigate potential overlooking to and from adjoining properties.
3. 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.

4. 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.

5. 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.
6. 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.
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 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.
9. 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.

10. Structural Engineering details relating to the proposal 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.
11. A Schedule of Works prepared 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 is to be submitted to the Accredited Certifier or Council in respect of the following items:
 1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.

2. The proposed method of disposal of collected surface waters is to be clearly detailed
 3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
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12. The design and construction of the gutter crossing off Barrenjoey Road shall be in accordance with RMS requirements. Any redundant driveway shall be removed and replaced with kerb and gutter to match existing. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.
 13. Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works. It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.
 14. A contribution of \$9,000 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 for the dual occupancy development at 2 The Boulevard, Newport.

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 \$44,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$2,000 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$42,000 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

16. A contribution of \$77,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$3,500 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$73,500 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

17. A contribution of \$110,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$5,000 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$105,000 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

18. Appropriate construction materials are to be utilised to ensure that LAeq levels of traffic noise on Barrenjoey Road, as measured inside any bedroom to any residential unit within the shop top housing development do not exceed -35dB(A) at any time between 10pm and 7am. Traffic noise is also not to exceed -40dB(A) at any time anywhere else inside the building (other than a garage, kitchen, bathroom or hallway). A statement from a qualified acoustic engineer is to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying compliance with this condition. All recommendations in Section 7 of the Acoustic Assessment report dated 16/12/11 and prepared by Koikas Acoustics, as amended by the Addendum dated 10/10/12 are to be fully implemented.
19. Minimum glazing thicknesses for each unit are to be in accordance with Appendix A of the Addendum Acoustic report dated 10 October 2012 and prepared by Koikas Acoustics Pty Ltd. Relevant details are to be included in the plans accompanying the application for the Construction Certificate.
20. Details of either a conveniently located and accessible communal clothes drying area for the shop top housing development or clothes drying machines to individual units are to be incorporated in the plans submitted with the application for the Construction Certificate.
21. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
22. Letter boxes to each unit are to be located outside or in the relevant lobby it utilises for access. Details are to be incorporated in the plans submitted with the Construction Certificate.
23. Full detail of the location of the required 8 cubic metres of storage area per dwelling within the shop top housing development is to be provided in the plans accompanying the application for the Construction Certificate.
24. One of the visitor parking spaces in the basement is to be designated as also a car wash bay in accordance with section C1.18 of Pittwater 21 DCP. Relevant detail is to be included in the plans submitted with the Construction Certificate.
25. All plant material to be super advanced including 5 litre (200mm) pots for ground covers, 35 litre pots for shrubs and 400 litre pots for trees. An amended planting schedule complying with these requirements is to be submitted with the application for the Construction Certificate.

26. All external finishes used are to have a low reflectivity. Glass awnings are to be treated to reduce solar and heat transmission. Relevant detail demonstrating compliance with this condition is to be submitted with the application for the Construction Certificate.
27. Emergency access is to be provided out of Basement 1 via the stairs on the northern end of the car park to a higher level. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate. This condition has been imposed in order to prevent people from needing to walk into floodwaters during a flood event to evacuate from this location in the building.
28. Vehicle restraints are to be installed along the external edge adjoining the drainage channel (other than the entry/exit driveway) in Basement 1. **The vehicle restraints are required to be structurally sound under the likely hydraulic and impact forces up to PMF level, and must not redirect and/or exclude floodwaters.**

This condition has been imposed to prevent vehicles from being washed into the drainage channel during a flooding event. The walls of Basement 1 are to be structurally adequate to withstand the impact of vehicles being washed into them. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate.

29. The floor level of the area shown as "Refuge" on drawing numbered DA202 Revision N is to be modified to lower the finished floor level of these refuge areas from RL 6.40 to RL 5.30. The area underneath the refuge is to be separated from the commercial premises via a screen. Storage of all commercial stock is to be above the Flood Planning Level. This condition has been imposed in order to prevent the areas underneath the refuge level being used as additional retail or storage area because these areas are designed and intended to be inundated by floodwaters. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate.
30. The side fin walls and balustrades to the south-east balconies of Units 105, 106, 201, 203 & 204 are to be re-designed to reduce the bulky appearance of these projecting structures by reducing the amount of masonry walling in this location and/or using a more lightweight material. The use of masonry is to be avoided or minimised as much as possible in preference to more lightweight materials such as (but not limited to) toughened opaque glass or timber. The materials used and wall design are to be effective in minimising potential noise transfer between neighbouring units. Relevant detail demonstrating compliance with this condition is to be included in all of the relevant architectural plans prior to release of the Construction Certificate.
31. Bedroom 1 of Unit 204 and Bedroom 2 of Unit 205 are to be reduced in width measured north-west to south-east by 0.5m from 4m to 3.5m (external wall to external wall).

These bedrooms are also to be relocated 1m further away from The Boulevard and towards Barrenjoey Road. The combination of the reduction in width and relocation should result in an additional 1.5m setback of these bedrooms from The Boulevard. The floor plan of Level 2 is to be re-designed to accommodate these changes. This condition has been imposed in order to increase the apparent break in Level 2 of the building at this point when viewed from The Boulevard. Relevant detail demonstrating compliance with this condition is to be included in all of the relevant architectural plans prior to release of the Construction Certificate.

32. **Vehicle restraints are required for the carparking area to the dual occupancy development to prevent vehicles from leaving the site. The vehicle restraints are required to be structurally sound under the likely hydraulic and impact forces up to PMF level, and must not redirect and/or exclude floodwaters.**

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.

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.

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. 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. The Construction Management Plan required to be approved by RMS at the Construction Certificate stage is to be fully implemented at all times during the excavation and construction phases.
 15. All works within the road reserve are to be undertaken following liaison with Council's Landscape Architect (9970 1356) and pre-inspections to be arranged for the following works: - Inspection of sub-base prior to paving; - Inspection of planter areas prior to planting; - Final completion.
 16. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
 17. 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.
 18. 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.
 19. Detailed design plans and hydraulic calculations of any changes to the approved stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works. Details should be forwarded to: The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124 A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regard to the Civil Works requirement please contact RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.
 20. Prior to commencement of site works, the project manager is to submit evidence to the Principal Certifying Authority of a pre-order for the supply of the plant material shown on the approved landscape working drawings and specifications.
 21. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Barrenjoey Road in the vicinity of the Site.
 22. A Road Occupancy License is to be obtained from the Transport Management Centre prior to commencement of works for any works that may impact on traffic flows along Barrenjoey Road during construction activities.
 23. The developer shall submit to the PCA and also to Ausgrid a dilapidation report of Ausgrid's infrastructure located at 314 Barrenjoey Road, Newport prior to any works commencing on the Site. The report shall describe and photograph the condition of Ausgrid's infrastructure.

24. The developer shall not use ground anchors, or similar, that extend into or below Ausgrid's site at 314 Barrenjoey Road, Newport. This is to protect Ausgrid's underground infrastructure.
25. The developer shall ensure that any works carried out in the vicinity of Ausgrid's infrastructure, both at 314 Barrenjoey Road, Newport and also in the road reserve, does not compromise safety from electrical risks due to lack of separation, compromised earthing or maintenance access.
26. No landscaping or paving is to occur on the land known as 314 Barrenjoey Road, Newport without the written consent for such works from the owner of this property being provided to the PCA.

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 Occupation Certificate application by a qualified practising Civil Engineer, 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. All planters to the upper roof areas/suspended planters to have a waterproof membrane certified and guaranteed by a qualified installer prior to release of the Occupation Certificate. A qualified landscape architect is to certify all landscaping works undertaken prior to the issuing of the Occupation Certificate.
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. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
9. 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.
10. An intercom security system is to be installed at the entrance to the basement car park and also at the residential lobbies to enable residents and retail tenants to control access to the on-site parking spaces, and internal circulation areas of the building. This intercom system is to be installed prior to release of the Occupation Certificate.
11. The ground level external areas accessible from the public domain, particularly pedestrian entry points to the building, are to be appropriately lit. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting. Appropriate lighting is to be installed in the basement car park and the ceiling is to be painted white. This condition has been imposed in order to increase visibility and the level of security within the basement car park. Evidence demonstrating compliance with this condition is to be submitted prior to release of the Occupation Certificate.
12. Street numbers are to be affixed to the building prior to occupation.
13. Prior to the release of the Occupational Certificate, documentation is to be submitted by a licensed plumber to the private certifying Authority confirming that the car wash bay waste waters drain into the sewer.
14. A certificate is to be submitted to the Private Certifying Authority with the Construction Certificate application by a qualified practising landscape architect, landscape/environmental designer or horticulturist, certifying that the proposed automatic watering system and/or subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawing and/or the manufacturers specification.
15. 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.
16. Any identified damage to Ausgrid's infrastructure at 314 Barrenjoey Road, Newport shall be rectified by the developer prior to the release of the Occupation Certificate.
17. Part Lot 18 in DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063 are all to be consolidated into one allotment prior to the release of the Occupation Certificate.

18. A Right of Carriageway is to be created over the driveway area in the south-western corner of 2 The Boulevard servicing the at-grade parking at the rear of the shop top housing development. It is to be placed on the title of 2 The Boulevard, Newport (Lot 39 in DP 18415) burdening this allotment and benefitting the new lot comprising of Part Lot 18 in DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063. Details confirming the creation of this ROW are to be submitted to the PCA prior to release of the Occupation Certificate.
19. Certification is to be provided to the PCA from an acoustic consultant confirming that all of the recommendations of the Acoustic Assessment report prepared by Koikas Acoustics and dated 16/12/11, as amended by the Addendum dated 10/10/12 have been fully implemented prior to the release of the Occupation Certificate.
20. **The Flood Emergency Response Plan (Molino Stewart – 316-324 Barrenjoey Road, Newport – Flood Emergency Response Plan or as updated) is to be implemented by the retail and strata operators and incorporated into lease agreements.**

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 12 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.
9. To obtain a Works Zone authorisation contact RMS Traffic Management Section on 8849 2295.
10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.

LOCALITY MAP



NOTIFICATION PLANS



Design Prepared by
 7 Argyle Place,
 Australia, NSW, 2000
 www.dicksonperkins.com.au
 Registration No. 5084
 Do not scale off this drawing. Use figured dimensions only.
 Discrepancies between drawings shall prevail over design notes.
 Noted in Design Preparation

REV	DATE	DESCRIPTION	BY	APPD
C	1/10/12	FOR L&S LOOKUP	ND	
B	20/12/11	FOR DA LOOKUP	ND	
A	21/03/11	FOR DA LOOKUP	ND	
P1	25/08/11	FOR FINAL REVIEW	AB	



PROJECT
 316-324 BARRENJOEY ROAD &
 2 THE BOULEVARDE
 NEWPORT NSW 2106
 CLIENT
 RAYMOND TOUWA

DESIGN
 SITE PLAN
 PROJECT NO.
 11-039
 SCALE @ A1
 1:200
 DRAWN BY
 C
 DATE
 23.12.11
 CHECKED BY
 C/JMB/ND



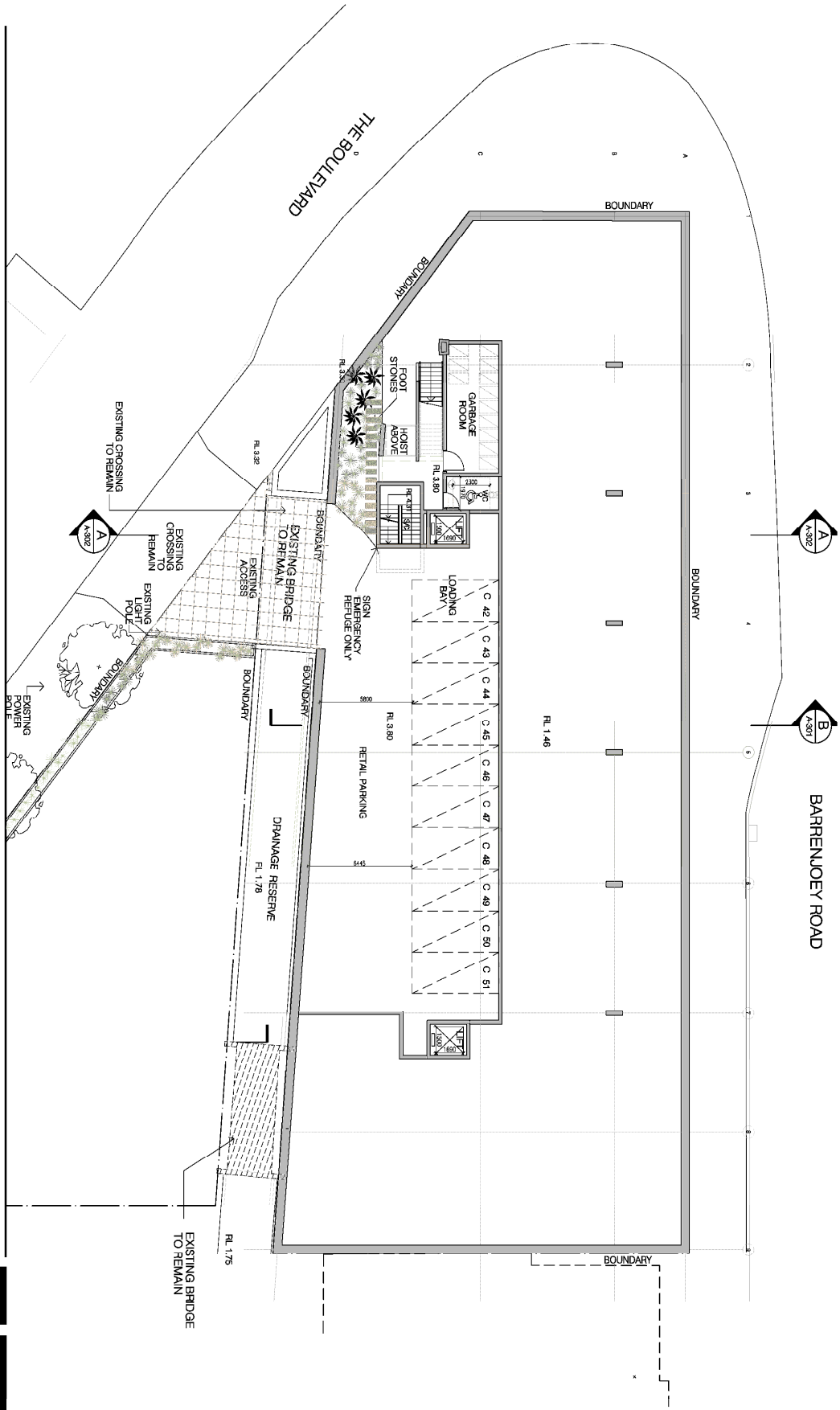
Drawn: Raymond
 7/12/12
 www.drawingboard.com.au
 Raymond Toulma
 21/12/11
 11-039
 DA-200
 22/12/11
 C:\J\T\J\B\ND

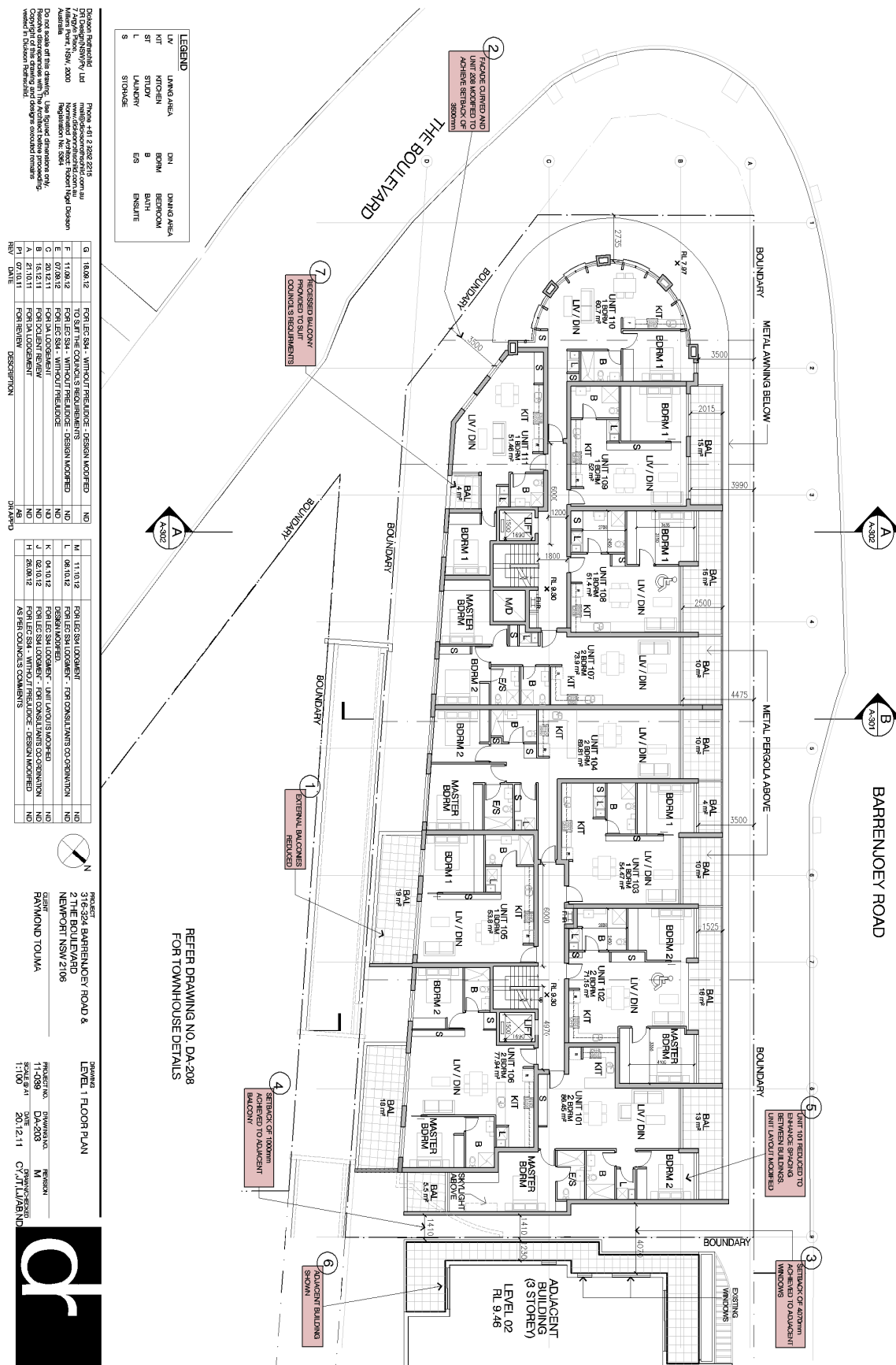
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7	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO
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9	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO
10	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO

1	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO
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8	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO
9	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO
10	10.10.12	FOR L&C SUBMITTAL - FOR CONSULTANTS CO-ORDINATION	NO

PROJECT
 2 THE BOULEVARD
 NEWPORT NSW 2106
 RAYMOND TOULMA

DRAWING
 BASEMENT 01 PLAN
 11-039
 DA-200
 22/12/11
 C:\J\T\J\B\ND





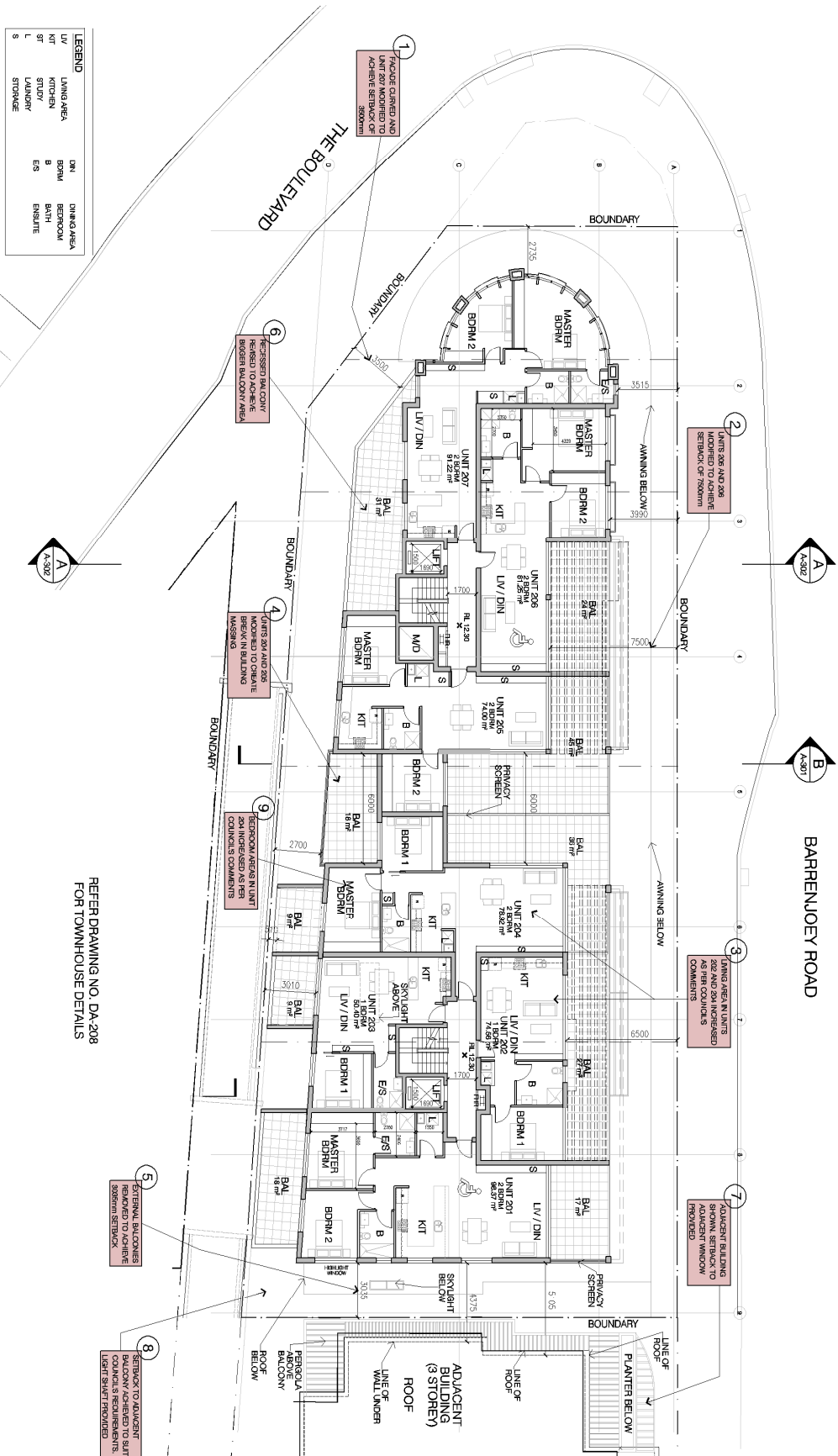
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 PROJECT NO. 11-058
 CLIENT: RAYMOND TOLMA
 DATE: 20.12.11
 DRAWING NO. DA-204
 PROJECT NO. 11-058
 CLIENT: RAYMOND TOLMA
 DATE: 20.12.11

DATE	DESCRIPTION	BY	APPD
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DATE	DESCRIPTION	BY	APPD
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11.09.12	FOR LEC S24 - WITHOUT PRELIMINARY - DESIGN MODIFIED	NO	

PROJECT: 315-324 BARRENOBY ROAD &
 2 THE BOULEVARD
 NEWPORT NSW 2108
 CLIENT: RAYMOND TOLMA
 DRAWING NO. DA-204
 PROJECT NO. 11-058
 DATE: 20.12.11

LEVEL 02 FLOOR PLAN
 DRAWING NO. DA-204
 PROJECT NO. 11-058
 CLIENT: RAYMOND TOLMA
 DATE: 20.12.11

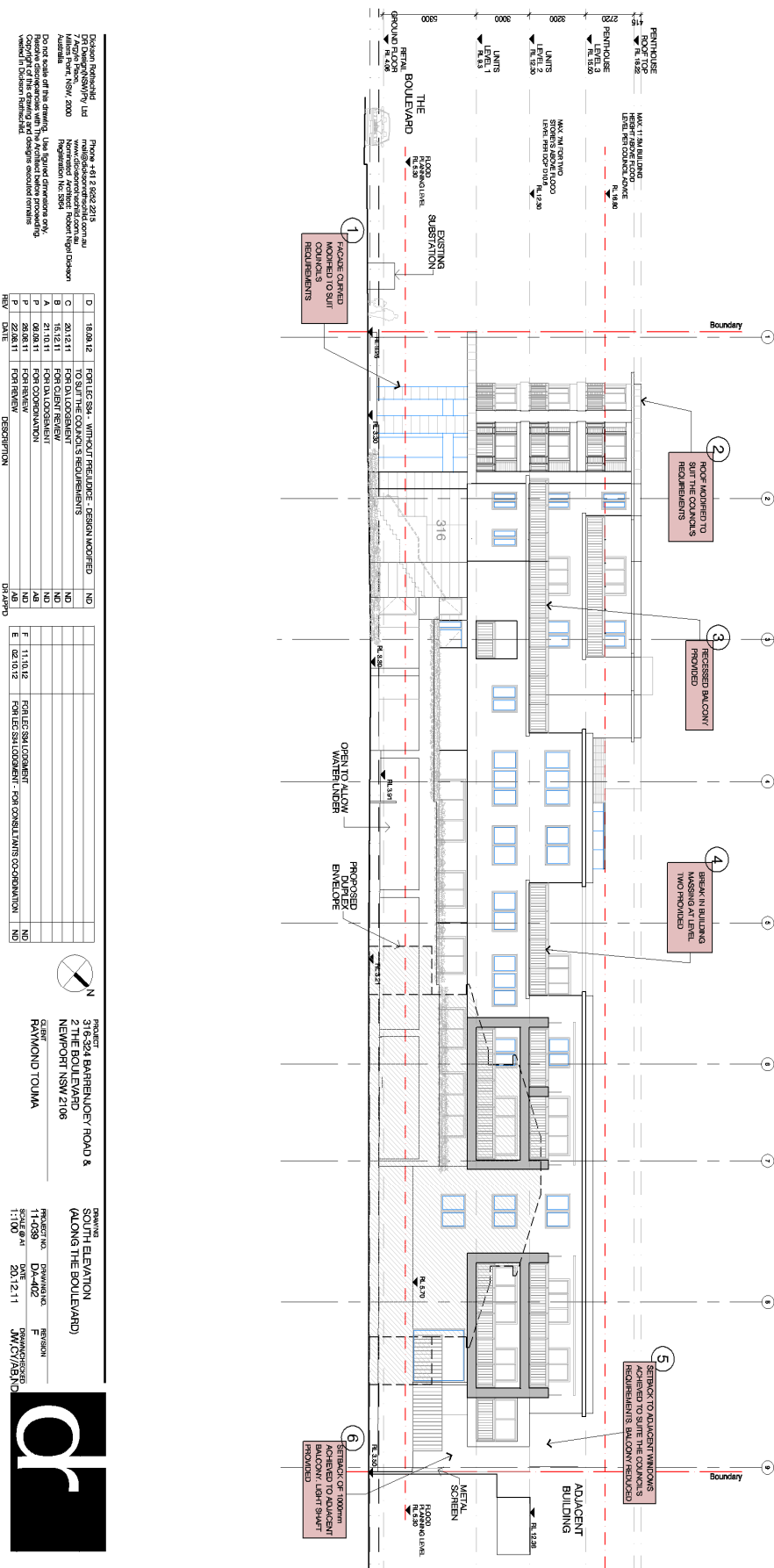


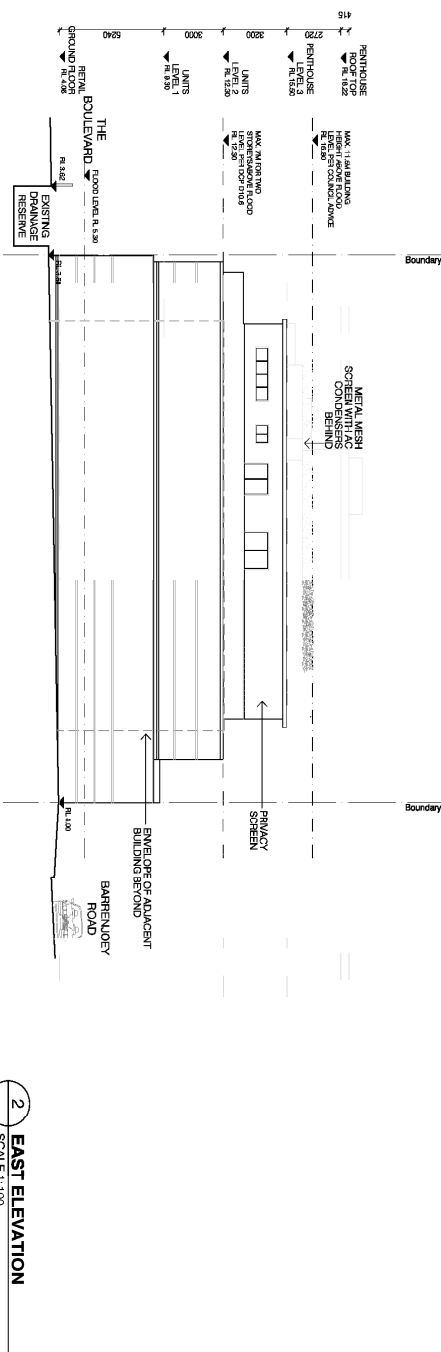
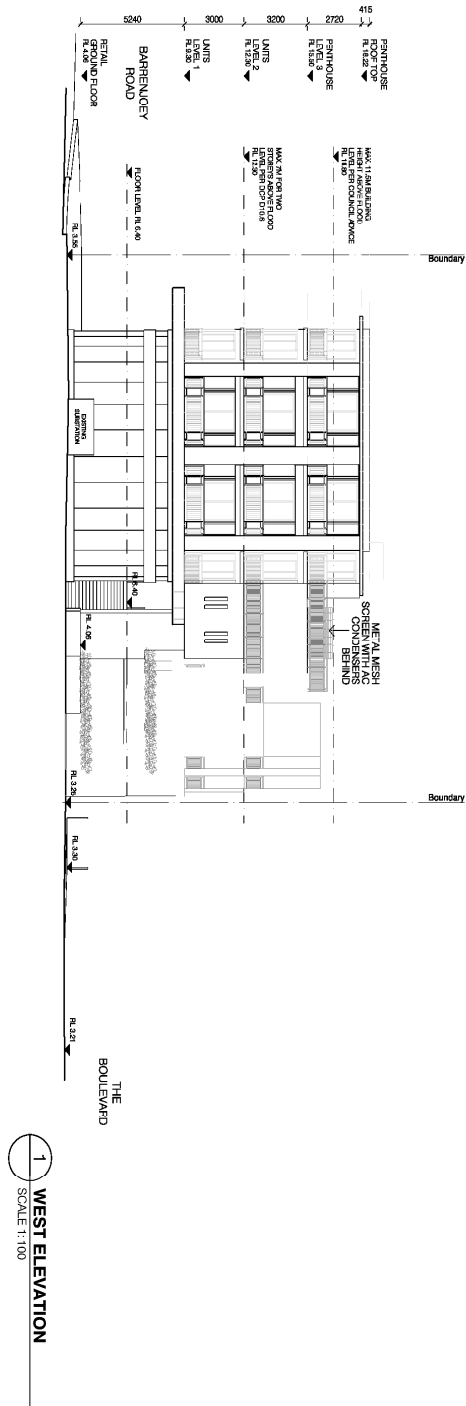
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 FOR TOWNHOUSE DETAILS



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		TO SUIT THE COUNCIL'S REQUIREMENTS	

TOWN HOUSES	
SECOND FLOOR + ROOF PLAN	
PROJECT NO.	DRAWING NO.
11-039	DC-209
SCALE: 1/8" = 1'-0"	DATE
1:100	11.09.12
	BY: J.T./L.A.B./N.T.





Deacon Planning
 7 Agnes Place
 Sydney NSW 2000
 Australia
 Phone: +61 2 9282 2115
 Email: info@deaconplanning.com.au
 Website: www.deaconplanning.com.au
 Registration No 1994

REV	DATE	DESCRIPTION	DR
D	11.10.12	FOR EDC SUB DOCUMENT	NO
C	30.12.17	FOR DA DOCUMENT	NO
B	10.01.18	FOR DA DOCUMENT	NO
A	21.10.11	FOR DA DOCUMENT	NO
P	08.09.11	FOR DA DOCUMENT	AB
P	30.08.11	FOR REVIEW	AB
P	12.08.11	FOR REVIEW	AB

310524 BARRELOEY ROAD &
 2 THE BOULEVARD
 NEWPORT NSW 2106
 RAYMOND TOUJIA

WEST ELEVATION
 EAST ELEVATION
 (ALONG SIDE BOUNDARY)
 PROJECT NO: 050000100
 DRAWING NO: DA-403
 DATE: 23.12.2011
 DRAWN BY: C. J. M. B. N.





PROJECT NO.		DRAWING NO.		REVISION	
11-039		D4-404		F	
SOUTH SIDE		DATE		DRAWN/CHECKED	
11:00		11.09.12		LJ,MW,CY,JTJN	



SUBJECT: N0466/11 - 316 - 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 DP 18415, Part Lot 20 DP 18415, Part Lot 21 DP 18415 and; Lot 17 in DP 1108063), 2 The Boulevarde, Newport (Lot 39 DP 18415) Shop top housing development and an attached dual occupancy

Determination Level: Development Unit

Date: 29 November 2012

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY:	Gordon Edgar
APPLICATION SUBMITTED ON:	21 December 2011
APPLICATION SUBMITTED BY:	DL NEWPORT PTY LTD PO BOX 42 HUNTERS HILL NSW 2110
OWNER(S):	DL NEWPORT PTY LTD (Own) DL NEWPORT PTY LTD (Own)

This application is the subject of an appeal to the Land and Environment Court based on the deemed refusal of the application. A 'without prejudice' Section 34 mediation process has been undertaken and the amended plans assessed within this report are the outcome of that process.

1.0 DEVELOPMENT CONTROLS

316-324 Barrenjoey Road, Newport is zoned 3(a) General Business under PLEP 1993. Pursuant to clause 21O(2) of this instrument, shop top housing is permissible with consent.

2 The Boulevard, Newport is zoned Residential 2(a) under PLEP 1993. Pursuant to clause 21C(b) of this instrument, an attached dual occupancy development is permissible with consent on this land.

The following planning legislation, environmental planning instruments, development control plans and policies apply to the Site:

- Environmental Planning and Assessment Act 1979, as amended
- State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development and the Residential Flat Design Code (applies to shop top housing development at 316-324 Barrenjoey Rd, Newport)
- State Environmental Planning Policy (BASIX) 2004
- Pittwater Local Environmental Plan 1993, and
- Pittwater 21 Development Control Plan – Amendment 6. Under Council's mapping system, 316-324 Barrenjoey Road, Newport is identified as being with Acid Sulphate Region 3, except for the southern portion, which is identified as being with Acid Sulphates Region 4. It is identified as being within the vicinity of a listed heritage item (picnic shelter at 6 Palm Road). It is also identified as being within Flood Category 1 – High Hazard.

Under Council's mapping system, the southern portion of 2 The Boulevard, Newport is identified as being within Acid Sulphate Region 4 and the northern half within Acid Sulphate Region 3. It is also identified as being within the vicinity of a listed heritage item (picnic shelter at 6 Palm Road) and within Flood Category 1 – High Hazard. In addition, this property is located within Area 3 on Council's Dual Occupancy map.

Relevant detailed assessment of the above instruments not addressed in the compliance table and the body of the report are addressed below.

Pittwater Local Environmental Plan 1993 (PLEP 1993)

Clause 21H of PLEP 1993 sets a minimum lot size for dual occupancy development in Area 3 of Council's dual occupancy map (not being south of Mona Vale Road) of 600sqm. With an area of 626.5sqm (not including driveway area to shop top housing development), the development complies with this requirement.

Clause 21H also sets a maximum FSR for the dual occupancy development of 0.4:1. With a proposed FSR of 0.4:1, the development complies with this development control.

Clause 21H also sets a maximum site coverage of 50% for the dual occupancy development. The site coverage proposed for the dual occupancy development at 2 The Boulevard is compliant with this development control at 50%.

Clause 21H requires minimum on-site parking of 2 car spaces per dwelling. With proposed at-grade parking underneath the dwellings of 2+ car spaces, the dual occupancy development complies with this requirement.

Clause 21H sets a maximum building height of 8.5m above natural ground level and does not take into account the Flood Planning Level. The maximum height of the dual occupancy development is 9.95m above natural ground level which does not comply with this development standard. A SEPP 1 Objection has been submitted by the Applicant requesting a variation to this development standard. This is assessed in detail under Part 8.0 of this report.

2.0 NOTIFICATIONS

76 property owners notified when originally submitted plans advertised and notified between 6 January 2012 and 7 February 2012. 16 objections were received as a result of this initial notification with additional multiple objections later being received from Ausgrid – owner of the adjoining substation site at 314 Barrenjoey Road.

Amended plans were received on 11 October 2012 and were advertised and notified between 13 October 2012 and 13 November 2012. As a result of this second notification process, 6 objections, including an objection from the Newport Residents Association, and a petition objecting to the development and containing 108 signatures were received.

3.0 ISSUES

- SEPP 1 Objection to Maximum Building Height (Clause 21H of PLEP 1993)
- 3.6 State Environment Planning Policies (SEPPs) – SEPP 65 – Design Quality of Residential Flat Buildings
- 4.7 Integrated Development - Roads
- 5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007
- A1.7 Considerations before consent is granted
- B1.2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites
- B2.6 Dwelling Density and Subdivision - Shop-Top Housing
- B3.5 Acid Sulphate Soils
- B3.6 Contaminated Land and Potentially Contaminated Land
- B3.16 Flood Hazard - Flood Category 1 - High Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy
- B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Light Industrial Development
- B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road
- C1.2 Safety and Security
- C1.3 View Sharing
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.7 Private Open Space
- C1.8 Dual Occupancy Specific Controls
- C1.9 Adaptable Housing and Accessibility
- C1.25 Plant, Equipment Boxes and Lift Over-Run
- C2.1 Landscaping
- D10.1 Character as viewed from a public place
- D10.2 Character - Newport Commercial Centre
- D10.4 Building colours and materials
- D10.5 Height (excluding Newport Commercial Centre)
- D10.6 Height (Newport Commercial Centre)
- D10.7 Front building line (excluding Newport Commercial Centre)
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.19 Subdivision and Amalgamation (Newport Commercial Centre)
- D10.9 Setbacks (Newport Commercial Centre)
- D10.22 Arcades (Newport Commercial Centre)
- D10.24 Building Depth and Separation (Newport Commercial Centre)
- D10.25 Roof Form (Newport Commercial Centre)
- D10.26 Views (Newport Commercial Centre)
- D10.28 Open Space (Newport Commercial Centre)
- D10.29 Landscaping (Newport Commercial Centre)
- D10.32 Solar Access and Ventilation (Newport Commercial Centre)
- D10.33 Privacy (Newport Commercial Centre)

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					
B3.16 Flood Hazard - Flood Category 1 - High Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy	Applies to dual occupancy development only.	Slightly reduced flood storage considered acceptable based on underdeveloped nature of site previously.	N	Y	N
B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Light Industrial Development	Applies to shop top housing development only.	Slightly reduced flood storage considered acceptable based on underdeveloped nature of site previously. Objections raise concern regarding the compliance of the development with the requirements of this section of the DCP. This is discussed in more detail later in this report under the relevant heading.	N	Y	N
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)		Objectors raise concern that climate change has not been taken into account in flood report. Revised flooding information has been submitted which has been considered by Council's Catchment Management & Climate Change section and considered satisfactory in this regard.	Y	Y	N
B5.4 Stormwater Harvesting			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			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 Stormwater Drainage Systems and Natural Watercourses			-	-	-

Control	Standard	Proposal	T	O	N
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			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	Applies to dual occupancy development only.		Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	Applies to shop top housing development only.	Non-compliance with driveway ramp gradient. Detailed assessment of performance of shop top housing development against provisions of B6.4 is provided in section 10 of this report.	N	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy	2 parking spaces required per dwelling for the dual occupancy development only.	2+ parking spaces provided for each dwelling.	Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	Applies only to shop top housing development. 1 car space per 30sqm retail floor gross lettable area; 1 car space per 1 bed dwelling; 2 car spaces per 2+ bed dwelling; 1 visitor parking space per 3 units. 50 spaces required + 1 loading dock. This includes 11 retail spaces, 32 resident spaces and 7 residential visitor spaces. 1 motor cycle space; 4 bicycle racks for retail and 7 bicycle racks for residential.	Objections raise concern over proposed parking provision. Total of 50 spaces + 1 loading bay provided. 10 retail parking spaces provided including 1 loading zone, a condition is recommended requiring loading zone is only used for loading. 7 residential visitor spaces provided. A condition is recommended that 1 of these be a disabled space. 33 resident car spaces are proposed including 16 in a stacked arrangement. Condition recommended for car wash bay.	Y	Y	N
B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road	Access to Main Road (i.e. Barrenjoey Rd) not permitted where alternative access to a local road is available.	Access to the Basement 2 level of the shop top housing development is proposed via Barrenjoey Rd whilst there is also access available to The Boulevard to the rear of this development. This non-compliance is discussed under section 10 of this report.	N	Y	Y

Control	Standard	Proposal	T	O	N
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
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
D10.17 Character of the Public Domain - Newport Commercial Centre	Works in public domain are to be in accordance with relevant guidelines and Newport Masterplan.	Conditions are recommended appropriately.	Y	Y	Y
REF - Health					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C2.10 Pollution Control		The Application was referred to Council's Environmental Compliance section who have raised no objections to the proposal subject to the imposition of a number of conditions which are included in attached draft determination.	Y	Y	Y
REF - Heritage					
B1.2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites	Site is identified as being within the vicinity of a listed heritage item.	The likely heritage impact of the development on the picnic area heritage item is discussed in more detail later in this report under the relevant heading.	Y	Y	Y

Control	Standard	Proposal	T	O	N
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		No apparent issues.	Y	Y	Y
B3.5 Acid Sulphate Soils	Within Acid Sulphate Soils regions 3 & 4	See section B3.5 of report for comment.	Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
C1.1 Landscaping	Only applies to dual occupancy development.	Submitted landscape plans satisfactory. Appropriate conditions have been recommended.	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
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		A condition of consent is recommended requiring compliance with the BCA.	Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	SEPP 65 is applicable to the shop top housing development.	A detailed assessment of the proposal against the SEPP 65 design quality principals and the RFD Code are provided under section 3.6 of this report. Issues raised in objections are discussed where relevant.	Y	Y	N
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads		The Application was referred to the Roads and Maritime Services (RMS - formerly the RTA) for concurrence as it would involve the construction of a new driveway crossover to Barrenjoey Road. The RMS response is discussed in detail under section 5.1 of this report.	Y	Y	Y

Control	Standard	Proposal	T	O	N
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007		SEPP (Infrastructure) is applicable and a referral was made to the Roads & Maritime Services seeking concurrence in accordance with section 138(2) of the Roads Act 1993. See relevant comments under section 5.1 and also under sections B6.4 and C1.6 of this report.	Y	Y	Y
5.3 Referral to NSW Department of Environment and Climate Change (DECC)		The Application is Integrated Development as it involves work within 40m of a watercourse. The Application was referred to the Office of Water on 28/12/11. This department was contacted on 27/08/12 as no response has ever been received to this referral and it was advised that, pursuant to s.70 of the EPA Regulation, as it has been over 40 days since the referral had been made, Council can now proceed to determine the Application without General Terms of Approval from the Office of Water.	Y	Y	Y
6.2 Section 94 Contributions - Open Space Bushland and Recreation	This Section 94 Contributions Plan only applies to residential zoned land. Consequently, it only applies to 2 The Boulevard, Newport. In addition, a discount would apply for the existing lot. Thus, the required s.94 Contribution is \$9,000.	1 additional dwelling is proposed (dual occupancy development), taking into account the discount for the existing lot.	Y	Y	Y
6.3 Section 94 Contributions - Public Library Services	This section 94 Plan applies to all land designated for residential development, which would include both 316-324 Barrenjoey Road and 2 The Boulevard, Newport.	The proposal would result in one additional dwelling at 2 The Boulevard and 21 additional dwellings at 316-324 Barrenjoey Road. Thus, the required contribution is 22 x \$2,000 = \$44,000.	Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities	This S.94 plan is applicable to both portions of the Site as it applies to "land designated for residential development".	The proposal would result in one additional dwelling at 2 The Boulevard and 21 additional dwellings at 316-324 Barrenjoey Road. Thus, the required contribution is 22 x \$3,500 = \$77,000.	Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes	This S.94 Plan applies to both portions of the Site as it applies to "all land within the Pittwater Local Government Area".	The proposal would result in one additional dwelling at 2 The Boulevard and 21 additional dwellings at 316-324 Barrenjoey Road. Thus, the required contribution is 22 x \$5,000 = \$110,000.	Y	Y	Y
A1.7 Considerations before consent is granted	The overshadowing impacts on surrounding land from the shop top housing development is assessed under this section of the report. Issues/conditions raised by Ausgrid, owner of 314 Barrenjoey Rd are also discussed under this section of the report.	Objections have raised concern with overshadowing impacts arising from the shop top housing development. Refer to section A1.7 for detailed discussion.	Y	Y	N
B1.3 Heritage Conservation – General		Refer to comments under section B1.2.	-	-	-

Control	Standard	Proposal	T	O	N
B2.6 Dwelling Density and Subdivision - Shop-Top Housing	For the shop top housing development, a minimum of 25% of the GFA is required to be commercial floor space.	If floor area of the SOHO's included in commercial floor space calculation, the development would be providing 26% as commercial/retail area. If the SOHO's are counted as residential area the commercial/retail provision would be 16%. Concern has been raised in objections received regarding this non-compliance which is discussed in more detail later in this report under the relevant heading.	N	Y	N
B2.7 Dwelling Density - Dual Occupancy	Only applies to dual occupancy development. This control requires a minimum site area of 600sqm and a minimum lot area for each dwelling of 300sqm.	The proposed dual occupancy site at 2 The Boulevarde has an area of 626.5sqm (not including ROW to shop top housing development), which complies with the control.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land	As the portion of the Site at 316-324 Barrenjoey Road, Newport previously contained a service station, this control requires Council to consider a preliminary investigation report prepared in accordance with the contaminated land planning guidelines. SEPP 55 also applies to the Site.	A Site Validation report has been submitted in support of the Application. This is assessed under section B3.6 of this report.	Y	Y	Y
B5.1 Water Management Plan		Drainage plans have been submitted with the Application and assessed by Council's Development Engineer. No objections are raised.	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
C1.2 Safety and Security	The development is to be consistent with Crime Prevention Through Environmental Design (CPTED) principles.	Safety and security issues are discussed in detail later in this report under section C1.2.	Y	Y	Y
C1.3 View Sharing	This control only applies to the dual occupancy development at 2 The Boulevarde. For an assessment of the potential view impacts arising from the proposed shop top housing development at 316-324 Barrenjoey Rd, please refer to comments under section D10.26 of this report.	Objectors have raised concern over compliance with this control. Unit owners at 326-330 Barrenjoey Rd are concerned that the dual occupancy will interfere with views from their unit. This is discussed in detail under section C1.3 of this report.	Y	Y	N

Control	Standard	Proposal	T	O	N
C1.4 Solar Access	This section of the DCP only applies to the dual occupancy development. Requirements include min 3hrs sunlight to main open space during midwinter. Refer to D10.32 for internal shop top housing solar access assessment and refer to section A1.7 for external shop top housing solar access impacts (i.e. impacts on adjoining properties).	Objectors have raised concern over compliance with this control. Main open space and windows to the principal living area of the western dwelling do not receive 3hrs sunlight during midwinter. A detailed assessment of the dual occupancy development against the controls of this section of the DCP is provided later in this report in section C1.4.	N	Y	N
C1.5 Visual Privacy	This section of the DCP applies to the dual occupancy development only. Windows/balconies within 9m of each other to be screened.	Objectors have raised concern over compliance with this control. Privacy impacts arising from the dual occupancy development are discussed in detail under section C1.5 of this report.	N	Y	N
C1.6 Acoustic Privacy	This control applies to both the dual occupancy development and the shop top housing development.	Objections have been received that raise concern over the potential acoustic privacy impacts of the development on the amenity of units within the existing adjoining development at 326-330 Barrenjoey Road in particular. Acoustic privacy issues are discussed later in this report under section C1.6.	Y	Y	N
C1.7 Private Open Space	This section of the DCP only applies to the dual occupancy development. For dual occupancy, 80sqm of POS required at ground level.	Cannot provide POS at ground level for dual occupancy due to flooding requirements. Refer to section C1.7 of report for detailed discussion.	N	Y	Y
C1.8 Dual Occupancy Specific Controls	This section of the DCP only applies to the dual occupancy development at 2 The Boulevarde. The second floor of a dual occupancy dwelling is to be no more than 50% of the floor area of the floor below. Maximum FSR of 0.4:1.	Objections have raised concern over the compliance of the dual occupancy development with height, bulk and scale related controls found in this section of the DCP. The proposed dual occupancy complies with the provisions within section C1.8 with the exception of size of upper floor. Refer to section C1.8 of this report for further discussion.	N	Y	N
C1.9 Adaptable Housing and Accessibility	This section of the DCP applies to the shop top housing development only. 25% of all units are required to be adaptable.	6 of the 21 units or 28.5% of the total number of units are indicated in the amended plans as being adaptable units. However, the access report has not been updated to refer to the amended plans and confirm that compliance with Class B of AS 4299-1995. This matter is discussed in more detail later in this report under the relevant heading.	Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.10 Building Facades	No service pipes or conduits to front facade and mailboxes oriented obliquely to street.	The development complies with these requirements other than the orientation of the mailboxes. As there are 2 residential entries the mail boxes should be split into 2 locations, depending upon which lobby the relevant unit has access to. The split will reduce the level of visual clutter in any one location caused by letter boxes. A condition is recommended requiring letter boxes be divided between the 2 residential entries.	Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.15 Storage Facilities	8 cubic metre storage room to be provided for each residential unit.	Storage rooms are indicated in the basement in the form of storage racks above basement car spaces along the north-west wall and storage rooms also located in the basement level.	Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays	1 car wash bay connected to the sewer is to be provided.	A car wash bay has not been indicated in the amended plans. It is considered that the development should provide the required wash bay and an appropriate condition is recommended that one visitor parking space also be utilised as a car wash bay.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	This section of the DCP applies to both the dual occupancy development and the shop top housing development.	The dual occupancy development incorporates eaves. The shop top housing development utilises a variety of shading devices which are considered to be an acceptable alternative solution.	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure	Applies to dual occupancy development only.	Proposed landscaping to the road reserve of The Boulevard has been referred to Council's Landscape Architect who has raised no objections. Proposed street trees match existing street planting in this street and a new footpath is proposed to be constructed along the entire frontage to 2 The Boulevard.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run	This section of the DCP is applicable to both the dual occupancy and shop top housing development. Lift overruns are to be incorporated internally within the design fabric of the building.	The amended plans have successfully addressed a previously raised issue with the western lift overrun that formerly protruded prominently beyond the main roofline of the shop top housing development. The amended plans are now considered to be satisfactory in this regard.	Y	Y	Y

Control	Standard	Proposal	T	O	N
C2.1 Landscaping	This section of the DCP does not apply to the dual occupancy development and does not apply to the shop top housing development site. Therefore, it is not applicable.		-	-	-
C2.2 Safety and Security	Applies to shop top housing development.	See comments under section C1.2.	Y	Y	Y
C2.5 View Sharing	Not applicable. Refer to C1.3 & D10.26.		-	-	-
C2.11 Business Identification Signs			-	-	-
C2.12 Protection of Residential Amenity			-	-	-
C2.16 Undergrounding of Utility Services	This control only applies to the shop top housing development and requires undergrounding of existing and proposed utilities for the full frontage of the 316-324 Barrenjoey Road.	An appropriate condition is recommended.	Y	Y	Y
C2.20 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C2.22 Plant, Equipment Boxes and Lift Over-Run	See C1.25.		-	-	-
D10.1 Character as viewed from a public place	This section of the DCP applies to both the dual occupancy and shop top housing development.	A number of objectors have raised concern that the development is out of character with the area. The performance of the development against the provisions of section D10.1 of the DCP are discussed in detail later in this report under the SEPP 65 assessment.	Y	Y	N
D10.2 Character - Newport Commercial Centre	Applies to shop top housing development only. 316-324 Barrenjoey Road is identified as an "entry site" or gateway to the Newport town centre. This being the case, the Newport Master Plan requires that the development have a high degree of useability to promote pedestrian activity and interaction between the private and public domain at different times of the day and night. Buildings should 'turn the corner' to direct views towards community and recreational facilities, notably the beachfront areas, bowling club and community centre. D10.2 also requires that development in Newport town centre be in accordance with Newport Masterplan.	Objectors have raised concern that the development is not consistent with its context and not compliant with Newport Masterplan. Refer to relevant discussion under SEPP 65 Design Principle 1: Context in section 3.6 of the body of this report. All of the other relevant Newport Masterplan controls are reproduced as DCP controls applicable to the shop top housing site (i.e. 316-324 Barrenjoey Rd, Newport) and discussed in detail elsewhere in this compliance table and the body of this report. None of the identified non-compliances are considered to justify refusal of the Application. The development is considered to be reasonable on merits.	N	Y	N
D10.3 Scenic protection – General			-	-	-

Control	Standard	Proposal	T	O	N
D10.4 Building colours and materials	External colours and materials generally to be dark earthy tones. More flexibility for retail. All finishes to be low reflectivity. Buildings in commercial areas to include stone, timber and landscaping as features within any street façade. Avoid solid appearance except for base of building. Lightweight materials at upper levels. Glass awnings to be treated to reduce solar and heat transmission. Mid and light grey may be used for roofs, framing elements and up to 20% of wall area only where finish is uncoated metal. Painted surfaces to be mid-tone or darker.	Objectors have raised concern over proposed colours and materials. Refer to relevant discussion in section D10.4 of this report.	Y	Y	N
D10.5 Height (excluding Newport Commercial Centre)	Applies to dual occupancy development only. 8m maximum above minimum flood level provided outcomes achieved.	Objectors raised concern over height of this building. Dual occupancy is a total of 9.76m high to its ridgeline. This complies with the control, allowing for flooding level variation.	Y	Y	N
D10.6 Height (Newport Commercial Centre)	Applies to shop top housing development only. Maximum building height is 10.5m above FPL with roof form being contained within 15 degree plane from 4m upper level setback and up to maximum height of 11.5m above FPL. (Note: FPL = Flood Planning Level)	Maximum height proposed is 15m above ground level (13.8m above FPL) to top of lift core with the top of parapet roof of 4 storey corner element being 14.3m above ground level (13.1m above FPL). Objections have raised concern over non-compliance of development with height control. This is discussed later in this report under section D10.6.	N	Y	N
D10.7 Front building line (excluding Newport Commercial Centre)	Applies to dual occupancy development only. 6.5m or established building line, whichever is the greater. Building line established by adjoining dwelling at 4 The Boulevard 3.9m – 10.5m. 3.5m setback to portion of proposed shop top housing development fronting The Boulevard on other side of dual occupancy site.	Objectors raised setback non-compliances as a concern. Proposed dual occupancy front setback is 3.5m to 4.5m. Given triangular shape of site, a reduced front setback that is consistent with established building line is considered reasonable and appropriate. As an irregular shaped block with a depth of less than 20m for the majority of its area this is a permitted variation under the DCP.	Y	Y	N

Control	Standard	Proposal	T	O	N
D10.8 Side and rear building line (excluding Newport Commercial Centre)	Applies to dual occupancy development only. Side setbacks to be 1m and 2.5m on opposite side. Minimum rear setback 6.5m.	Objectors raised setback non-compliances as a concern. 2.5m to side boundary shared with 4 The Boulevard. No other side boundary. Complies Rear setback to drainage channel varies between 2.23m and 9.5m due to angular orientation of building to this rear boundary. 3.66m width of drainage channel adds additional effective separation to shop top housing development site on opposite side of channel. Variation permitted for site with depth less than 20m. Privacy and solar access between shop top housing development and dual occupancy acceptable as demonstrated in sections C1.5 & C1.4 respectively.	Y	Y	N
D10.9 Setbacks (Newport Commercial Centre)	Applies only to shop top housing development. <u>Front Setbacks</u> : 3.5m to both Barrenjoey Rd and The Boulevard. An additional 4m (i.e. total 7.5m setback) is required at Levels 2 & 3 to both Barrenjoey Rd & The Boulevard. <u>Rear Setbacks</u> : 3m for all levels to the drainage channel. <u>Side Setbacks</u> : No side setbacks for ground or first floor. 3m side setback for upper level (Levels 2 & 3). However, where habitable rooms and their balconies are located at side boundary for adjoining properties, side setbacks to be determined by building separation controls under D10.24. <u>Maximum Length of Upper Floors (i.e. Levels 3 & 4)</u> : 24m.	Objectors raised setback non-compliances as a concern. The original plans included multiple setback non-compliances. The amended plans have reduced the level of non-compliance yet still do not strictly comply with the controls. Refer to detailed discussion under section D10.9 of this report.	N	Y	N
D10.11 Building envelope	Applies to dual occupancy only.		Y	Y	Y
D10.12 Site coverage - General	Applies to dual occupancy only. 50% of site maximum site coverage and 50% minimum landscaped area.	50% site coverage and landscaped area provided.	Y	Y	Y
D10.14 Fences - General			Y	Y	Y
D10.16 Construction, Retaining walls, terracing and undercroft areas			-	-	-

Control	Standard	Proposal	T	O	N
D10.19 Subdivision and Amalgamation (Newport Commercial Centre)	Only applies to shop top housing site. New development sites are to be in accordance with indicative amalgamation pattern in Newport Masterplan.	With the exception of the corner allotment at 314 Barrenjoey Road containing a substation and owned by Ausgrid, the development site at 316-324 Barrenjoey Road is in accordance with the indicative amalgamation pattern indicated in the Newport Masterplan. As the substation has not been de-commissioned and the land is still needed by Ausgrid, it is considered that the proposal is as consistent with the Newport Masterplan as reasonably possible.	N	Y	Y
D10.20 Design of Mixed Use Developments (Newport Commercial Centre)	Only applies to shop top housing. Flexible layouts to enable variety of uses over time. Min ceiling height 3.3m for ground floor measured from FPL. Min, ceiling heights of residential levels 2.7m. Clearly distinguish between commercial and residential entries. Sensitive locate noise generating commercial activities away from residential units.	SOHO units provide use flexibility. All ceiling heights comply. Separation between uses is acceptable.	Y	Y	Y
D10.21 Active Frontages (Newport Commercial Centre)	Only applies to shop top housing. Active uses fronting streets, particularly on key entry sites such as subject site. Awnings for full width of lot at ground level. Shop fronts are to wrap around corner.	All requirements incorporated within the development.	Y	Y	Y
D10.22 Arcades (Newport Commercial Centre)	This provision only technically applies to 316-324 Barrenjoey Rd and not 2 The Boulevarde. Arcades are to be provided in accordance with the Newport Masterplan. Figures 4.2 and 4.5 of the Masterplan indicate a desired pedestrian through-site connection from Barrenjoey Road, alongside the common north-east boundary with 326-330 Barrenjoey Rd, over the drainage channel at the location of the existing bridge and continuing alongside the north-east boundary of 2 The Boulevarde to connect with The Boulevarde.	No arcade or through-site connection is provided at the indicated location. Refer to detailed discussion in section D10.22 of this report.	N	N	Y
D10.23 Building Entries (Newport Commercial Centre)	Only applies to shop top housing.		Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.24 Building Depth and Separation (Newport Commercial Centre)	<p>Only applies to shop top housing.</p> <p><u>Maximum Building Depths</u></p> <p>Ground Floor – no max.</p> <p>Level 1 – Max. 18m glassline to glassline with 24m max. including balconies.</p> <p>Levels 2-3 – Max 14m glassline to glassline with 20m max. including balconies.</p> <p><u>Minimum Separation</u></p> <p>12m between external walls of habitable rooms/balconies</p> <p>9m between walls of habitable rooms/balconies and non-habitable rooms</p> <p>6m between walls of non-habitable rooms.</p> <p><u>Maximum Building Length</u></p> <p>Maximum length of 24m for Level 2 (i.e. 3rd floor).</p>	Objectors have raised concern over the non-compliance of the development with the requirements of this section of the DCP. Refer to detailed discussion in section D10.24 of this report.	N	Y	N
D10.25 Roof Form (Newport Commercial Centre)	<p>Only applies to shop top housing.</p> <p>Large, unbroken areas of roof discouraged.</p>	Objections raise concern over compliance with this control. Due to the stepped nature of the development the roof area is broken up. Parapet style roofing is considered appropriate in the commercial centre.	Y	Y	N
D10.26 Views (Newport Commercial Centre)	<p>Only applies to shop top housing.</p>	Objections received raise concern that the shop top housing development has not been designed in accordance with view-sharing principles. This issue is discussed in more detail later in this report under the relevant heading.	Y	Y	N
D10.27 Design for Flooding (Newport Commercial Centre)	<p>Only applies to shop top housing.</p>		Y	Y	Y
D10.28 Open Space (Newport Commercial Centre)	<p>Only applies to shop top housing.</p> <p>Communal open space of 15% of site area (207sqm) with min. dimension of 6m in one direction.</p> <p>Private open space in balconies to have min. 10sqm and min. dimension of 2.4m.</p>	<p>Objections raise concern over compliance with this section of DCP. All shop top units comply with exception of Units 109, 110, 111 & 203.</p> <p>Refer to detailed discussion under section D10.28 of this report.</p>	N	Y	N
D10.29 Landscaping (Newport Commercial Centre)	<p>Controls within this section of DCP make no reference to Site although the outcomes of this section of the DCP would apply to the landscaping treatment of the shop top housing development.</p>	<p>An objection has been received from the owner of 314 Barrenjoey Road, Newport regarding the proposed landscaping of this property, which is not a part of the development site.</p> <p>Other objections also raise concern that the proposed landscaping is inadequate. Refer to section D10.29 for discussion of the landscape treatment of the proposal.</p>	Y	Y	N
D10.30 Facades (Newport Commercial Centre)	<p>Only applies to shop top housing.</p>		Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)		62% of units achieve cross ventilation. Acceptable solar access to units. BASIX Certificate supplied.	Y	Y	Y
D10.32 Solar Access and Ventilation (Newport Commercial Centre)	70% of units to achieve min. 3hrs sunlight during midwinter between 9am and 3pm. Max. of 20% single aspect units facing SE, S or SW. Design to facilitate cross ventilation where possible.	70% achieved. 5 single aspect units of the 23 units (21.7%) face SE, S or SW. Non-compliance is considered minor and includes both SOHO units that could also function as office space/commercial space where internal amenity would be less of a concern. Skylights are used where possible to enhance natural light. Achieved	N	Y	Y
D10.33 Privacy (Newport Commercial Centre)	Only applies to shop top housing. Design buildings with adequate separation to neighbours.	A number of objections received have raised privacy impacts as a concern, especially in regard to the immediately adjoining units of the adjacent development at 226-230 Barrenjoey Road. Building separation is non-compliant and discussed in detail under section D10.24 of this report. Notwithstanding separation non-compliance, privacy to adjoining development considered reasonable as future occupants of development cannot overlook existing adjoining development and acoustic privacy addressed with solid side wall and privacy screen to balcony of Unit 201.	N	Y	N
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate submitted.	Y	Y	Y
SEPP (Affordable Rental Housing) 2009			-	-	-
Other State Environmental Planning Policies (SEPPs)	SEPP 55 applies to 316-324 Barrenjoey Road, Newport as it was the location of a former petrol station. See relevant comments under section 3.6 of this report.		Y	Y	Y

*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 subject site is located on the eastern corner of Barrenjoey Road and The Boulevard in Newport. It is comprised of 2 contiguous parcels of land divided by a 3.66m wide stormwater drainage channel.

The largest portion of the Site is known as 316 - 324 Barrenjoey Road, Newport. The legal description of this land is: Part Lot 18, Part Lot 19, Part Lot 20 and, Part Lot 21, all in DP 18415 and; Lot 17 in DP 1108063. This land formerly contained a petrol station which has been demolished for approximately 3 years. This property is currently vacant. Vegetation on this portion of the Site includes only weed species. There is no significant vegetation on the Site worthy of preservation. This portion of the Site is roughly rectangular in shape. It has an area of 1380sqm and a total frontage of 60.415m to Barrenjoey Road and a total frontage of 26.765m to The Boulevard. 316-324 Barrenjoey Road is zoned 3(a) General Business under PLEP 1993. It is identified as Acid Sulphate Region 3. It is identified as being within the vicinity of a listed heritage item. The property is identified as subject to flooding.

The other portion of the site lies across the other side of the stormwater drainage channel. It is known as 2 The Boulevard, Newport. This property is vacant with no significant vegetation. The lot is triangular in shape and has an area of 661.2sqm. It has a frontage of 54.635m to The Boulevard. This property is zoned Residential 2(a) under PLEP 1993. A small red cross building formerly stood on this property adjacent to the north-east boundary. The remainder of this property was used as a car park.

There are 2 existing concrete bridges over the stormwater drainage channel linking the 2 separate parcels of land making up the Site. The south-western bridge is proposed to be utilised by the proposed development for vehicular access between The Boulevard and rear parking for the shoptop housing development at 316 - 324 Barrenjoey Road. The other bridge is not proposed to be utilised by the development. As the south-western bridge provides vehicular access to parking for the development it is also considered to be a part of the overall development site. The bridges are owned by Council and were formerly used to provide access to the former petrol station at 316-324 Barrenjoey Road.

The combined area of the Site is 2,041.2sqm (not including the area of the bridge over the stormwater drainage channel).

Adjoining 316-324 Barrenjoey Road to the north-east is 326-330 Barrenjoey Road, which contains a 3 storey shoptop housing development over basement parking. The ground level of this development contains retail shops with residential units on the upper floors. The ground floor has a nil side setback to the subject site and the upper residential floors are set back less than 2m from the common boundary with the Site. The setback areas on the upper floors are used as balcony space, thus, balcony edges directly abut the south-west boundary of the Site.

Adjoining the 316-324 Barrenjoey Road to the south-west is 314 Barrenjoey Road, Newport (Lot 10 in DP 1016203). This property is owned by Ausgrid and contains a small electricity substation. It is the property closest to the corner of Barrenjoey Road and The Boulevard. This property is not fenced and has the appearance of being a part of the public domain.

Adjoining 2 The Boulevard to the north-east is 4 The Boulevard, Newport. This property contains a single storey fibro cottage and a fibro shed adjacent to the drainage channel at the rear.

To the south of the Site, on the opposite side of The Boulevard, is the Newport Bowling Club and Newport Community Centre.

The streetscape of Barrenjoey Road in the vicinity of the Site is generally characterised by 1, 2 & 3 storey shoptop housing, shop and commercial development. The built character is extremely mixed. Ground levels are generally used for retail purposes with residential units on the upper floors. There is some 4 storey development present in the Newport town centre although it is generally set back from Barrenjoey Road.

The built scale along The Boulevard is much lower, being generally characterised by 1-2 storey residential development on its northern side with a single storey community centre, tennis courts and bowling greens on its southern side opposite the Site.

Development along Seaview Avenue is characterised by a mixture of commercial and residential buildings that vary in height from between 1 and 3 storeys on the eastern side of this street and older residential flat buildings varying in height between 3 – 4 storeys on its western side.

6.0 PROPOSAL IN DETAIL

Two different developments are proposed within the subject application.

At 316-324 Barrenjoey Road, Newport, it is proposed to construct a part 3 storey / part 4 storey shoptop housing development over basement parking. This development will contain 5 shops, 23 residential apartments and parking for 50 vehicles, including 1 loading bay.

One parking level is proposed that is actually underground (indicated in plans as "Basement 2"). On this level, it is proposed to provide a total of 40 car parking spaces. 9 of these spaces have been allocated as residential visitor parking with one of these being a disabled space. 27 car spaces are allocated as resident parking with 14 of these spaces being in a stacked arrangement and 5 being disabled spaces. The remaining 4 car spaces are allocated as "retail owner parking". The residential and commercial garbage rooms, bicycle racks and storage are also proposed at this level. Vehicular access to the Basement 2 parking level is via a curved ramp to Barrenjoey Road.

Basement Level 1 is proposed to be close to at-grade, adjacent to the drainage channel at the rear of 316-324 Barrenjoey Road. This part-level provides 9 additional retail owner/visitor parking spaces plus a loading bay. Vehicular access to this level from The Boulevard is via the existing bridge over the drainage channel and over the south-west corner of No. 2 The Boulevard.

At Ground Floor Level, 5 retail shops are proposed fronting onto Barrenjoey Road and the western corner of 316-324 Barrenjoey Road. These shops vary in size between 56sqm and 116sqm. The primary retail area of each shop has a finished floor level of RL4.06 with a store/flood refuge area at the rear at a finished floor level of RL 5.30 and RL 5.70. The depth of the primary internal retail area of these shops generally has a depth of 3.4m to 4m measured from the front doors to the higher finished floor level at the rear of these shops.

At the rear of the Ground Floor are 2 ground level residential units with living areas and balconies oriented toward the drainage channel. Unit 1 is a 1 bedroom unit and Unit 2 is a 2 bedroom unit with a large study that has the capability of being used as a third bedroom.

There are 2 separate pedestrian entry lobbies to the residential units. Unit 1 and the upper level units on the western side of the development are accessed off The Boulevard and Unit 2 and the eastern units are accessed through a residential lobby off Barrenjoey Road. At Level 1, a total of 11 residential units are proposed incorporating a combination of both single and dual aspect apartments. 9 x 1 bedroom units are proposed at this level and 3 x 2 bedroom units. All units have small studies that are too small to be used as additional bedrooms. At Level 2, a total of 8 residential units are proposed including both single and dual aspect units. 4 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom units are proposed at this level. At the topmost level, Level 3, a single 2 bedroom apartment is proposed on the rounded western corner of the building.

At 2 The Boulevard, Newport, it is proposed to construct a 3 storey attached dual occupancy development with the ground level being used for at-grade parking.

7.0 BACKGROUND

Several pre-lodgement meetings with Council officers were undertaken by the Applicant.

A pre-lodgement report for a part 5 / part 4 storey development that included 29 units from the final meeting on 8 December 2011 details a number of concerns raised by Council officers. These included the provision of minimum flood levels and what they apply to; the prohibition on any increase of the flood storage volume for the Site; the need for a Flood Emergency Response Plan; need for confirmation that site is decontaminated; need for sulphate soil investigation; need for owner's consent for work over drainage channel; recommend consultation with RTA regarding vehicular access off Barrenjoey Road; concern that proposed density was excessive; shortfall in on-site parking provision not acceptable; residential and commercial parking to be separated; 5 storey development not acceptable, a small portion of corner at 4 storeys height may be considered, based on gateway status of site, provided the predominant height is 3 storeys and outcomes of height control achieved; concern raised that merit assessment of setbacks to 326 Barrenjoey Rd would be required with upper floors of development needing to have greater setbacks than ground floor; concern that lift overrun be better integrated into design of development and; concern over solar access to dual occupancy dwellings.

An appeal was lodged on 9 July 2012 with the Land and Environment Court, based on the deemed refusal of the Application. The Applicant and Council officers were required by the Court to undergo a Section 34 conciliation process on a "without prejudice" basis and the current amended plans have been prepared in response to this process.

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

The Applicant seeks to vary a statutory development standard pursuant to the provisions of Clause 6 of SEPP 1. The assessment of the SEPP 1 Objection has been undertaken below in accordance with the accepted method established in the Land and Environment Court Judgements of *Wehbe v Pittwater Council* (2007) NSW LEC 827 and *Winten Property Group v North Sydney Council* (2001) NSWLEC 46.

Development Standard to be varied

The development standard proposed to be varied is the maximum building height of 8.5m set out in clause 21H of PLEP 1993. It falls within the definition of 'development standard' set out under section 4 of the EPA Act.

Extent of variation proposed

The maximum building height of the proposed dual occupancy development is 9.76m. This would be a 14.8% variation to the maximum standard of 8.5m.

What are the underlying or intended aims/objectives/outcomes of the development standard and are they achieved by the proposal?

The aims of the maximum building height development standard are not stated in PLEP 1993. However, a maximum building height control contained within section D10.5 of PDOP 21 is also applicable to the dual occupancy development. The outcomes of this control can be reasonably assumed to also apply to the corresponding development standard in the LEP.

These stated outcomes are as follows:

- “- To achieve the desired future character for the Locality.*
- Buildings should reinforce the bushland landform character of Pittwater and be designed to preserve and strengthen the bushland character.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourage visual integration and connectivity to the natural environment.*
- Building design, location and landscaping is to encourage view sharing between properties.*
- Buildings and structures below tree canopy level.*
- Equitable preservation of views and vistas to and/or from public/private places.*
- The built form does not dominate the natural setting.*
- To encourage buildings that are designed to respond sensitively to natural topography.”*

The Applicant has provided the following justification for the proposed variation:

- “- The proposed development exceeds the height limit of 8.5m due to the raising of the habitable areas of the dual occupancy above the Flood Planning Level of RL 5.3. The ground level has no habitable floor space and allows for the passage of flood waters.*
- The height of the proposed development is compatible with the higher buildings at the Newport Commercial Centre and achieves a height transition between the commercial centre and lower scale development of the community centre and bowling club on the opposite side of The Boulevard and lower 1-2 storey development further east along The Boulevard.*
- The development is consistent with the objectives for the maximum height control in Pittwater 21 DCP (noting that there are no specifically stated objectives to this development standard listed in PLEP 1993).*
- The development is considered to be consistent with the desired future character for the locality.*
- The development complies with the corresponding height control in the DCP which takes into account the Flood Planning Level, whereas the LEP control does not acknowledge the flooding constraints of the site.*
- The development is stepped in form and well articulated.*
- The height of the development is below that of native canopy trees established in the area.”*

The desired future character for the Newport Locality in section A4.10 of PDGP 21 states the following:

“The Newport Locality will remain primarily a low density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with landform and landscape....Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development.....

Future development will maintain a height below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise façade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment....Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors....

...Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place....."

The proposed dual occupancy development is generally consistent with the above desired future character with the possible exception of the desire for dwelling houses to be two storeys in any one place. In this regard, it is noted that this refers to "dwelling houses" and not dual occupancy development. It is also noted that the desired future character requires development to be designed to be safe from hazards and the DCP height control allows flood affected development that is up to 8m above the minimum floor level requirement. The proposed dual occupancy complies with that DCP height control. The dual occupancy development is located on the valley floor, there is no existing native vegetation on the Site but the dual occupancy development meets applicable landscaped area requirements and is accompanied by a landscape plan that includes a number of native canopy trees (water gums) being planted around the development. The dual occupancy development is appropriately articulated with a stepped form and projecting balconies, a hipped roof and dormer window.

The above reasons are considered to be appropriate justification for the proposed variation as the development is considered to be in a location (adjacent to higher development fronting Barrenjoey Road to the north-west) where the height non-compliance does achieve a transition from this adjacent higher development to the generally lower scale of development further east along The Boulevarde.

It is therefore considered that the dual occupancy development has a height and scale that is compatible with the character of the locality and that the assumed outcomes of the statutory height control are satisfied notwithstanding the numerical non-compliance proposed.

Is compliance with the development standard consistent with the aims of SEPP 1 and, in particular, does compliance with the development standard tend to hinder the attainment of the objects of the EPA Act?

The aims of SEPP 1 are set out in Clause 3 of this policy. They are as follows:

"This Policy provides 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."

The objects of the EPA Act under section 5(a)(i) and (ii) are as follows:

"5. The objects of this Act are:

(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 purposes of promoting the social and economic welfare of the community and a better environment, and

- (ii) *the promotion and co-ordination of the orderly and economic use and development of land."*

The Applicant has argued in their SEPP 1 Objection that the development standard for maximum building height in PLEP 1993 does not acknowledge the flooding constraints of the site. It is agreed that this is the case. To enforce strict compliance in this instance would be ignoring this hazard and constraint to development on this site.

The fact that the development complies with the maximum height control within the DCP (which does acknowledge this hazard and makes an amended maximum height provision to account for it) is indicative of a more holistic consideration and response to the natural hazard that affects the site and promotes development specifically designed to respond to this flooding hazard.

It is considered that enforcing strict numerical compliance in this instance would tend to hinder the attainment of the objects of the Act as it would not represent a properly co-ordinated consideration and management of the issues. The compliance of the development with the corresponding DCP height control gives Council assurance that the building height proposed is appropriate and will be consistent with future development in this locality on land also subject to similar flooding constraints.

Is compliance with the development standard unreasonable or unnecessary?

In addition to the above, the Applicant argues that enforcing strict compliance in this instance would be unreasonable and unnecessary because:

"- The height non-compliance is relatively minor with the maximum ceiling height being 8.44m above natural ground level and the ridge of the proposed pitched roof being 9.76m above natural ground level. The volume of building exceeding the 8.5m height limit is minor and does not represent any habitable space.

- The height of the development is below the tree canopy established by native trees of the area.

- The height of the development maintains a transition in building height from the Newport Commercial Centre directly adjacent to the site and the residential and recreation zones to the south and east of the site."

Given the above, it is considered that enforcing strict compliance with the development standard would be unreasonable in the circumstances of this case. It would not achieve any meaningful planning purpose.

Is the SEPP 1 Objection well founded?

The SEPP 1 Objection is considered to be well founded in this instance.

Would upholding the SEPP 1 Objection be consistent with the matters set out in Clauses 8(a) and 8(b) of SEPP 1?

Clauses 8(a) and 8(b) of SEPP 1 are matters that are required to be taken into consideration in deciding whether concurrence with Council's decision should be granted. These matters are as follows:

- "8(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."*

There are no state or regional planning matters affected by the proposed non-compliance and it is considered that there is continued public benefit in maintaining the development standard for building height within PLEP 1993.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

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

Objections have raised concern that the shop top housing development will result in unacceptable overshadowing impacts.

Shadow diagrams were submitted with the amended plans which indicate that, during midwinter, the shadows from the shop top housing development fall over the car parking area and front setback of the bowling club in the mornings and moves over the perpendicular car parking and front setback area of the community centre in the afternoons. This impact is not unreasonable.

The dual occupancy site at 2 The Boulevard is first overshadowed by the shop top housing development at about 10am and then is gradually increasingly overshadowed by this development through the course of the day. The solar access of the dual occupancy development is discussed in detail under C1.4 of this report and that, due to the location of 2 The Boulevard in relation to the shop top housing development, it is difficult to comply with the required minimum 3hrs of direct sunlight for the western dwelling of the dual occupancy and that its level of compliance is marginally at best but otherwise meets the outcomes of the control.

With regard to the adjoining development at 326-330 Barrenjoey Road, as it lies north-east of the proposed shop top housing development, it is only marginally overshadowed on its south-west elevation at 3pm during midwinter. This is not considered to be a significant impact.

The owner of the adjoining property at 314 Barrenjoey Road, Newport, Ausgrid, has suggested a number of conditions mainly concerned with ensuring that its infrastructure is not damaged or compromised as a result of the construction of the development. All suggested conditions that were considered to be reasonable have been incorporated within the attached draft determination. However, some of the suggested conditions required information to be submitted to and approved by Ausgrid before a Construction Certificate or Occupation Certificate could be released. These conditions were not considered to be reasonable and, consequently, have not been included in the draft determination although the issues they intended to address have been covered in other conditions of consent.

- **B1.2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites**

The Site is identified as being within the vicinity of a listed heritage item. The development site is located approximately 60m from the heritage picnic site. The Application was referred to Council's Strategic Planning section for comments on potential heritage impact. No objections were raised on heritage grounds. The proposed development would be visible from the heritage item picnic site but would be sufficiently removed from the heritage item so as not to cause any significant adverse detrimental impact on the heritage significance of the heritage item. Submitted shadow diagrams indicate that the development would not overshadow the heritage item.

- **B2.6 Dwelling Density and Subdivision - Shop-Top Housing**

Section B2.6 of PDCP 21 requires that the gross leasable area of the commercial/retail component of the development be 25% of the gross floor area of the overall development. The amended proposal includes 2 x SOHO units at the rear of the ground level of the development.

These units are designed to be used as home offices and have the flexibility to be used as commercial suites or residential units or both. If all of the floor area of the SOHO's are included in the commercial floor space calculation, the development would be providing 26% of the GFA of the development as commercial/retail area. If the SOHO's are counted as residential area the commercial/retail provision would be 16%.

The development is therefore capable of complying with the retail density requirement as well as being flexible in how these ground floor units are used, responding to changes in the demand for retail/commercial floor space over time.

- **B3.5 Acid Sulphate Soils**

The Site has been identified as being partly within Acid Sulphate Region 3 and partly within Acid Sulphate Region 4. The Application was referred to Council's Natural Resources section, who advised the following:

"....a soil assessment was undertaken by Coffey Environmental after remediation was undertaken prior to the sale of the land to the current owner. Further assessment has concluded that remediation was sufficient and acid sulphate soils can be managed."

- **B3.16 Flood Hazard - Flood Category 1 - High Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy**

For an assessment of both the dual occupancy and the shop top housing development against the applicable flooding hazard requirements, refer to discussion below under Section B3.18.

- **B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Light Industrial Development**

Objections received have raised concern over whether the development meets the requirements of this section of the DCP. The amended plans for the development were referred to Council's Catchment Management and Climate Change section, who provided the following comments:

"....I have the following comments in relation to flood risk:

1. *There are no emergency exits within Basement 1. Stairs are required for emergency access out of basement 1 during a flood event, to prevent people from walking into floodwaters to evacuate out the building. During our meeting with the applicant of 24 September 2012, it was suggested stairs could be added to the northern end of the car park.*

Recommended Condition:

Emergency Access is to be provided out of basement 1 via stairs on the northern end of the car park to a higher level.

2. Movement prevent devices are to be specified in basement 1 to prevent cars from being washed around and causing additional structural damage.

Recommended Condition:

Vehicle restraints are to be installed in Basement 1.

3. The floor level of the refuge area of the commercial areas has been significantly raised since the last set of plans was received by Council. As such there is now approximately 2.4m clearance between the ground floor area and the refuge area. This is the floor to ceiling height of a standard room. There is potential for the users of the shop to use the area under the refuge a commercial use. During a flood event, this would result in significant damage to stock. It is requested this area is lowered to 5.30m AHD in accordance with the plans provided in Sept 2012 (DA202-rev E). This area as stated "Store" on these plans is considered acceptable to be used for commercial activity.

Recommended Condition:

The floor level of the area shown as "Refuge" on drawing DA202-N is to be altered to 5.3m AHD. The area underneath the refuge is to be separated from the commercial premises via a screen. Storage of all commercial stock is to be above the Flood Planning Level.

4. Any fencing associated with the site is to allow the movement of flood compatible materials to ensure the impact on flood storage and velocities to surrounding properties is minimised.

Recommended condition:

All fencing is to allow for the movement of flood waters and not impede the flow."

Assessment Officer's Comment

All of the above conditions are recommended within the attached draft determination with the relevant amended detail being incorporated into the plans prior to the release of the Construction Certificate. Subject to the imposition of these conditions, no objections are raised to the proposal on flooding grounds.

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The Application was referred to Council's Natural Resources section who have advised the following:

"The property is located within the Newport commercial centre and was previously a fuel station therefore the landscape is highly modified. The proposed works involve construction of a shop-top housing development comprising basement carparking, ground floor retail and 23 residential units at 316-324 Barrenjoey Road and construction of an attached dual occupancy development at 2 The Boulevarde. The site only contains weedy vegetation including some undesirable tree species which are exempt from Council's Tree Preservation Order such as Olive, Kaffir Plum and Oleander, all of which are to be removed. No native trees or significant vegetation exist on the site or will be impacted. Detailed landscape plans have been submitted and as they are part of an area within the Newport Masterplan, they have been referred to Council's Landscape Architect for comment. (please see Mark Eriksson)"

Council's Landscape Architect has raised no objections to the development, subject to the imposition of a number of conditions.

- **B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy**

One of the concerns raised by RMS with the original plans for the shop top housing proposal was that the parking and access (including driveway grades and sight distances) were not strictly compliant with a standard in AS 2890.1 that requires the front portion of the driveway to have a gradient no steeper than 1 in 20 for the first 6m from the Barrenjoey Road frontage.

The proposed driveway in the original plans had a gradient of 1 in 10 for the first 1.5m and then 1 in 5 for the remaining first 6m. It is apparent that it is the need for a crest on this driveway ramp to address flooding issues makes it difficult to comply with this requirement. The requirement setting a maximum gradient for this portion of the driveway ramp is aimed at achieving an acceptable sight distance to enable the driver of the exiting vehicle to be able to see pedestrians on the footpath crossing the driveway. This non-compliance was raised with the Applicant.

In response to this issue, the Applicant has amended the driveway gradient such that it is now 1 in 20 for the first 2.25m, then 1 in 10 for the next 2.25m, and thereafter, it is 1 in 5 for the remainder of the front 6m. This still does not strictly comply with the Australian Standard, but is a reduction in the level of non-compliance compared with the original plans. In addition, the Applicant has provided an additional traffic report, prepared by GSA Planning and dated October 2012. This report addresses the issue of the driveway gradient as follows:

"The front portion of the driveway is steeper than the required standard of 1 in 20 for the first 6m. However, subject to the Australian Standard, the grade may be increased to 1 in 8 in certain circumstances. As the grade is a downgrade for traffic leaving the property and entering the frontage road, the predominant class of user is 1A and serves 41 car spaces (not significantly higher than the 25 car spaces under the standard), it is out opinion that the gradient is appropriate from a traffic point of view."

The amended plans and traffic report were referred to Council's Senior Development Engineer for assessment and the following response has been received:

"I refer to the above application and the amended plans submitted, in particular the proposed access ramp from Barrenjoey Road to the proposed basement parking area.

A minor non-compliance with the Australian Standard exists for the ramp gradient as it approaches the boundary with Barrenjoey Road. The gradient is steeper than the recommended maximum, however this is a result of the ramp having a raised crest level to protect the basement from flooding.

The non-compliance is considered acceptable, given the circumstances and based on the certification that the driveway is safe and functional, provided by the Applicants traffic planners, GSA Planning."

Comment from Assessment Officer

Given the above, the proposed driveway ramp is considered to be acceptable.

- **B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road**

This section of the DCP prohibits access to Barrenjoey Road for the proposed shop top housing development where there is alternative access available to a local road which could be made available via a right-of-way. The shop top housing development has 2 basement levels. Basement 1 achieves access to the Boulevard across the drainage channel and a corner of 2 The Boulevard using the existing bridge over the channel formerly used by the service station. Basement 2 of the shop top housing development achieves access to Barrenjoey Road via a curved ramp. Thus, there is alternative access available to a local road for this site.

The amended plans were supported by a traffic report prepared by GSA Planning and dated October 2012. This report provides justification for using vehicular access to Barrenjoey Road as follows:

“Council’s DCP states where that access via the alternative public road is not considered suitable due to steep grades, safety or other access constraints, consideration on a merit basis may be given to waiving this requirement. This requirement is sought to be waived for a number of reasons.

Firstly, the existing drainage reserve provides a significant constraint to the provision of an underground ramp and this is the primary reason for the location of the driveway on Barrenjoey Road. Secondly, given the other driveways on The Boulevard, the main car park access would need to be located very close to the intersection with Barrenjoey Road which is not desirable from a traffic point of view. Thirdly, The Boulevard frontage would result in a proliferation of driveways, given the location of the service vehicle access. Fourthly, the Barrenjoey Road frontage comprised access driveways previously, associated with the service station use, which generated a greater traffic generation than the proposed use. Fifthly, the proposed driveways will be left in and left out, ensuring that there is no impact on the traffic flow of Barrenjoey Road. Finally, the proposed driveway is located at the furthest point away from the intersection from The Boulevard, which is appropriate from a traffic point of view.”

The amended plans and supporting traffic report were referred to Council’s Senior Development Engineer for comment and the following comment relevant to this non-compliance was provided:

“There are no objections to the proposed access drive off Barrenjoey Road as both Urban Infrastructure and the Roads and Maritime Services have approved it.”

Given the above, the proposed access to Barrenjoey Road is supported as it has not been identified that this access would result in the failure of the development to meet the relevant objectives of this control, which relate to pedestrian access, amenity and safety, as well as compliance with the Roads Act, 1993 and the EPA Act 1979.

- **3.6 State Environment Planning Policy No.65 – Design Quality of Residential Flat Buildings (SEPP 65)**

Concern has been raised in objections regarding the design, bulk and scale of the proposed development, the non-compliance of the development with the Residential Flat Design Code and whether the development is consistent with the Newport Village character. These issues and other SEPP 65 considerations are discussed below.

SEPP 65 DESIGN QUALITY PRINCIPLES

Clause 30(2)(b) of SEPP 65 requires Council to take into consideration the design quality of the development when evaluated against the design quality principles.

Principle 1: Context

"Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area."

Objections have raised concern that the proposed development does not respond to its context.

The subject site is identified in the Newport Masterplan (Page 34) as a highly visible entry site to the commercial centre. The Newport Masterplan states that buildings on this site should have uses with a high degree of usability to promote pedestrian activity and interaction between the public and private domain, that buildings must have a very high design quality and 'turn the corner' to direct views towards community and recreational facilities.

The design of the proposal has responded to the above requirements by treating this important corner with a rounded building element that is one storey higher than the remainder of the building to emphasise the importance of this corner as the gateway to the Newport Commercial Centre and Barrenjoey Road as the main street within the village centre.

Five street-edge shops are proposed along the Barrenjoey Road frontage at street level to continue the active street edge along this frontage.

The desired future character for the Newport Commercial Centre emphasises diversity rather than uniformity of building type and architectural style. This is simply a reflection of the existing built character of the Newport commercial centre, which is already very mixed in architectural style and built form. Whilst a rounded corner element has not been used previously in Newport, this feature merely adds another dimension and architectural interest to the varied nature of built form in this particular townscape. For an acute angled block, it is considered to be a well-considered response to the shape and location of the development site. It is therefore considered that the proposed development responds appropriately to its context including the desired future character, as stated in the Newport Masterplan and PDCP 21.

Principle 2: Scale

"Good design achieves an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area."

Objections have raised concern that the shop top housing development proposal is out of scale with surrounding development.

The existing scale of Barrenjoey Road in the Newport commercial centre is very mixed, predominantly ranging in height between 1-3 storeys. However, 4 storey development is present in Newport but is not immediately apparent within the Newport commercial centre in Barrenjoey Road. 4 storey buildings in Newport tend to be older residential flat buildings with at-grade parking and 3 residential levels located in fringe areas on elevated land on Seaview Avenue, between the Barrenjoey Road retail strip and Newport beach, just to the north-east of the Newport commercial centre on Barrenjoey Road and also in mid-block locations on the western side of Barrenjoey Road (e.g. 335 Barrenjoey Road, Newport). These 4 storey buildings, or 4 storey sections of buildings, are considered to often be inappropriately located in areas where the impacts of their additional height are exaggerated by either the elevated land upon which they stand (e.g. Seaview Ave) or their mid-block location (thus impacting on adjoining properties).

They are the legacy of a previous regime of planning controls that have not applied in Newport for decades and result in a somewhat disordered and confusing street hierarchy in terms of building heights in the Newport locality. A basic principle of urban design is the principle that higher buildings be located in the town centre or CBD of any commercial centre to establish where the main street or CBD is located.

Whilst the Newport Masterplan sets a maximum height of 3 storeys for commercial development on Barrenjoey Road, in order to reinforce Barrenjoey Road as the main street in the local street hierarchy of the Newport commercial centre, a 4 storey element on the corner of a predominantly height compliant 3 storey building at the gateway to the Newport commercial centre on Barrenjoey Road is considered to be an entirely appropriate urban design response in terms of scale.

It is not considered that there is any identifiable unreasonable impact resulting from the proposed 4 storey corner element, primarily because it is on a corner location and not immediately adjacent to another property. It is a deliberately prominent building element in a prominent location. It suits the scale of the gateway location of the Site on the main street of the Newport commercial centre and is considered to respond appropriately to this design quality principle.

Principal 3: Built Form

"Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."

There has been some criticism in objections regarding the appropriateness of the rounded corner element in the design of the proposal. This issue is addressed above under Principle 1: Context.

The amended design of the proposal, compared to the originally submitted design, incorporates increased setbacks from: the corner of the site; the Boulevard; Barrenjoey Road at upper levels; the drainage channel at the rear; and also from the adjoining development at 326-330 Barrenjoey Road. The amended design also incorporates a more significant visual break in the length of the built form of the development at Level 2 compared to the original proposal. The roof terrace and its shade structure formerly proposed on top of Level 3 on the corner have been deleted to reduce the apparent scale of the development at this corner. The location of the internal living area and terraces of the Level 3 apartment beyond the rounded corner element has also been modified to reduce the apparent bulk of this floor when viewed from street level.

The western lift core and stairwell overrun have been incorporated into the building design rather than projecting out of the roof as separate elements. The interface between the public domain and the development has been improved in the amended design with greater front setback area at footpath level and more landscaping.

All of the above modifications assist the development in better achieving this design quality principle.

Principle 4: Density

"Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality."

The only density requirement that is applicable to 316-324 Barrenjoey Road, Newport is the requirement in section B2.6 of PDCP 21 which requires that the gross leasable area of the commercial/retail component of the development be 25% of the gross floor area of the overall development.

The amended proposal includes 2 x SOHO units at the rear of the ground level of the development. These units are designed to be used as home offices and have the flexibility to be used as commercial suites or residential units or both. If all of the floor area of the SOHO's are included in the commercial floor space calculation, the development would be providing 26% of the GFA of the development as commercial/retail area. If the SOHO's are counted as residential area the commercial/retail provision would be 16%.

The development is therefore capable of complying with the retail density requirement as well as being flexible in how these ground floor units are used, responding to changes in the demand for retail/commercial floor space over time. The development is considered to be consistent with this design quality principle.

Principle 5: Resource, Energy and Water Efficiency

"Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water."

An objection raises concern that the design of the proposal has not been sufficiently responsive to energy and water efficiency principles.

The amended design of the proposal has been able to achieve 70% of units receiving at least 3 hours sunlight to primary living spaces. South facing, single aspect units have been limited in depth to achieve good internal natural light and skylights used where possible to enhance access to natural light in internal spaces. Shading devices have been used where appropriate. The building has high thermal massing properties. High performance glazing and external louvres are proposed to control internal thermal comfort. Water efficient appliances and fittings are proposed in accordance with the BASIX Certificate. Most of the units proposed receive good cross-ventilation.

It is considered that the development adequately responds to this design quality principle.

Principle 6: Landscape

"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive images and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management."

The amended design has incorporated an increased amount of landscaping compared to the original design, such that the combination of the proposed plantings on the Site, within the public domain and at upper levels is considered to be an adequate landscaping response for a commercially zoned site. Required setback areas for the Site (under the Newport Masterplan) are relatively limited and multiple uses such as serving as pedestrian areas, potential outdoor dining areas and, potential planted areas. It is noted that the former use of the Site was as a service station, thus, little planting currently exists on the Site.

The proposed landscape treatment in the amended design is considered to be appropriate for the location of the Site as it links with and continues pedestrian routes along Barrenjoey Road and into the Boulevard as well as transitioning into the adjoining substation property on the corner owned by Ausgrid (314 Barrenjoey Road) by extending the proposed paving across this site. An active street edge along Barrenjoey Road is achieved with the provision of the shops along this frontage. Additional landscaping incorporated in the amended design further soften the appearance of the development at street level, particularly when viewed from The Boulevard.

The amended proposal is considered to adequately respond to this design quality principle.

Principle 7: Amenity

"Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility."

All of the proposed units in the amended design meet the minimum unit size requirements of the RFDC. The additional balcony areas on upper levels created by the increased setbacks and building breaks in the amended design also assist in enhancing the level of amenity to many of the proposed units. With the exception of the Level 1 corner unit, all proposed units have private outdoor open space. This unit does not have a balcony to maintain the design integrity of the rounded corner element of the building but future occupants to this unit would have access to the communal open space at Level 3 and also the public open space in the public domain surrounding the development. Good visual and acoustic privacy is achieved to all units within the development, accessibility to the retail shops, disabled toilet, parking, communal open spaces and proposed adaptable dwellings is achieved.

Increased separation distances and the inclusion of a light well at the rear of the building have been incorporated in the amended design to improve privacy, access to light and outlook from the units in the upper levels of the adjoining development at 326-330 Barrenjoey Road. These changes will assist in achieving an acceptable level of amenity to the south-western units in this building whilst not unreasonably limiting achievable building area at Levels 1 & 2 of the development. Given that the adjoining development incorporates balcony edges and glass block windows on the common boundary with the Site that would affect all levels of the proposed building, it is not considered to be reasonable to require the usual separation distances normally required by the Rule of Thumb in the RFDC. No windows are proposed on the north-eastern elevation of the development (facing this adjoining building) and setbacks ranging from 1.41m to 2m are provided at Level 1 and greater setbacks at Level 2. The light-well is proposed at the rear to provide greater amenity to the rear units at lower levels of this adjoining building.

The amended development is considered to adequately respond to this design quality principle.

Principle 8: Safety and Security

"Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces."

The provision of this development on the Site will result in good passive surveillance of the surrounding public domain areas. Security to the pedestrian entry lobbies and residential car park is easily achievable using an intercom system and this can be required as a condition of consent.

The commercial and residential components of the development are adequately separated.

The at-grade retail parking at the rear of the development is sufficiently open and close enough to the footpath of The Boulevard for adequate passive surveillance of this area by passers-by. Both this space and the basement carpark should be appropriately lit at all times. This can be required as a condition of consent.

Principle 9: Social Dimensions and Housing Affordability

"Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs."

The proposed mix of unit sizes and their layouts within the development is considered to satisfy this design quality principle.

Principle 10: Aesthetics

"Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area."

An objection has raised concern that the finished materials proposed are not compliant with the requirements of the Newport Masterplan.

The Newport Masterplan states the following with regard to materials and finishes:

"Buildings shall not be solid or monolithic in appearance. Lightweight materials shall be used; heavy materials (stone, brick, concrete) may be used for the base of buildings (i.e. heavy materials may be used for foundation areas that are required to be visible on the ground floor for the structural stability of a building)."

With reference to the above control, the proposal predominantly uses glazing on the Barrenjoey Road elevation, particularly for the shopfronts at ground level and also on the rounded corner element. Masonry framing is used to create horizontal and vertical articulation. The south elevation to The Boulevarde is more solid in appearance using more rendered masonry but is well modulated and articulated such that it does not have a 'monolithic' appearance. This elevation incorporates a combination of projecting and recessed balconies, building breaks and upper level setbacks. Bronze metal screens are provided on the predominantly glazed and western facing rounded corner element to provide shading whilst still achieving a lightweight appearance to this corner. A silver grey colour is proposed in the finished colour palette but only for trimming on the roof element. This is a permitted variation under section D10.4 of PDCP 21.

The proposal is therefore considered to be consistent with this design quality principle.

RESIDENTIAL FLAT DESIGN CODE

Clause 30(2)(c) of SEPP 65 requires Council to take into consideration the Residential Flat Design Code (RFDC) in its assessment of the development. An assessment of the proposal against the applicable provisions of the RFDC that are not already covered elsewhere in this report under similar DCP or Masterplan provisions is provided in the table below.

RFDC REF	'RULE OF THUMB' GUIDELINE	CONSISTENCY WITH GUIDELINE
PART 02 SITE DESIGN		
Site Configuration		
Deep Soil Zones	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	ALLOWABLE EXCEPTION The Site is commercially zoned and considered to be in an urban area. Opportunities for deep soil zones are limited in this context. In order to meet on-site parking requirements the entire property at 316-324 Barrenjoey Rd is proposed to be excavated, resulting in no deep soil zone. This extent of site coverage is not prohibited in applicable setback provisions of the DCP and Newport Masterplan. Stormwater treatment is in accordance with Council policy.

RFDC REF	'RULE OF THUMB' GUIDELINE	CONSISTENCY WITH GUIDELINE
PART 03 BUILDING DESIGN		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8 metres from a window.	COMPLIES
	The back of a kitchen should be no more than 8 metres from a window.	COMPLIES
	<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used.</p> <p>As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> - 1 bedroom apartment 50m² - 2 bedroom apartment 70m² - 3 bedroom apartment 95m² 	YES
Apartment Mix	Include a mixture of unit types for increased housing choice.	YES The proposal includes: <ul style="list-style-type: none"> - 8 x 1 bedroom units - 2 x 2 bedroom SOHO's - 10 x 2 bedroom units - 1 x 3 bedroom units
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	YES
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	YES Each single corridor services a maximum of 6 apartments.

RFDC REF	'RULE OF THUMB' GUIDELINE	CONSISTENCY WITH GUIDELINE
Building Amenity		
	Sixty percent (60%) of residential units should be naturally cross ventilated.	NO Including 1 Level 2 unit with an operable skylight, 12 of 21 units or 57.1% of the residential units are naturally ventilated by providing a dual aspect or corner apartment. The remaining single aspect apartments do not achieve natural ventilation. This is considered to be a minor non-compliance.
	Twenty five percent (25%) of kitchens within a development should have access to natural ventilation.	YES 42.8% of kitchens have access to natural ventilation.

- **5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007**

SEPP (Infrastructure) is applicable and a referral of the amended plans was made to the Roads & Maritime Services seeking concurrence in accordance with section 138(2) of the Roads Act 1993. The RMS have granted their concurrence to the development subject to a number of conditions which are included in the attached draft determination.

- **B3.6 Contaminated Land and Potentially Contaminated Land**

The portion of the Site known as 316-324 Barrenjoey Road, Newport was the former site of a service station.

A Site Validation report has been prepared by Coffey Environments Pty Ltd, dated 25 October 2010 has been submitted in support of the Application. This report documents the site validation works undertaken by Coffey Environments Pty Ltd following the removal of the above and underground fuel infrastructure, remediation of on-site soils and the assessment of groundwater. The executive summary of this report indicates that residual chemical contamination above adopted criteria (in accordance with relevant guidelines) at the site was removed to the extent practicable.

Two localised "hot spots" remained of residual hydrocarbon soil impact considered to be present at the soil/groundwater interface in the central western and north western site area. Excavation at the groundwater interface was hampered by collapsing sands.

A Health Risk Assessment (HRA) was undertaken to evaluate the potential impacts to human health associated with petroleum hydrocarbon impacted soil and groundwater based on potential permissible land uses. It was concluded that measured groundwater impacts are unlikely to pose an unacceptable health risk and that the site has been remediated to a standard which would not prevent the use of the property for any use permitted under its zoning.

Based on this advice, it is considered that the site has been adequately remediated for the proposed use.

- **C1.2 Safety and Security**

The originally submitted plans were referred to the NSW Police for comment, however, the Police advised that they did not believe that it was necessary in this instance for them to undertake a Crime Risk Assessment of this proposal.

The development has been assessed against CPTED (Crime Prevention Through Environmental Design) principles and the following issues have been identified.

Intercoms will be required to be installed at the entrance to the basement car park and also at the residential lobbies to enable residents and retail tenants to control access to the on-site parking spaces and internal circulation areas of the building. An appropriate condition of consent is recommended.

A condition of consent is also recommended requiring that the ground level external areas accessible from the public domain be appropriately lit. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting.

- **C1.3 View Sharing**

This control only applies to the dual occupancy development. View impacts arising from the shop top housing development are assessed under section D10.26 of this report.

Objectors from units within the adjoining development at 326-330 Barrenjoey Road have raised concern that the dual occupancy development will interfere with views from their units toward Bungan Head and the ridgeline toward the south-west over 2 The Boulevarde.

It is noted that the lower units of this adjoining development have limited, if any views over 2 The Boulevarde due to side courtyard walls, balcony privacy screens and the lack of windows facing this site. Primary views from lower level units are either directly toward Barrenjoey Road or directly to the rear of 326-330 Barrenjoey Road over 4 The Boulevarde.

The upper level units of 326-330 Barrenjoey Road have distant views of Bungan Head and the surrounding ridgeline from rear balconies and internal living area windows facing south-west. The angle of view would be diagonal across the rear boundary of this adjoining site and over 2 The Boulevarde. As it is a view of a distant view of a hill and elevated land it is a view upwards from these units. The floor level of the upper level units is RL 9.46. If this is compared with the proposed ridgeline of the dual occupancy development, which is RL 13.30, which is the highest part of the dual occupancy development, some foreground view of the bowling club and community centre would be lost but not all of the distant view of this elevated land would be lost. This is considered to be a minor view loss. It is noted that the dual occupancy is height compliant and that any new development on the currently vacant site at 2 The Boulevarde would result in some view affectation.

The impact is therefore considered reasonable.

- **C1.4 Solar Access**

Section C1.4 requires that the dwellings within the dual occupancy development each receive a minimum of 3hrs of sunlight to their main open space between 9am and 3pm during midwinter. The eastern dwelling of the dual occupancy complies with this requirement.

The western dwelling includes 2 balconies off the main living areas on the first floor, one on the western or side elevation of the building and a smaller balcony on the northern elevation or at the rear. As the living areas are on the first floor, these balconies would be the main outdoor open space for the dwelling.

The submitted shadow diagrams indicate that the smaller rear balcony would receive direct sunlight between 9am and approximately 11.30am during midwinter. The western balcony would receive sunlight between 11am and midday. Between the two balconies, the dwelling complies with solar access requirements for private open space.

Section C1.4 of the DCP also requires that the windows to the principal living areas of the dwelling receive a minimum of 3hrs between 9am and 3pm during midwinter.

The Applicant claims in the amended SEE that the western dwelling complies with this requirement with the insertion of a large skylight to achieve the 3rd hour. It also claims that the upper level containing the bedrooms complies with this requirement. Information demonstrating compliance with this requirement has not been submitted but it is likely from the information on the submitted shadow diagrams that the level of compliance is marginal at best. This is largely due to the location of the dual occupancy development in relation to the higher shop top housing development also proposed within this application.

Section C1.4 of the DCP permits variations to the solar access controls under the circumstances where solar access is difficult to achieve due to adverse lot orientation or shape, adverse lot slope, obstruction from existing development or vegetation or where other controls take priority. In this instance, the lot shape and its location in relation to the also proposed shop top housing development make it very difficult to comply with solar access requirements.

It is considered that solar access to the western dwelling has been maximised where possible and that the non-compliance is unavoidable in this situation but that adequate amenity will be achieved to the future occupants of this dwelling to satisfy the outcomes of the control.

- **C1.5 Visual Privacy**

Section C1.5 of the DCP only formally applies to the dual occupancy development and requires that the private open space, recreation areas and living rooms of proposed and existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation.

The separation between living area windows of the western dual occupancy dwelling and the edges of balconies and windows of the shop top housing is less than the 9m separation requirement with a minimum separation of 7m (balcony edge to balcony edge). The rear gardens at ground level of the dual occupancy site would be overlooked by the rear balconies of the shop top housing development. As these gardens would not be used as primary outdoor open space because the main internal living areas are on the first floor, it is not considered that this overlooking would have an unreasonable amenity impact although the proposed plantings in the rear garden of the dual occupancy development will clearly assist in mitigating this impact.

At first floor level, the orientation of the eastern dwelling is such that it would not be significantly overlooked by the proposed units of the shop top housing development with the possible exception of the rear first floor balcony. The larger side balcony would be screened from overlooking from the shop top housing development because of its location.

Overlooking impacts between the shop top housing development and the western dwelling are more problematic than with the eastern dual occupancy dwelling. In this regard, both the rear and side balconies of the western dual occupancy dwelling would be overlooked to some extent. The relationship of these two sites is such that some impact is unavoidable. A number of design features have been employed in both developments to mitigate privacy impacts including proposed intervening planting in the rear garden of the dual occupancy site, designing the dual occupancy with its main outdoor open space to the side rather than the rear, and also aligning the dual occupancy development at an angle rather than parallel to the shop top housing development, this assists in avoiding windows and balconies that directly oppose each other. Levels 1, 2 & 3 of the shop top housing development are more elevated than the first floor of the dual occupancy so there is some vertical separation between the living areas of the dual occupancy dwellings and the main habitable levels of the shop top housing development. Balconies at the western end of the shop top housing development are primarily recessed and orientated away from the dual occupancy development. The courtyards of the ground level SOHO units are protected with planter box screen planting.

The combination of all of the above features result in an acceptable level of privacy between the two developments such that the outcomes of the controls in section C1.5 are considered to be satisfied.

In relation to the adjoining property to the east at 4 The Boulevard, it is considered that the first floor balcony off the eastern dual occupancy dwelling is located a sufficient distance (3m) from the common side boundary and is located sufficiently forward on the site toward The Boulevard that it would not unreasonably impact on the privacy of the rear yard of this property. The main balconies to both dwellings will have planter boxes to all of their external edges to further assist in mitigating potential overlooking impacts.

- **C1.6 Acoustic Privacy**

Noise sensitive rooms are generally appropriately located within both developments. An acoustic report has been provided in support of the Application and its recommendations regarding glazing thicknesses and other sound insulation measures should be required to be complied with. An appropriate condition is recommended.

The amended plans incorporate a better acoustic privacy solution with the adjoining development at 326-330 Barrenjoey Road by removing all balconies from the north-east elevation, as well as all windows at Level 1 from the north-east elevation of the shop top housing development. In addition, rather than abutting the common boundary with this adjoining development (which has balcony edges with a nil setback to the common boundary with the Site), greater separation between these two developments has been achieved in the amended design. Details of the increased separation is provided under section D10.24 of this report.

In addition, the Roads & Maritime Services have stated that its concurrence under section 138(2) of the Roads Act 1993 is granted subject to compliance with the following condition:

"The proposed development should be designed such that the road traffic noise from Barrenjoey Road is mitigated by durable materials in order to satisfy the requirements of habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007."

Clause 102(3) of this SEPP states the following:

"If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded: (a) in any bedroom in the building -35dB(A) at any time between 10pm and 7am, (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time."

An appropriate condition is recommended.

Subject to compliance with relevant recommended conditions, the development is considered to be satisfactory with regard to both external and internal acoustic privacy.

- **C1.7 Private Open Space**

The need to locate habitable floor levels above the Flood Planning Level have necessitated that the primary open space be provided as first floor balconies located in both the front and rear for both dwellings of the dual occupancy development. Thus, it is not possible to provide the required 80sqm of POS at ground level. Both dwellings will have a side and rear balcony at first floor level with a total area of 22.8sqm. The side balconies have an area of 17.8sqm and sufficient space for tables and chairs for outdoor dining/entertaining. The first floor balconies area all directly accessible from internal living areas. As confirmed previously within this report under section C1.4, there is adequate solar access to outdoor open space for both dual occupancy dwellings in the circumstances.

- **C1.8 Dual Occupancy Specific Controls**

Objections have raised concern over the compliance of the dual occupancy development with height, bulk and scale related controls found in this section of the DCP.

The development complies with the maximum FSR control of 0.4:1.

Section C1.8 of PDCP 21 also requires that the second storey of dual occupancy dwellings only cover a maximum of 50% of the area of the floor below it. Neither of the dwellings within the proposed dual occupancy development strictly comply with this control. The floor area of Level 2 of Unit 1 has been calculated as being 52.7% of the area of Level 1 of this unit. The floor area of Level 2 of Unit 2 has been calculated as being 58.5% of the floor area of Level 1 of this unit.

A further requirement is that second storeys be located to:

- maximise solar access
- minimise overlooking of private yards
- complement the existing streetscape, and
- minimise the appearance of visual bulk.

The above qualitative assessment criteria express the underlying intent of the control to limit the size of the upper floor of dual occupancies. The upper floor of the dual occupancy development have been reduced in the amended plans (compared to originally submitted plans).

Consequently, the bulk and scale of the development has been reduced such that the dual occupancy has the appearance of a “large house” rather than of a multiple dwelling development. As discussed previously in this report under section C1.4, the solar access to the dual occupancy development is adequate, given its location and proximity to the larger shop top housing development that will overshadow it. As discussed under C1.5 of this report, the privacy impacts are not unreasonable and it is noted that the non-compliance of the upper floor level size restriction does not in itself create additional privacy concerns. As a transitional building located between the larger scale commercial and shop top housing development on Barrenjoey Road and the smaller scale development in The Boulevarde, the dual occupancy development is considered to sit comfortably within the existing streetscape and have an acceptable scale.

The dual occupancy development complies with the maximum FSR requirement for the Site. Requiring compliance with the size restriction for the upper floor would require a building with a larger footprint to achieve the permitted maximum FSR. It is considered that it would be preferable to restrict the footprint size of the building on this site due to flooding issues and in order to maximise on-site landscaping. Thus, requiring strict compliance with this control would not necessarily result in a better planning outcome as it has already been demonstrated that the underlying objectives of this control are achieved notwithstanding the numerical non-compliance.

- **C1.9 Adaptable Housing and Accessibility**

The amended plans indicate that 6 of the 21 units or 28.5% of the total number of units have been designed to be adaptable. This complies with the numerical requirement in section C1.9 of PDGP 21.

However, the access report that accompanied the original plans has not been updated with reference to the amended plans and does not demonstrate that the design detail of these units and the development generally is compliant with relevant access requirements. The formerly proposed access ramp to the residential entry off The Boulevarde was deleted and replaced with a hoist lift during the Section 34 conference process for urban design reasons as the formerly proposed ramp was extremely bulky and encroached within the front building setback to The Boulevarde. It is noted that the formerly proposed ramp to the residential entry off Barrenjoey Road has also been replaced with a hoist lift.

In order to ensure that the development reasonably meets relevant access requirements, a condition is recommended requiring that the access report be updated to include recommendations to ensure compliance with relevant Australian standards relating to accessibility and adaptable dwellings and that the recommendations of this report be incorporated into the plans submitted with the Construction Certificate. Written certification by the author of the revised access report will also be required to be provided to the PCA prior to release of the Construction Certificate.

- **D10.1 Character as viewed from a public place**

A number of objectors have raised concern that the development is out of character with the area. Section D10.1 requires that the development have a 'street presence' and include design elements that are compatible with any design themes for the locality, minimise bulk and scale and integrate landscaping with the building design to screen the visual impact of the built form.

Outcomes and Desired Future Character

There are a number of relevant outcomes in section D10.1 as follows:

- *"To achieve the desired future character.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment.*
- *To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*
- *The visual impact of the built form is secondary to landscaping and vegetation, or in the commercial areas and the like, is softened by landscaping and vegetation.*
- *High quality buildings designed and built for the natural context and any natural hazards.*
- *Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.*
- *To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land."*

Relevant sections from section A4.10 of the DCP of the desired future character for the Newport Commercial Centre:

"Diversity rather than uniformity of building type and style is a desirable part of the existing character and is encouraged to continue. (emphasis added) *Strategies to achieve this include modulating buildings in both the vertical and horizontal plane, and enabling a variety of fenestration, awning treatments and roof forms. This diversity, including the mix of new and remodelled buildings, will be unified by the streetscape and public domain treatments.*

At the topmost level of buildings, setbacks to front, sides and rear will break down the overall scale of the street, support view sharing, and will also provide useable roof terraces and garden area. Views from the upper slope down and across the roofscape will be significantly improved by thoughtful roof design. The permeability of the centre will be further improved by both protecting and creating views through and between buildings.

....The architectural character will be expressed strongly through the design of facades, including shading and screening devices, lightness and transparency of materials, and elements that promote natural ventilation.

Shop fronts will be largely transparent, with large openings, connecting directly with the footpath areas, to contribute to a sense of permeability.

Building users will benefit from terraces, balconies and openings with a pleasant outlook, while the space benefits from passive surveillance and from being alternatively edged.

*The desired future character for the commercial centre includes an increased diversity and range of retail, commercial and community activities for the Newport community. **Barrenjoey Road and Robertson Road will be consolidated as the primary retail streets**, (emphasis added).....Further development of shop top housing will enliven the village, particular at nights and weekends, and increase the retail customer base.*

The Newport Commercial Centre will have increased patronage from visitors as well as local residents, due to:

- o ..Retention and enhancement of the clusters of café/dining uses on Barrenjoey Road and Robertson Road.*
- o Active land uses on highly visible sites at the northern and southern ends of the commercial centre, with a high degree of interaction with the public domain.*
- o ...Consolidation of the community focus of the Bowling Club / Croquet Club site with new, diverse community and recreational uses."*

It is clear that the desired future character for the Newport village is to encourage diversity in building type and architectural style rather than uniformity. This is clearly expressed in the Newport Masterplan and is simply a reflection of the existing diverse character of built form and style that currently exists within the Newport commercial centre. It would not be appropriate for a development to be rejected on the basis of incompatibility with character in this instance unless its physical and visual impacts were significant and grossly detrimental to the character of the locality. It is not considered that this is the case in this instance. An assessment of the physical and visual impacts of the development in accordance with the relevant Land and Environment Court planning principle is provided below.

In regard to other requirements within the desired future character relevant to the development, the following should be noted:

The design of the development incorporates an appropriate amount of modulation in the façade treatment, fenestration pattern and the use of projecting, recessed elements, additional upper level setbacks and breaks in the built form. All of these design features assist in breaking up massing and the perceivable bulk of the development. The architectural character of the development has its own strongly expressed character in the corner element, which is considered appropriate for this site, noting it has been identified in the Newport Master Plan as an 'entry site'. The proposed shop fronts are fully glazed and the building edges are lined with terraces and balconies where appropriate to achieve passive surveillance around the Site. The importance of Barrenjoey Road as a primary retail street from the Newport village is reinforced by the 4 storey corner element and the focus on the bowling club and community centre is strengthened by continuing the active street edge of Barrenjoey Road to the corner with The Boulevarde and 'turning the corner' to direct pedestrian flow toward this important grouping of community and recreational uses.

In regard to other outcomes for section D10.1 of the DCP cited above, the development is considered to respond appropriately to the spatial characteristics and built form of its surroundings. As demonstrate under section D10.24, the proposed separation from the adjoining development at 326-330 Barrenjoey Rd is acceptable and would not result in unreasonable amenity impacts in the circumstances. The proposed scale, density and height of the shop top housing development is considered to be justified, as demonstrated under relevant SEPP 65 design quality principles in section 3.6 of this report. Additional landscaping, including paving at ground level, has been incorporated in the amended plans to further soften the appearance of the development and provide an extension of the landscaping within the public domain around the Site. The development responds to flooding hazard requirements, as required. A 'human scale' is achieved at footpath level with the 2 storey street wall being maintained on the

Barrenjoey Road and The Boulevard elevations with upper levels set back from the lower levels. The awning provides a visual break in the rounded corner element to provide a 'human scale' for pedestrians at street level on this corner, whilst still allowing for the continuation of this strong architectural feature at upper levels. The development compliments the existing character of this end of Barrenjoey Road by continuing the active shop front building edge of Barrenjoey Road and providing an extension to the existing public domain within the front building setback.

Compatibility of Character

When considering whether a development is compatible with its surroundings, the Land and Environment Court Planning Principle established in the judgement for Project Venture Developments v Pittwater Council [2005] NSWLEC 191 is relevant. This planning principle states the following:

*"22. There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is 'capable of existing together in harmony.' **Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale, appearance, though as the difference in these attributes increases, harmony is harder to achieve.** (emphasis added)*

23. It should be noted that compatibility between proposed and existing is not always desirable.....There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing.

24. Where compatibility between a building and its surroundings are desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:

- 1. Are the proposal's physical impacts on surrounding development acceptable?*

The physical impacts include constraints on the development potential of surrounding sites.

- 2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The physical impacts of the shop top housing development are addressed elsewhere within this report and are considered to be acceptable in relation to privacy impacts (refer to C1.5 & D10.33 in compliance table), overshadowing impacts (refer to A1.7 C1.4 & D10.32), acoustic privacy impacts (refer to C1.6) and impacts on views (refer to C1.3 & D10.26). Furthermore, it is not considered to restrict the development potential of surrounding development.

In terms of the visual compatibility of the dual occupancy development, it presents an acceptable bulk and scale being compliant with the applicable FSR control and building height control, thus being consistent with the density and bulk and scale expressed in the desired future character for the locality. The stepped form of the building is not unlike that of a large house.

The dual occupancy development satisfies the 50% site coverage requirement, thus providing a compatible amount of landscaped area on the Site in accordance with expressed DCP controls. As the dual occupancy site is on a zone boundary with the commercial zone where building heights are greater and setbacks generally less, it provides a good transitional building in a visual sense between the commercial shop top housing development of Barrenjoey Road and the lower density residential and community development on The Boulevarde. It is therefore considered to be compatible with its context.

The shop top housing development is generally compatible with the mixed nature of built character within the Newport town centre. Whilst the rounded corner element has not been used before in the Newport town centre, there is a varied character of built form in this town centre such that it would merely add to this existing mixed character and add further interest to it.

The visual compatibility of the shop top housing development is discussed in further detail under the SEPP 65 design quality principles relating to context, scale, built form and aesthetics. The development is considered to be satisfactory in regard to its visual compatibility.

- **D10.4 Building Colours and Materials**

Concern has been raised in objections regarding the appropriateness of materials and finished details used.

Section D10.4 of the DCP requires that, for the shop top housing development, stone, timber and landscaping should feature as elements to any façade presenting to the street. In addition, glass awnings are required to be treated to reduce solar and heat transmission and buildings with a solid, monolithic appearance are to be avoided. Lightweight materials are encouraged although stone, brick or concrete is permitted at the base of the building or where required for structural support.

In regard to the above requirements, the finished details provided with the amended plans are generally considered to be satisfactory. However, it is considered that the projecting fin walls on either side of the balconies to Units 105 and 106 are of floor to ceiling height and masonry construction. Because they are projecting elements that extend beyond the external face of the western elevation of this building, they have a very solid and bulky appearance when viewed from The Boulevarde and are not strictly in accordance with the DCP and Newport Masterplan requirements.

A condition of consent is recommended requiring that the sides of these balconies be treated with a more lightweight material such as toughened opaque glass or timber. It is noted that these balconies are in close proximity to bedroom windows of other units and, therefore, it would be reasonable to allow the side walls of these balconies to be floor to ceiling to reduce potential noise transmission between balconies and units. As the top of these fin walls also act as balustrades/dividers to balconies for Units 201, 203 and 204 in Level 2 above, the treatment of the balustrades and side walls to all of these units should be consistent with those of the units below.

- **D10.6 Height (Newport Commercial Centre)**

The maximum building height controls applicable to the shop top housing development are a maximum building height of 10.5m above Flood Planning Level (FPL) with the roof form being contained within a 15 degree plane measured from the 4m upper level (i.e. Level 2 for purposes of height control calculation) setback and up to maximum height of 11.5m above FPL.

The maximum height proposed for the shop top housing development is 15m above ground level (13.8m above FPL) to the top of the lift core with the top of the parapet roof of the 4 storey corner element (i.e. Level 3) being 14.3m above ground level (13.1m above FPL). This represents a non compliance with the control and a numerical variation of up to 2.3m or a 20% departure from the control. The non-compliance relates to the entire Level 3 corner element with the remainder of the development being height compliant.

Objections have raised concern over non-compliance of development with height control.

The main cause for objection in submissions to the non-compliant 4 storey corner element of the proposed shop top housing building is that it would be out of character with the streetscape, non-compliant with the Newport Masterplan and that it would have excessive height, bulk and scale.

In response to this concern, it is not agreed that a limited 4 storey corner element within this development would be unreasonably incompatible with the surrounding streetscape of the Newport town centre. The Newport Masterplan states the following in section 4.6:

"Require highly visible 'entry sites' at the north and south ends of the commercial centre to have uses with a high degree of 'useability' to promote pedestrian activity and interaction between the public and private domain at different times of the day and night. Buildings must be of a very high design quality. Buildings should 'turn the corner' to direct views towards community and recreational facilities, notably the beachfront areas, the bowling club and the proposed community centre."

316-324 Barrenjoey Road is identified within the Masterplan as a 'highly visible entry site', also commonly referred to as a 'gateway site'. These are a small, select number of sites located at the northern and southern edges of the Newport town centre. The proposed rounded corner element is considered to be an appealing design solution to address the need for 'turning the corner' on this acute-angled site. The additional floor on the corner is considered to give this corner element greater prominence and visual emphasis. It is also considered to be an acceptable way of identifying the importance of this site and the building upon it.

The acceptability of the 4 storey corner element to this building is contingent upon the height compliance of the majority of the overall development and the lack of any unreasonable or significant detrimental impacts in terms of amenity impacts on surrounding private and public property as well as bulk and scale impacts on the streetscape character generally. The additional height does not pose a risk in terms of setting an undesirable precedent for other future 4 storey buildings in the town centre due to the select number of sites identified in the Newport Masterplan as legitimate 'gateway' sites where an additional storey above the height limit might be considered to be appropriate.

It is noted that 4 storey buildings already exist within the Newport town centre and its surrounds. They are generally all older buildings constructed some time ago. All of these existing 4 storey buildings are considered to be inappropriately located for their height.

There is an existing 4 storey building set back from the northern side of Barrenjoey Road and located mid-block where a higher building tends to have greater negative impacts on adjoining properties. Other 4 storey buildings are located between Barrenjoey Road and Newport beach and just beyond the north-east edge of the town centre on Barrenjoey Road. Other older existing 4 storey flat buildings are located on the upper slopes on Seaview Avenue. The elevated nature of the sites upon which these buildings are located emphasize their bulky appearance when viewed from Barrenjoey Road when approaching Newport from the south (see section 4.9 of Newport Masterplan). Almost all of these existing 4 storey buildings are outside the Newport town centre and just beyond its fringes.

Part of the function of the height of buildings, particularly in a town centre, is to give the town centre prominence and presence and make a statement about the relative importance of the street within which they sit. Higher buildings on secondary roads, in mid-block locations away from the main street frontage and outside the town centre are considered to detract from the hierarchy of the local street network of the Newport town centre where Barrenjoey Road should be clearly legible as the main street of the town centre. The built form of the town centre and its surrounds should reflect this hierarchy with taller buildings located on the main street, particularly on its most prominent southern and northern edges. A lower built form should dominate on the secondary streets.

It is established elsewhere in the body of this report that the non-compliant 4 storey element of the shop top housing development does not have any significant or unreasonable privacy, overshadowing or view impacts. It is also established within section D10.1 of this report that the development is both physically and visually compatible with its surroundings.

The development is considered to be consistent with the outcomes of the maximum height control for the Newport town centre, particularly as it reinforces the main street character of Barrenjoey Road, optimises internal amenity with appropriate floor to ceiling heights and responds to flood planning level requirements whilst still presenting a compatible level of building bulk to the street.

It is therefore considered that the proposed non-compliant 4 storey corner element is appropriate and supportable in these circumstances.

- **D10.9 Setbacks (Newport Commercial Centre)**

The provisions of this section of the DCP only apply to the shop top housing development. Objectors have raised setback non-compliances as a concern. The original plans included multiple setback non-compliances. The amended plans have reduced the level of non-compliance yet still do not strictly comply with the controls. A detailed assessment of the amended plans against the applicable setback controls is provided below.

Front Setbacks

The DCP and Newport Masterplan require a minimum front setback of 3.5m to both Barrenjoey Rd and The Boulevarde. An additional 4m (i.e. total 7.5m setback) is required at Levels 2 & 3 to both Barrenjoey Rd & The Boulevarde.

With the exception of some minor protrusions of columns, the development complies with the front setback requirements on the Ground Floor to both Barrenjoey Road and The Boulevarde.

At Level 1, the development complies with the 3.5m front setback to The Boulevarde. However, the balconies to the units facing Barrenjoey Road encroach into the 3.5m front setback by 1.525m. The side privacy screens to these units also encroach into this setback area. These encroaching balconies are directly above the awning over the footpath area, thus the encroachment is not immediately apparent to the casual observer. The external face of the Barrenjoey Road elevation is compliant with the 3.5m front setback and actually steps further back from the 3.5m to provide additional articulation to this elevation. It is not considered that it would be necessary to require strict compliance with the 3.5m front setback in this instance as the development meets the most relevant objective of the front setback provision, which is to maintain a 2 storey street frontage wall height to Barrenjoey Road.

At Level 2, the development is required to have a 7.5m front setback. The development complies with this setback requirement to Barrenjoey Road with the exception of the rounded corner element, which maintains a setback of between 3.55m and 3.9m to Barrenjoey Road. There is also a 1m encroachment in regard to the entire length of Unit 202. This encroachment was supported in order to ensure that this small 1 bedroom unit had an area more than the minimum 50sqm requirement to achieve adequate internal amenity. It is considered that the 1m encroachment on a 7.5m setback to an upper level would not be that conspicuous to the casual observer on the street and a greater setback than the lower levels is still achieved. It is also noted that the living area of the adjoining Unit 204 has also been extended by 1m into the 7.5m upper level front setback. This encroachment was never encouraged and is not required to achieve acceptable amenity to this unit. However, it may simplify construction to maintain this alignment. As it does not create any major impacts no condition is recommended requiring that this additional 1m of internal living area be deleted.

At Level 2, the rounded corner element and half of the living room and balcony to Unit 207 encroach within the 7.5m upper level front setback to The Boulevarde. This encroachment is considered to be reasonable as strict compliance to such significant street setback requirements on a corner site would make it difficult to achieve an acceptable design solution for this corner that would also be strictly numerically compliant.

The encroachment has also been supported in this instance to allow an integration of the space at this level between the rounded corner element and the lift and stair core behind it so that the lift core is appropriately integrated visually into the design of the building rather than protruding beyond the envelope of the building and creating an eyesore. The balcony to Unit 207 provides a step back from The Boulevarde to create a 2 storey street wall to this street.

It is important to recognise the complexity of the application of the setback provisions of the DCP and Newport Masterplan to the Site and that strict numerical compliance does not necessarily result in a well designed or visually appealing building. For example, as the additional upper level setback only applies to street frontage land, this street setback requirement does not apply to the master bedroom and kitchen to Unit 205 on Level 2, thus, there is a perceived step forward toward The Boulevarde at this point because of the angle that The Boulevarde lies in relation to the site and the fact that the rear setback requirement of the DCP and Newport Masterplan is only 3m and is not required to be increased at upper levels. Thus, Unit 205 complies with setback requirements whilst appearing to be a non-compliant element of the building. It does assist however in providing some obscuring of the lift core from view.

At Level 3, there is a continued encroachment into the upper level front setback area of the rounded corner element to both Barrenjoey Road and The Boulevarde. This corner element is considered to be an appropriate architectural treatment to a gateway site that is identified in the Newport Masterplan. It is intended to be a prominent feature of the building, thus the encroachment is supported to maintain the integrity of the design. Beyond the rounded corner element, the remainder of Unit 301 complies with the 7.5m setback requirement to Barrenjoey Road. There is some minor encroachment of this unit into the 7.5m setback to The Boulevarde in order to connect the rounded corner element with the lift and stair core to ensure an integrated design.

The above encroachments within the front setbacks are considered reasonable given the acute-angled nature of this corner site and in the interests of achieving an acceptable design solution for this prominent corner.

Rear Setbacks

The DCP and Newport Masterplan require a minimum rear setback of 3m for all levels to the drainage channel.

At Ground Floor Level, the private courtyards to the SOHO units and Bedroom 2 to SOHO Unit 2 encroach within the 3m rear setback. The courtyards are edged with planter boxes and provide amenity to the SOHO units. They also provide articulation and soften the appearance of the building at this point. It is considered that these encroachments are reasonable without resulting in any detrimental impacts to neighbouring properties. This is consistent with a relevant outcome of this control, which is to provide courtyard spaces, balconies and above ground open space to building users and residents and to encourage outdoor living. The encroachment of Bedroom 2 to SOHO Unit 2 is supported on the basis that it obscures what would have been a blank end wall to the Basement 2 driveway ramp.

At Level 1, the balconies of Units 105 and 106 encroach within the rear setback area. For reasons given above, these encroachments are supported. The originally submitted plans had significant additional encroachments closer to The Boulevard. These were not supported and have been deleted due to the significant additional visual bulk they created, particularly when viewed from The Boulevard.

At Level 2, there are similar balcony encroachments relating to Units 201, 203 & 204 as on the floor below. These encroachments are also supported as they are not causing any unacceptable impacts and are consistent with the relevant outcomes of the control. A recommended condition of consent concerning the required re-design of the side walls of these units and those below them in order to reduce visual bulk is discussed in detail under section D10.4 of this report.

The development complies with the rear setback provision at Levels 3 & 4.

Side Setbacks

The DCP and Newport Masterplan ordinarily do not require a side setbacks for ground or first floor levels. However, where habitable rooms of adjoining development and their balconies are located at a nil setback to the common side boundary with the Site, side setbacks are required to be determined by building separation controls under D10.24. Given that the adjoining development at 326-330 Barrenjoey Road has habitable rooms and balconies at a nil setback to the common side boundary with the Site, these building separation requirements would prevail. The development does not comply with building separation requirements and this particular non-compliance has been raised as a concern in objections from the owners of the affected units. For detailed discussion, refer to section D10.24 of this report.

At Levels 2 & 3, the DCP and Newport Masterplan require a 3m side setback. The development complies with this setback requirement. It is noted that these levels are above the topmost level of the adjoining development at 326-330 Barrenjoey Road. The levels of the proposed development that most affect the adjoining existing development are Ground Level and Level 1 due to the additional height of the ground floor of the development to meet flooding requirements.

- **D10.22 Arcades (Newport Commercial Centre)**

This section of the DCP only technically applies to 316-324 Barrenjoey Rd and not 2 The Boulevarde, which is located outside the Newport Commercial Centre. It requires that a through-site pedestrian arcade be provided in accordance with the Newport Masterplan. Figures 4.2 and 4.5 of the Masterplan indicate a desired pedestrian through-site connection from Barrenjoey Road, alongside the common north-east boundary with 326-330 Barrenjoey Rd, over the drainage channel at the location of the existing bridge not proposed to be used by the proposed development and continuing alongside the north-east boundary of 2 The Boulevarde to connect with The Boulevarde.

Other relevant controls are as follows:

- *“Arcades are not to terminate, i.e. must provide through site access.*
- *Arcades are to be designed with clear lines of sight, minimising recesses or corners.*
- *Arcades are to be fully accessible 24 hours a day, open to the sky or allow daylight access.*
- *Colonnades are not permitted in arcades.”*

Relevant extracts from Pages 30 and 33 of the Newport Masterplan are provided below in order to gain some further understanding of the rationale behind the requirement for an arcade in this location and what is expected in terms of its design:

“.....They should be lined with active uses, accessed directly off the route and visible from it through clear openings or extensive areas of glazing. NOTE that the position of these links is indicative. Their exact location will depend on site amalgamation and development.....

.....The main pedestrian routes are along streets. Barrenjoey Road remains the spine of Newport Village and pedestrian movement from north to south is likely to increase with the introduction of a new community hub on The Boulevarde...

.....The retention of arcades, and the extension of the arcade network to provide extra through-site linkages to Barrenjoey Road, are important strategies for reinforcing the existing character. Arcades, plaza areas and trafficable spaces fronting shops supplement the primary footpaths and add variety and interest to the pedestrian experience. Arcades that function as part of the pedestrian network should be publicly accessible day and night.....

....Create and/or complete footpaths within the centre, in particular on the north side of The Boulevarde to enable access to the Bowling Club / community centre.....

...Introduce additional paths linking the commercial core with the beachfront areas.....

...At the corner of Barrenjoey Road and The Boulevarde there are open views and an informal connection to the Bowling Club. Future development should maintain this openness as far as possible, to ‘turn the corner’ towards the future Community Centre and link it into the pedestrian network.”

Whilst the basic principle of enhancing and extending the pedestrian network of the Newport village is supported it is considered that the provision of a through-site connection in the location indicated in the Newport Masterplan would have marginal, if any real benefits and it is questionable whether Council is entitled to require such a feature at all. Furthermore, it would introduce a number of problems in the design and viability of the development of the Site.

The through-site connection is in the current location of the access ramp to Basement 2. Given that the arcade is to be lined with shops, the driveway would have to be re-located quite some distance and closer to the intersection with The Boulevard. This would create traffic safety concerns and design concerns for the basement. The drainage channel is already a target for graffiti and anti-social behaviour. The length of this arcade and likely relatively low use of it at night time makes it a potentially dangerous place. It is also a potentially dangerous place as it is located within a high hazard flooding area and could become a hazardous floodway during a significant storm event requiring special design considerations for refuge and human safety in this narrow space. It is questionable whether Council is entitled to require this arcade to continue over 2 The Boulevard as this control does not technically apply to this property. In any event, it would not be possible to have the arcade lined with shopfronts as this form of use would not be permissible on 2 The Boulevard given its residential zoning. How would the arcade be treated on residential zoned land?

The Site is a corner site, thus a through-site connection in close proximity to a corner that already provides pedestrian access between Barrenjoey Road and The Boulevard has limited utility. The development, as it is currently proposed will enhance the existing pedestrian connection between Barrenjoey Road and The Boulevard with an active shopfront street edge all the way to the corner and around it. The arcade would divert pedestrians away from these shops and reduce their viability.

For the above reasons, it is not considered that an arcade should be required in the location indicated by the Newport Masterplan. The proposal includes extensive landscaping and paving of the public domain and front building setback areas at ground level fronting Barrenjoey Road and continuing around the corner and over the corner site known as 314 Barrenjoey Road, thus enhancing and extending this public domain pedestrian area.

The landscape plans for the development also indicate a proposed new bridge over the drainage channel in the form of timber decking over the full width of the road reservation. This replaces the existing narrow bridge that currently exists. In addition, concrete paving is proposed for the full frontage of 2 The Boulevard. These public domain works are considered to be a significant and desirable extension and enhancement of the pedestrian network.

Given this, it is not considered to be necessary to introduce alternative pedestrian routes so close to this corner. Pedestrians should be drawn to this important, active-edged corner and around it to The Boulevard and the new community centre. It is a far more viable, desirable and safe alternative to a through-site arcade in this instance.

- **D10.24 Building Depth and Separation (Newport Commercial Centre)**

Building Separation

Objectors have raised concern with the non-compliance of the development with the requirements of this section of the DCP, particularly in relation to minimum building separation requirements. This includes owners of the affected units in the adjoining development at 326-330 Barrenjoey Road, Newport who have lodged objections to both the original and the amended plans.

The adjoining development at 326-330 Barrenjoey Road has 3 habitable levels. All of these habitable levels have either balcony edges or block glass windows at a nil setback to the common boundary with the Site. In addition, because this existing development does not respond to the flood planning level requirements like the proposed development does, the ground and first floor of the adjoining existing development coincide with the floor levels of the basement car park ramp at Ground Level for the proposed development. The second floor or topmost floor of the adjoining development coincides with the floor level of Level 1 of the proposed development.

In such circumstances, the normal application of nil setbacks to side boundaries for the ground and first floor do not apply and, instead, minimum building separation requirements are the applicable side setback requirements, as indicated above under section D10.9 of this report.

At ground level, the adjoining development incorporates the side of the courtyard of the rear unit with a nil setback to the common boundary with the Site. This adjoining ground level unit also has a glass block window to a bathroom located on the common boundary with the Site. At first floor level, the adjoining development has a balcony edge at the rear with a nil setback to the common boundary and also another glass block window with a nil setback and located mid-block. It also has a balcony at the front of the building at first floor level with a nil setback to the common boundary with the Site. For both of these levels of the adjoining building, the coinciding level within the development is the Ground Level.

Building separation requirements of the DCP and Newport Masterplan require a separation of 9m from the external wall of the non-habitable basement ramp to the edge of the adjoining rear courtyard and 6m between external walls of non-habitable rooms. The originally submitted plans include a separation of 0.23m. Strict compliance with the 9m building separation control would be likely to make the viability of providing a basement level car park difficult as well as significantly reducing its capacity and the yield of the overall development. It would also create a large gap at ground level in the Barrenjoey Road streetscape and create a 'missing tooth' effect on the street wall.

Building separation has been increased in the amended plans. As the basement ramp at Ground Level for the proposed development curves away from the rear corner at this location it has been possible for the Applicant to provide a light well at this location immediately adjoining the courtyard to the side wall of the adjoining ground floor unit and the glass block window at ground level but not the glass block window at first floor level, due to its central location in the block and the fact that the space within the Site adjacent to this window is required for the basement ramp.

Given that this glass block window is on the boundary and located mid-block and services a bathroom, it is considered that the significant re-design required to relocate the basement ramp would not be justified in providing natural light to a bathroom.

The width of the light well is variable between 0.3m and 3.8m and is considered to provide a reasonable amount of natural light to the rear balconies at ground and first floor level of this adjoining building as well as the glass block window at ground level. Privacy is not affected as the external wall of the basement ramp is a solid wall with no windows or openings. The front balcony at first floor level has northerly exposure and therefore reasonable access to light, thus it has less need for a light well. It is a reasonable expectation on commercially zoned land to be able to build to the side boundary at ground and first floor level, particularly at the Barrenjoey Road frontage.

With regard to the topmost floor of the adjoining development at 326-330 Barrenjoey Road, there is a unit that has a balcony along the full length of the side boundary shared with the Site. The owners of this unit have lodged an objection to both the original plans and the amended plans and continue to raise concern with the lack of separation between their unit and its balcony and the development. Level 1 of the development coincides with this level of the existing building at 326-330 Barrenjoey Road. The original plans for the subject proposal include a setback from the common boundary with this adjoining property of 0.23m.

The amended plans show the eastern elevation of Level 1 of the proposed development with a solid external wall with no windows or openings. The floor plans indicate that Level 1 of the development incorporates 2 different setbacks from this side boundary, from the Barrenjoey

Road frontage of the building to approximately the mid point of the common side boundary, the development is setback 2m from the boundary. As the balcony edge of the unit to the existing adjoining building is partially abutting the side boundary and partially set back from it towards Barrenjoey Road, the proposed 2m setback achieves a separation (measured from the external face of the wall of the proposed development to the edge of the balcony of the unit on the existing adjoining building) of between 2m and 4.07m.

Toward the rear of the development at Level 1, the amended plans show a setback of 1.41m to the common side boundary with 326-330 Barrenjoey Road. As the balcony edge of the existing unit abuts the boundary, this allows for a separation of 1.41m. The proposal incorporates a blank wall for the full length of the balcony to the existing top unit at this adjoining property.

Because the building separation requirements in the DCP does not distinguish whether or not the wall of a habitable room has windows or openings, the applicable minimum building separation requirement is 12m. The proposed building separation of Level 1 of the development to the unit of the upper floor of the adjoining building clearly does not comply with this figure.

As the full 12m of separation would be required to be almost totally provided on the development site rather than being shared equally between these adjoining developments, it is considered that requiring strict compliance with this control would be unreasonable and overly onerous, particularly as it affects Level 1 of the proposed development and consequently, also Level 2 above it and would significantly affect the yield and viability of the proposed development. The separation requirement is aimed at protecting amenity in terms of access to light, visual and acoustic privacy. The separation requirements of the DCP and Newport Masterplan are taken directly from the Residential Flat Design Code (RFDC), which has set these separation distances on the assumption that they are applied to a typical urban context where adjoining flat buildings with windows and balconies directly oppose each other. The RFDC states that building separation controls may be varied in response to site and context constraints.

A blank wall with no windows or openings also protects visual and acoustic privacy very effectively. Provided a reasonable amount of daylight access is provided and some separation in excess of what is provided by the adjoining existing building is achieved, it is considered reasonable to allow a variation in this instance. It is noted that the outlook from this existing unit over the Site from the balcony and also windows facing the Site will be affected by the proposal although it would not be a reasonable expectation to expect this outlook to be retained by keeping the Site undeveloped. The outlook would still be affected even if the full 12m separation were to be achieved. It is considered that a reasonable level of access to natural light will be achieved by the proposed separation distances. Acoustic and visual privacy is addressed by separating the opposing units with a blank wall.

It is further noted that Level 2 of the development provides an even greater setback to the common boundary with 326-330 Barrenjoey Road than Level 1. This setback is a consistent 3.035m for the full length of the eastern elevation. This will further assist in providing access to natural light to the upper unit of the adjoining development. It should also be noted that although the model indicates balconies on the eastern elevation of the development facing toward 326-330 Barrenjoey Road there are no balconies proposed in the amended plans on the eastern elevation. The plans will form the approved version of the development, not the model, should the development ultimately be approved.

Overall, it is considered that the proposed building separation between the proposed development and existing development is adequate and reasonable in the circumstances. Furthermore, it is considered that the relevant outcomes of the separation requirements are

adequately met noting that the existing upper unit at 326-330 Barrenjoey Road has, up until this point, enjoyed a triple aspect orientation and outlook because the subject site has remained undeveloped. In an urban environment, achieving a dual aspect for units is desirable and many only have a single aspect. Following the development, this unit will continue to enjoy a dual aspect orientation and outlook with living areas and balconies facing northwest to Barrenjoey Road and southeast to the rear of this property and the ocean. Its outlook towards the Site will be affected but natural light and ventilation will still be available to the windows and balconies of this unit from the southwest. This is considered to be a high level of amenity for a unit in the urban environment of a town centre.

Building Depth

Level 1 of the development predominantly complies with the maximum building depth requirement of 18m with one small area of minor non-compliance which is a 1m wide portion of this level that is 18.5m deep. This is not considered to significantly affect internal amenity or energy efficiency and is supported as proposed.

Level 2 of the development predominantly complies with the maximum building depth requirement of 14m with some areas of non-compliance being up to 15m in depth. The greatest level of non-compliance occurs in the location of Unit 202 where an additional 1m was encouraged in order to ensure that this 1 bedroom unit exceeded 50sqm for internal amenity. Again, the variation is not considered to significantly affect the internal amenity or energy efficiency of the development such that a re-design would be warranted.

Maximum Building Length

The DCP sets a maximum length for the upper floors (i.e. Levels 3 & 4) of 24m. Level 3 complies with this control however, Level 2 does not comply with this control having a total length of 54.2m. The intent of the control is assumed to be to break down the scale of the development by breaking up the built form at its upper levels. The amended plans have incorporated a recess in level 2 designed to appear as a full break in the building to an observer at ground level. The recess is 6m wide and with a narrow section where the eastern and western ends of the building adjoin.

It is considered that the recess, which has been increased in depth in the amended plans, is adequate to break up the massing of the building at this level when viewed from Barrenjoey Road but that it needs to be increased in depth measured from The Boulevarde to provide a more pronounced visual break in the length of the building when viewed from The Boulevarde. A condition of consent is recommended requiring that Bedroom 1 of Unit 204 and Bedroom 2 of Unit 205 both be moved in their entirety 1m away from The Boulevarde and towards Barrenjoey Road.

- **D10.26 Views (Newport Commercial Centre)**

Objections received raise concern that the development has not been designed in accordance with view-sharing principles. In this regard, no specific instances of significant or unreasonable view loss have been identified other than the views out of the windows of the upper unit at 326-330 Barrenjoey Road over the side boundary and down the length of the Site. An assessment of this view loss in accordance with the relevant Land and Environment Court Planning Principle is provided below.

The view affected is a localised district view out of side kitchen and living area windows over Newport Bowling Club and towards Bushrangers Hill. This is not considered to be an iconic view. This view is also available from the narrow balcony that connects the larger front and rear balconies by wrapping around the side elevation of this building. This outlook is considered to have some value as it contributes to the overall amenity of the unit without necessarily being a primary focus or highly valued view.

The view is over a side boundary and, therefore, is more difficult to protect. The impact on this view of the development would be devastating from any of the side windows on the western elevation of this adjoining building or from the portion of balcony on this western side.

This impact is considered to be reasonable because, even though the development does not comply with building separation requirements, the portion of the development adjoining this unit does comply with height requirements and would still block this view over the side boundary no matter what distance it was away from this unit. The side portion of the balcony is not much more than 1m wide and not an area where you would normally sit or entertain from. The larger and more important areas of this balcony are at the front and rear of the unit where the outlook is towards Barrenjoey Road and to the rear rather than over the development site.

The only way that this view could be retained is if the shop top housing development were to be limited to a single storey in height, which would be an unreasonable expectation. It is acknowledged that a view impact will occur but that it is not the primary view from this unit and it is not a view that could reasonably be protected in the circumstances of this case.

- **D10.28 Open Space (Newport Commercial Centre)**

This provision only applies to the shop top housing development. It requires that communal open space of 15% of the site area (207sqm) with a minimum dimension of 6m in one direction be provided within the development.

An area of 78.27sqm of communal open space is provided on the roof over Level 2 in the middle of the shop top housing development. This would be 5.7% of the area of 316-324 Barrenjoey Rd. Significantly more roof space could be provided as communal open space to achieve compliance but it is not considered appropriate or necessary in this instance as most units have generous private open space areas and there is ample public open space available in the surrounding locality. It is preferable to limit the amount of trafficable roof terrace to one area in order to minimise potential amenity impacts to neighbours.

A further requirement of this section of the DCP is that private open space in balconies to units are to have a minimum size of 10sqm and a minimum dimension of 2.4m. All of the units within this development comply with these requirements with the exception of Unit 109 (15sqm with 2.015m x 7m dimensions), Unit 110 (no POS provided), Unit 111 (4sqm with 2m x 2m dimensions) and, Unit 203 (9sqm with 3.5m x 2.4m dimensions).

With regard to Units 109 and 203, the area or depth of the balconies to these units is only just under the minimum requirement and there is no re-design option to increase these balconies further without encroaching into setback areas or reducing internal living space to below the minimum requirement. The private open space provided, whilst being numerically non-compliant, would still function adequately as useable private open space to these one bedroom units.

Unit 110 is on the first floor of the rounded corner element and a balcony has not been provided to this unit so that the rounded corner is not broken up with a balcony at this level and the strong, unbroken external wall around the corner feature of this building is not compromised. It is possible that a Juliet balcony could be added to this first floor unit but, given the communal open space available at Level 3 and the ample public outdoor open space in the surrounding public domain, it is not considered necessary to require an amendment to the design to insert a balcony to this unit. Openable windows are provided to the living rooms and bedroom of this unit to achieve cross-ventilation and convert the internal areas into areas with air and light similar to that obtained from an outdoor balcony.

Similarly, the 4sqm balcony to Unit 111 is undersized but would have some value to the amenity of the future occupants of this unit. To extend this balcony outwards or inwards would result in a front setback encroachment or the internal unit size being non-compliant. With the multiple opportunities for open space both in the communal open space within the development and the surrounding public domain, it is not considered that this non-compliance would result in this unit having an unacceptable level of amenity.

- **D10.29 Landscaping (Newport Commercial Centre)**

Objections received have raised concern with the proposed landscaping associated with the proposed shop top housing development.

This section of the DCP only applies to the shop top housing development and only the outcomes would apply as there are no specific controls relating to the development site.

The stated outcomes of section D10.29 of the DCP are:

- *"A built form complemented by landscaping.*
- *Landscaping that reflects the scale and form of the development.*
- *Landscape elements provided in accordance with an approved masterplan."*

The Application was referred to Council's Landscape Architect who has raised no objections to the development and proposed associated landscaping works, subject to conditions.

Most of the proposed landscaping provided at ground level in association with this development is within the road reservation areas and not within the boundaries of the Site. It is noted that paving and some of the public seating is indicated on the submitted landscape plans as occurring on the adjoining site at 314 Barrenjoey Road, which is owned by Ausgrid. It is understood that the Applicant has obtained agreement from Ausgrid although Council has not received written evidence of this consent. Consequently, a condition is recommended that no work is to be carried out on this property until such time as written owner's consent is provided. In addition, a condition is recommended that prohibits the placement of outdoor tables and chairs on 314 Barrenjoey Road.

The landscape masterplan for Newport is dated (2001) and limited in its detail as well as responding to the previous use of the Site as a petrol station. Council's Landscape Architect has raised no objection to the proposed amended landscape plans which includes an enhancement of the ground level landscaping within the Site to complement the ground level landscaping proposed within the surrounding public domain. Increased setbacks at ground level incorporated in the amended plans will also provide additional public amenity and a natural extension to the surrounding footpath network.

It is considered that the landscaping outcomes are met by the proposal.

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 and Pittwater 21 DCP and other relevant Council policies.

A number of non-compliances have been identified in the assessment of the shop top housing development. These include building height, setbacks, building separation, flood storage, basement driveway ramp gradient, private open space, basement parking access off Barrenjoey Road, arcades and orientation of single aspect units. All of these issues have been thoroughly assessed and it is considered that the development meets the relevant underlying outcomes of these controls. Moreover, the intent of the Newport Masterplan is to allow an opportunity for a prominent building to be developed on the Site that will act as an entry landmark to the Newport village, integrate with the surrounding public domain, extend the active street edge of Barrenjoey Road and reinforce its role as the primary retail street in Newport. The development is considered to achieve these objectives and is therefore supported notwithstanding the non-compliances identified, subject to a number of conditions of consent detailed in the attached draft determination.

With regard to the dual occupancy development, this proposal does not comply with the building height control in PLEP 1993 as this control does not take into account flood planning level requirements. Solar access to one dwelling is marginal but difficult to achieve on this site, given the adjoining proposed shop top housing development. In addition, flood storage is slightly reduced due to the limited previous development on the site and privacy impacts from the shop top housing development have been dealt with in an acceptable manner. There is a minor numerical non-compliance in regard to the size of the upper floor that does not have any significant detrimental impacts. A thorough assessment of these issues against the relevant planning outcomes has led to the conclusion that overall, the development is an appropriate proposal for this site, subject to the recommended conditions.

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 N0466/11 for the construction of a shop top housing development at 316-324 Barrenjoey Road, Newport and the construction of an attached dual occupancy at 2 The Boulevard Newport subject to the attached draft conditions of consent.

Report prepared by

Gordon Edgar
EXECUTIVE PLANNER

DRAFT DETERMINATION

CONSENT NO: N0466/11 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

DL NEWPORT PTY LTD
PO BOX 42
HUNTERS HILL NSW 2110

Being the applicant in respect of Development Application No N0466/11

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 N0466/11 for:

Shop top housing development and an attached dual occupancy

At: 316 - 324 Barrenjoey Road, Newport (Part Lot 18 DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063), 2 The Boulevard, Newport (Lot 39 DP 18415).

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 plans numbered: DA -101 Revision C, dated 11/10/12; DA-200 Revision F dated 11/10/12; DA-201 Revision E dated 11/10/12; DA-202 Revision N dated 10/10/12; DA-203 Revision M dated 11/10/12; DA-204 Revision M dated 11/10/12; DA-206 Revision L dated 11/10/12; DA-207 Revision D dated 11/10/12; DA-208 Revision K dated 11/10/12; DA-209 Revision H dated 11/10/12; DA-301 Revision D dated 11/10/12; DA-302 Revision C dated 11/10/12; DA-401 Revision H dated 11/10/12; DA-402 Revision F dated 11/10/12; DA-403 Revision D dated 11/10/12; DA-404 Revision F dated 11/10/12; DA-904 Revision D dated 11/10/12; DA-905 Revision D dated 11/10/12; DA-906 Revision C dated 9/10/12, all drawn by Dickson Rothschild.**
- **Landscape plans numbered: 000 Issue F dated 10/10/12; 101 Issue F dated 10/10/12; 102 Issue F dated 10/10/12; 103 Issue B dated 10/10/12; 501 Issue F dated 20/12/11, all drawn by Site Image.**
- **Engineering Drawings numbered: SW0 Revision A dated 20/12/11; SW1 Revision D dated 9/10/12; SW2 Revision D dated 20/12/12; SW3 Revision F dated 10/10/12; SW4 Revision C dated 10/10/12; SW5 Revision D dated 9/10/12; SW6 Revision D dated 9/10/12; SW7 Revision C dated 10/10/12; SW8 no revision number dated August 2011.**
- **Waste Management Plan prepared by Dickson Rothschild and dated 10 October 2012.**
- **BASIX Certificate numbered 396930M_03 dated 9 October 2012 and prepared by Damien O'Toole Town Planning.**
- **BASIX Certificate numbered 396860M_03 dated 9 October 2012 and prepared by Damien O'Toole Town Planning.**
- **Traffic and Parking Report dated October 2012 prepared by GSA Planning.**
- **Access Review report dated 11 October 2012 and prepared by MGAC Consulting.**
- **Acoustic Assessment dated 16/12/11 and Addendum report dated 10/10/12, both prepared by Koikas Acoustics Pty Ltd.**
- **Site Validation Report dated 25/10/10 prepared by Coffey Environments Pty Ltd**
- **Geotechnical Report dated 16/11/11 and prepared by Coffey Geotechnics Pty Ltd**

- **Statement of Environmental Effects dated 8/10/12 and prepared by Dickson Rothschild**
- **SEPP 1 Objection dated 10/10/12 prepared by Dickson Rothschild**
- **SEPP 65 Design Verification Statement dated 10/10/12 prepared by Dickson Rothschild**
- **Flooding Statement dated 10/10/12 and prepared by Molino Stewart**
- **Flood Emergency Plan dated October 2012 and prepared by Molino Stewart**

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:

Previous Report

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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:

8. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
9. 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.
10. 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.
11. 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,
 - 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.

12. 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.

13. 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.
14. 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:

52. 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.
53. 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.
54. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
55. The landscape treatment to the road footpath area for the total frontage of the development site within the Newport commercial centre is to be in accordance with Plans numbered: 000, Issue F, dated 10/10/12; 101, Issue F, dated 10/10/12; 102, Issue F, dated 10/10/12; 501, Issue F, dated 20/12/11, all drawn by Site Image (NSW) Pty Ltd.
56. Separate development consent is to be obtained for the occupation, fit-out and use of each of the retail units.
57. Garbage and recycling facilities shall be provided in designated enclosures. The premises shall accommodate the following garbage and recycling capacities:
- (i) Garbage: 1 x 240 litre garbage bin is dedicated for use for every three households
 - (ii) Paper Recycling: 1 x 240 litre paper recycling bin is dedicated for use for every five households, and
 - (iii) Container Recycling (plastics, glass etc): 1 x 240 litre container recycling bin is dedicated for use for every five households.
58. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
59. Structural requirements for the Garbage and Recycling room/s include:
- (a) A room/enclosure is to be dedicated for the storage of garbage and recyclables.
 - (b) The room/enclosure used for the storage and washing down of garbage/recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted. The walls of the room shall be cement rendered and steel trowelled to a smooth, even surface. 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.

- (c) Stormwaters are to be prevented from entering the garbage/recycling enclosure/room.
 - (d) The garbage/recycling enclosure/room 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.
 - (e) Hot and cold water hose cocks shall be located within the garbage/recycling enclosure/room or in close proximity.
 - (f) Clear access to the garbage/recycling enclosure/room must be available for the garbage service provider.
 - (g) Domestic garbage/recycling enclosure/rooms shall be separated from commercial premises garbage/recycling rooms.
60. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean. Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
61. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
62. No noise nuisance shall be caused through the operation of the business or any plant or equipment at the premises. Noise generated from the premises must not exceed the limits as specified in the NSW Industrial Noise Policy.
63. No water pollution shall result from the operation of any plant or equipment or activity carried out.
64. Noise from the operation of any plant or equipment at the premises shall not exceed criteria listed in the NSW Industrial Noise Policy January 2000.
65. No emissions causing air pollution shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
66. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
67. 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.
68. 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.
69. 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.

70. Landscaping is to be implemented in accordance with the approved Landscape Plans prepared by Site Image Landscape Architects SS112369, drawing numbers 102, 000, 10Z and 101. Issue F dated 10/10/12 and drawing number 501 Issue F, dated 20/12/11. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed.

This landscaping is to then be maintained for the life of the development. Unit pavements proposed for the front road reserve areas of Barrenjoey Road and The Boulevard are to be the existing selected paver (Claypave Pittwater Council) and installed as per detail. Indicated planters to road reserve frontage are to be installed insitu (as planters at ground level allowing 4m³ per planter [2m x 2m x 1m] Livistonas to be installed at 3m trunk heights). All trees to be planted to road frontages are to be installed at 400 litre size.

71. All vehicles shall be wholly contained on site before being required to stop.
72. All vehicles shall enter and exit in a forward direction.
73. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004.
74. All works associated with the proposed development are to be at no cost to RMS.
75. Disabled parking space and the internal access route dimensions/gradient shall be signposted and delineated clearly to comply with AS 2890.6-2009.
76. Any service parking associated with the retail component of the development is required to comply with AS 2890.2.
77. Proposed off street parking areas for service vehicles are to comply with AS 2890.2 with the service/loading area to be designed to accommodate the turning requirements of the largest service vehicle expected.
78. The required sight lines to pedestrians or other vehicles in or around the car park or entrance are not to be compromised by landscaping, signage, fencing or display materials.
79. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or agents.
80. An intercom security system is to be installed at the entrance to the basement car park and also at the residential lobbies to enable residents and retail tenants to control access to the on-site parking spaces, and internal circulation areas of the building. This intercom system is to be installed prior to release of the Occupation Certificate and maintained for the life of the development.
81. The ground level external areas accessible from the public domain, particularly the pedestrian building entry points, are to be appropriately lit. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting. The at-grade parking area is to be used in association for the retail use only and not for any resident or residential visitor parking.

82. Walls and/or ceilings of the attached dual occupancy dwellings and shop top housing units shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia.
83. The development is to include a minimum number of 6 units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - *Adaptable Housing* Unless specifically approved through development consent no mesh enclosing of the car parking spaces of any kind will be permitted.
84. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
85. Planter areas where canopy trees are proposed must be minimum of 4sqm. A minimum depth of 500mm of garden mix (ANL Botany Mix or equivalent) must be provided to all garden areas with 150mm hardwood chip mulch to cover all garden areas.
86. The existing landscaping required to be retained together with any additional landscaping required by this Development Consent is to be maintained for the life of the development.
87. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of 316-324 Barrenjoey Road at the full cost to the developer.
88. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
89. All external glazing is to have a maximum reflectivity index of 25%.
90. New electrical connections are to be carried out using underground cabling.
91. Materials and colour schemes are to be in accordance with the sample scheme approved by Council.
92. The designated loading bay is only to be used for loading/unloading purposes.
93. The developer shall ensure that Ausgrid's infrastructure located at the adjoining property at 314 Barrenjoey Road, Newport, is not damaged or impaired by the development.
94. Storage of all commercial stock in the retail units is to be above the Flood Planning Level of RL 5.30 in order to avoid damage to stock from flooding.
95. Any fencing associated with the development is to allow for the movement of flood waters and not impede the flow.
96. No outdoor tables and chairs are to be placed within the boundaries of the property known as 314 Barrenjoey Road, Newport.

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.

32. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to RMS for determination prior to the issue of the Construction Certificate.

33. Planter boxes are to be installed to the edges of the larger balconies to both of the dual occupancy dwellings, as shown in the landscape plans. Detail is to be included in the architectural plans submitted with the Construction Certificate. This condition has been imposed in order to mitigate potential overlooking to and from adjoining properties.
34. 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.

35. 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.
36. 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.
37. 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.
38. 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.
39. 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.

40. 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.

41. Structural Engineering details relating to the proposal 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.
42. A Schedule of Works prepared 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 is to be submitted to the Accredited Certifier or Council in respect of the following items:
1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
 2. The proposed method of disposal of collected surface waters is to be clearly detailed
 3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
43. The design and construction of the gutter crossing off Barrenjoey Road shall be in accordance with RMS requirements. Any redundant driveway shall be removed and replaced with kerb and gutter to match existing. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.
44. Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works. It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.
45. A contribution of \$9,000 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 for the dual occupancy development at 2 The Boulevard, Newport.

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.

46. A contribution of \$44,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$2,000 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$42,000 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

47. A contribution of \$77,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$3,500 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$73,500 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

48. A contribution of \$110,000 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.

Note: If separate Construction Certificates are issued for the two different components of the development, then the Section 94 Contribution payable would be \$5,000 for the dual occupancy development at 2 The Boulevard prior to release of its separate Construction Certificate and \$105,000 for the shop top housing development at 316-324 Barrenjoey Road, Newport prior to release of its separate Construction Certificate.

49. Appropriate construction materials are to be utilised to ensure that LAeq levels of traffic noise on Barrenjoey Road, as measured inside any bedroom to any residential unit within the shop top housing development do not exceed -35dB(A) at any time between 10pm and 7am. Traffic noise is also not to exceed -40dB(A) at any time anywhere else inside the building (other than a garage, kitchen, bathroom or hallway). A statement from a qualified acoustic engineer, is to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying compliance with this condition. All recommendations in Section 7 of the Acoustic Assessment report dated 16/12/11 and prepared by Koikas Acoustics, as amended by the Addendum dated 10/10/12 are to be fully implemented.

50. Minimum glazing thicknesses for each unit are to be in accordance with Appendix A of the Addendum Acoustic report dated 10 October 2012 and prepared by Koikas Acoustics Pty Ltd. Relevant details are to be included in the plans accompanying the application for the Construction Certificate.
51. Details of either a conveniently located and accessible communal clothes drying area for the shop top housing development or clothes drying machines to individual units are to be incorporated in the plans submitted with the application for the Construction Certificate.
52. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
53. Letter boxes to each unit are to be located outside or in the relevant lobby it utilises for access. Details are to be incorporated in the plans submitted with the Construction Certificate.
54. Full detail of the location of the required 8 cubic metres of storage area per dwelling within the shop top housing development is to be provided in the plans accompanying the application for the Construction Certificate.
55. One of the visitor parking spaces in the basement is to be designated as also a car wash bay in accordance with section C1.18 of Pittwater 21 DCP. Relevant detail is to be included in the plans submitted with the Construction Certificate.
56. All plant material to be super advanced including 5 litre (200mm) pots for ground covers, 35 litre pots for shrubs and 400 litre pots for trees. An amended planting schedule complying with these requirements is to be submitted with the application for the Construction Certificate.
57. All external finishes used are to have a low reflectivity. Glass awnings are to be treated to reduce solar and heat transmission. Relevant detail demonstrating compliance with this condition is to be submitted with the application for the Construction Certificate.
58. Emergency access is to be provided out of Basement 1 via the stairs on the northern end of the car park to a higher level. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate. This condition has been imposed in order to prevent people from needing to walk into floodwaters during a flood event to evacuate from this location in the building.
59. Vehicle restraints are to be installed along the external edge adjoining the drainage channel (other than the entry/exit driveway) in Basement 1. This condition has been imposed to prevent vehicles from being washed into the drainage channel during a flooding event. The walls of Basement 1 are to be structurally adequate to withstand the impact of vehicles being washed into them. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate.
60. The floor level of the area shown as "Refuge" on drawing numbered DA202 Revision N is to be modified to lower the finished floor level of these refuge areas from RL 6.40 to RL 5.30. The area underneath the refuge is to be separated from the commercial premises via a screen. Storage of all commercial stock is to be above the Flood Planning Level. This condition has been imposed in order to prevent the areas underneath the refuge level being used as additional retail or storage area because these areas are designed and intended to be inundated by floodwaters. Details are to be incorporated in the relevant architectural plans prior to release of the Construction Certificate.

61. The side fin walls and balustrades to the south-east balconies of Units 105, 106, 201, 203 & 204 are to be re-designed to reduce the bulky appearance of these projecting structures by reducing the amount of masonry walling in this location and/or using a more lightweight material. The use of masonry is to be avoided or minimised as much as possible in preference to more lightweight materials such as (but not limited to) toughened opaque glass or timber. The materials used and wall design are to be effective in minimising potential noise transfer between neighbouring units. Relevant detail demonstrating compliance with this condition is to be included in all of the relevant architectural plans prior to release of the Construction Certificate.
62. Bedroom 1 of Unit 204 and Bedroom 2 of Unit 205 are to be reduced in width measured north-west to south-east by 0.5m from 4m to 3.5m (external wall to external wall).

These bedrooms are also to be relocated 1m further away from The Boulevard and towards Barrenjoey Road. The combination of the reduction in width and relocation should result in an additional 1.5m setback of these bedrooms from The Boulevard. The floor plan of Level 2 is to be re-designed to accommodate these changes. This condition has been imposed in order to increase the apparent break in Level 2 of the building at this point when viewed from The Boulevard. Relevant detail demonstrating compliance with this condition is to be included in all of the relevant architectural plans prior to release of the Construction Certificate.

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.

27. All excavated material is to be removed from the site.
28. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
29. 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.
30. 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.
31. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
32. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
33. 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.
The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
34. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

35. 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.
36. No skip bins or materials are to be stored on Council's Road Reserve.
37. 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.
38. 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.
39. All construction in the public road reserve must be undertaken by a Council authorised contractor.
40. The Construction Management Plan required to be approved by RMS at the Construction Certificate stage is to be fully implemented at all times during the excavation and construction phases.
41. All works within the road reserve are to be undertaken following liaison with Council's Landscape Architect (9970 1356) and pre-inspections to be arranged for the following works: - Inspection of sub-base prior to paving; - Inspection of planter areas prior to planting; - Final completion.
42. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
43. 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.
44. 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.
45. Detailed design plans and hydraulic calculations of any changes to the approved stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works. Details should be forwarded to: The Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124 A plan checking fee will be payable and a performance bond may be required before RMS's

approval is issued. With regard to the Civil Works requirement please contact RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

46. Prior to commencement of site works, the project manager is to submit evidence to the Principal Certifying Authority of a pre-order for the supply of the plant material shown on the approved landscape working drawings and specifications.
47. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Barrenjoey Road in the vicinity of the Site.
48. A Road Occupancy License is to be obtained from the Transport Management Centre prior to commencement of works for any works that may impact on traffic flows along Barrenjoey Road during construction activities.
49. The developer shall submit to the PCA and also to Ausgrid a dilapidation report of Ausgrid's infrastructure located at 314 Barrenjoey Road, Newport prior to any works commencing on the Site. The report shall describe and photograph the condition of Ausgrid's infrastructure.
50. The developer shall not use ground anchors, or similar, that extend into or below Ausgrid's site at 314 Barrenjoey Road, Newport. This is to protect Ausgrid's underground infrastructure.
51. The developer shall ensure that any works carried out in the vicinity of Ausgrid's infrastructure, both at 314 Barrenjoey Road, Newport and also in the road reserve, does not compromise safety from electrical risks due to lack of separation, compromised earthing or maintenance access.
52. No landscaping or paving is to occur on the land known as 314 Barrenjoey Road, Newport without the written consent for such works from the owner of this property being provided to the PCA.

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.

21. 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.
22. A Certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate application by a qualified practising Civil Engineer, 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.

23. 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.

24. 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.

25. 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.

26. All planters to the upper roof areas/suspended planters to have a waterproof membrane certified and guaranteed by a qualified installer prior to release of the Occupation Certificate. A qualified landscape architect is to certify all landscaping works undertaken prior to the issuing of the Occupation Certificate.

27. 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.

28. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.

29. 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.

30. An intercom security system is to be installed at the entrance to the basement car park and also at the residential lobbies to enable residents and retail tenants to control access to the on-site parking spaces, and internal circulation areas of the building. This intercom system is to be installed prior to release of the Occupation Certificate.

31. The ground level external areas accessible from the public domain, particularly pedestrian entry points to the building, are to be appropriately lit. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet AS4282 the control of the obtrusive effects of outdoor lighting. Appropriate lighting is to be installed in the basement car park and the ceiling is to be painted white. This condition has been imposed in order to increase visibility and the level of security within the basement car park. Evidence demonstrating compliance with this condition is to be submitted prior to release of the Occupation Certificate.

32. Street numbers are to be affixed to the building prior to occupation.

33. Prior to the release of the Occupational Certificate, documentation is to be submitted by a licensed plumber to the private certifying Authority confirming that the car wash bay waste waters drain into the sewer.
34. A certificate is to be submitted to the Private Certifying Authority with the Construction Certificate application by a qualified practising landscape architect, landscape/environmental designer or horticulturist, certifying that the proposed automatic watering system and/or subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawing and/or the manufacturers specification.
35. 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.
36. Any identified damage to Ausgrid's infrastructure at 314 Barrenjoey Road, Newport shall be rectified by the developer prior to the release of the Occupation Certificate.
37. Part Lot 18 in DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063 are all to be consolidated into one allotment prior to the release of the Occupation Certificate.
38. A Right of Carriageway is to be created over the driveway area in the south-western corner of 2 The Boulevarde servicing the at-grade parking at the rear of the shop top housing development. It is to be placed on the title of 2 The Boulevarde, Newport (Lot 39 in DP 18415) burdening this allotment and benefitting the new lot comprising of Part Lot 18 in DP 18415, Part Lot 19 in DP 18415, Part Lot 20 in DP 18415, Part Lot 21 in DP 18415 and Lot 17 in DP 1108063. Details confirming the creation of this ROW are to be submitted to the PCA prior to release of the Occupation Certificate.
39. Certification is to be provided to the PCA from an acoustic consultant confirming that all of the recommendations of the Acoustic Assessment report prepared by Koikas Acoustics and dated 16/12/11, as amended by the Addendum dated 10/10/12 have been fully implemented prior to the release of the Occupation Certificate.

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 12 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.
9. To obtain a Works Zone authorisation contact RMS Traffic Management Section on 8849 2295.
10. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.

LOCALITY MAP



NOTIFICATION PLANS

[illegible]

		PROJECT 316-324 BARENCEY ROAD & 2 THE BOULEVARD NEWPORT NSW 2106	
CLIENT RAMONDI TOLMA		DRAWING SITE PLAN	
PROJECT NO.	DRAWING NO.	REVISION	
14-039	DR-101	C	
DATE	DATE OF SITE	BY	
20.12.11		CY JIABINO	

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 Date: [Date]
 Project: [Project Name]
 Scale: [Scale]
 Author: [Author]
 Checked: [Checked]
 Approved: [Approved]
 Date: [Date]
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 Scale: [Scale]
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 Checked: [Checked]
 Approved: [Approved]
 Date: [Date]

REV	DATE	DESCRIPTION
1	10/01/11	FOR FINAL REVIEW
2	10/01/11	FOR FINAL REVIEW
3	10/01/11	FOR FINAL REVIEW
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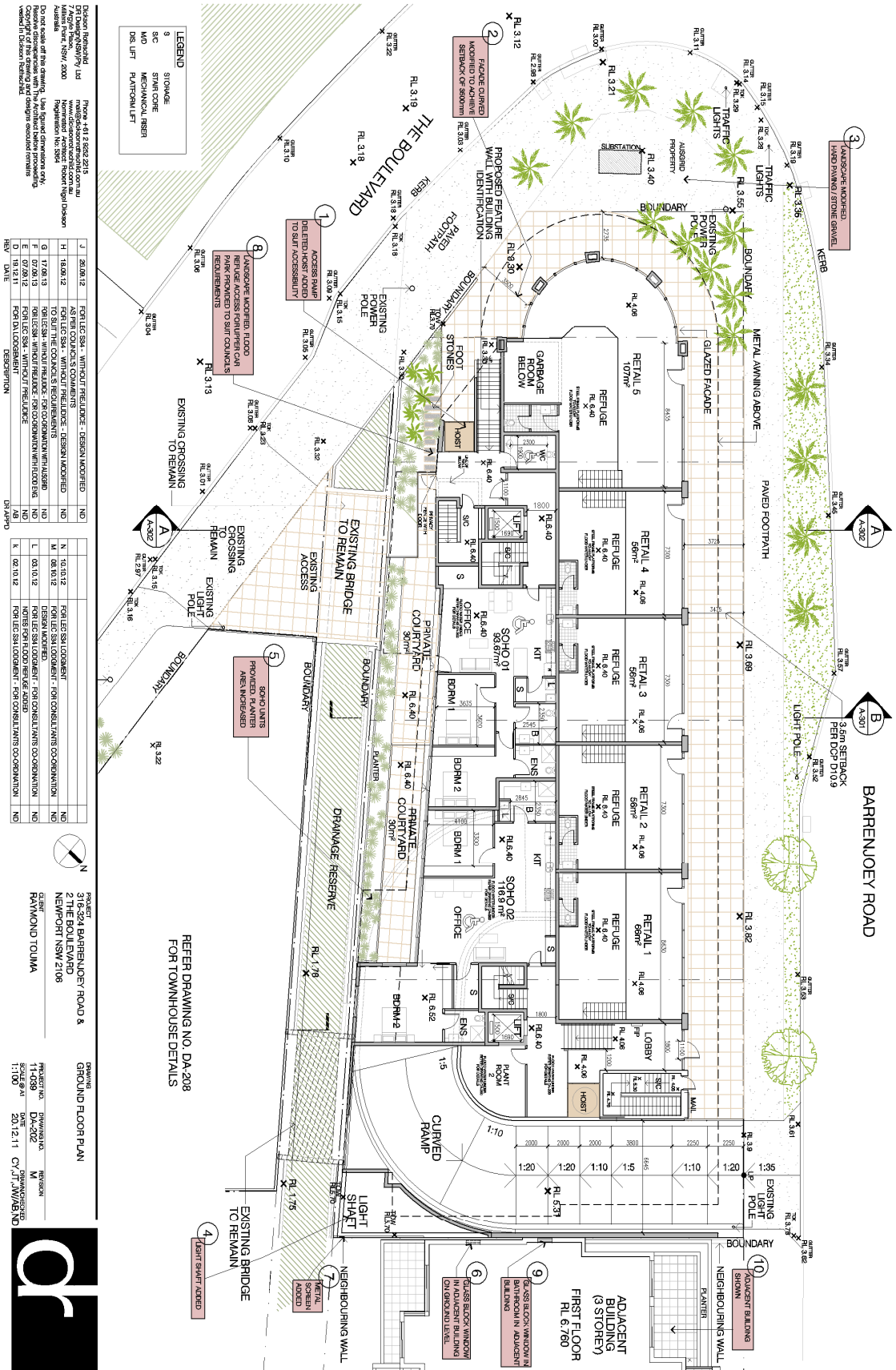
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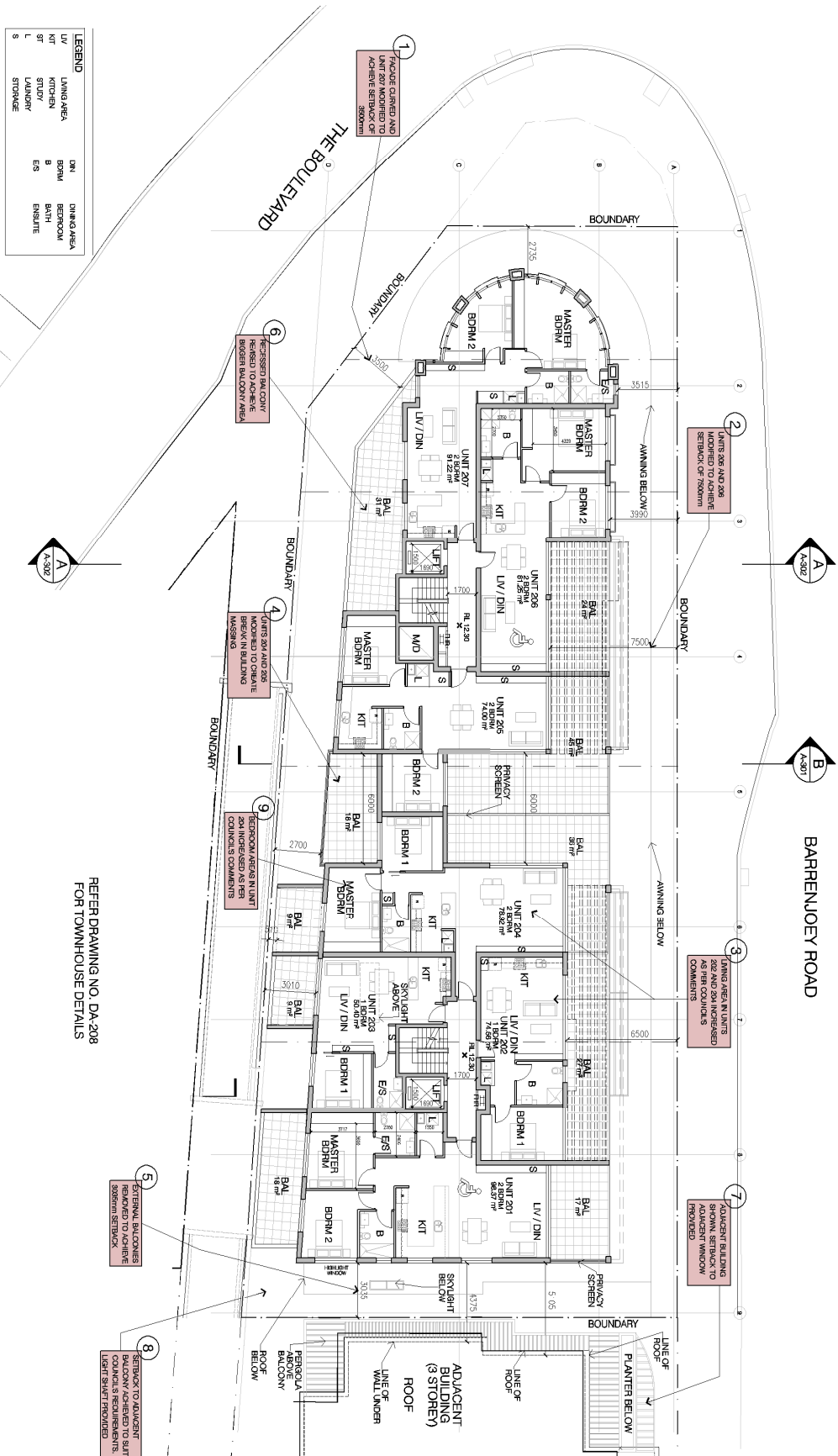
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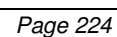
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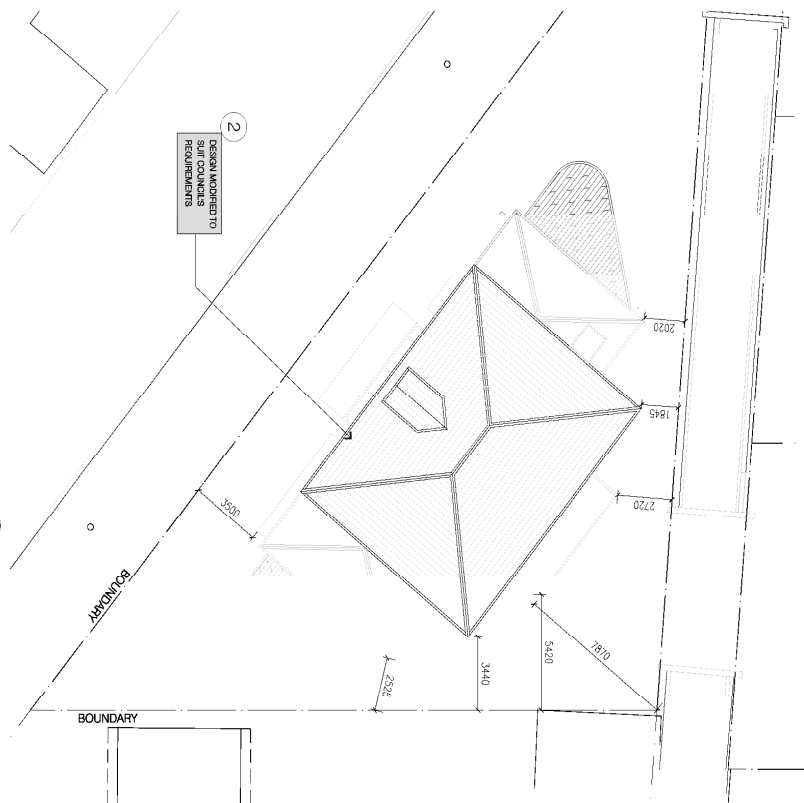
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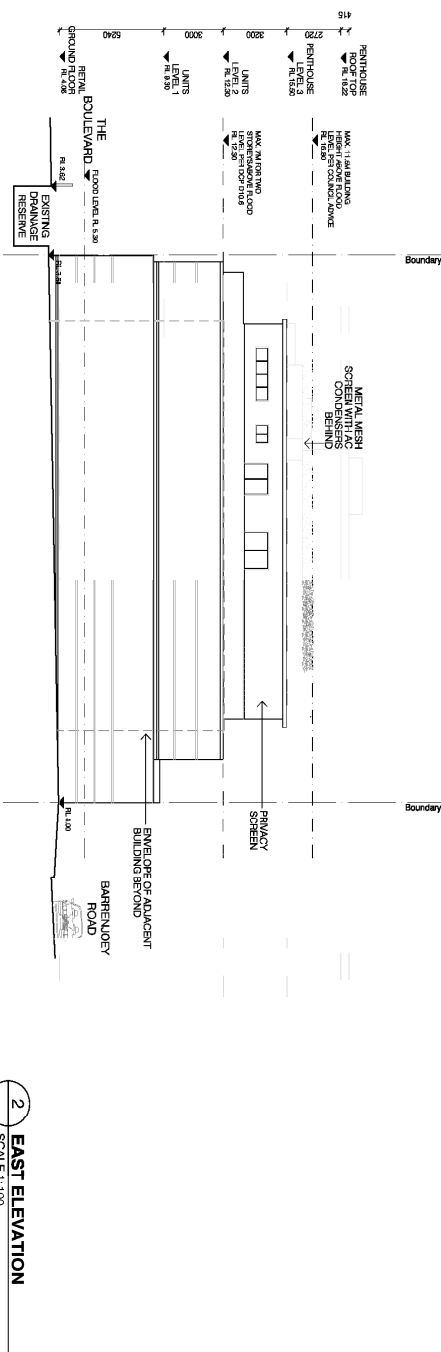
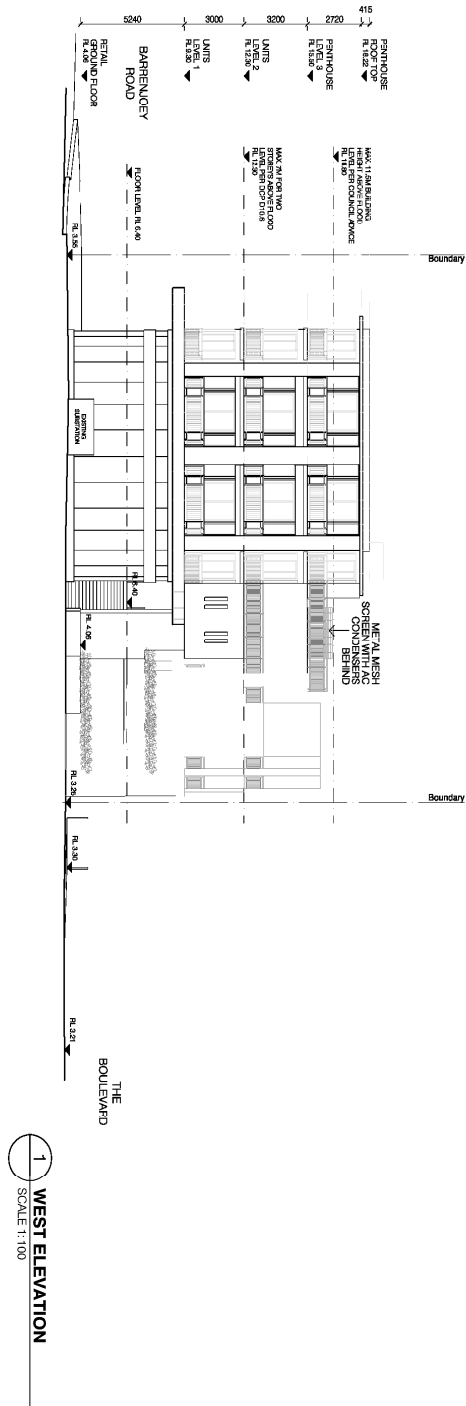
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 2 THE BOULEVARD
 NEWPORT NSW 2108
 CLIENT: RAYMOND TOLMA
 DRAWING NO. DA-208
 PROJECT NO. 11-058
 DATE: 20.12.11

LEVEL 02 FLOOR PLAN
 DRAWING NO. DA-208
 PROJECT NO. 11-058
 CLIENT: RAYMOND TOLMA
 DATE: 20.12.11









Deacon Planning
7 Agnes Place
Newport NSW 2106
Phone: 481 2 6922 2115
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Registration No 1994
Do not scale of this drawing. Use figured dimensions only.
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C	30.12.17	FOR DA DOCUMENT	NO
B	10.01.18	FOR DA DOCUMENT	NO
A	21.10.11	FOR DA DOCUMENT	NO
P	08.09.11	FOR DA DOCUMENT	AB
P	30.08.11	FOR REVIEW	AD
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2 THE BOULEVARD
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WEST ELEVATION
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C10.5 2012 Bushfire Prone Land Mapping

Meeting: Natural Environment Committee

Date: 4 March 2013

STRATEGY: Risk Management Co-ordination

ACTION: Provide an appropriate set of development controls relating to mitigation and management of risks and hazards.

PURPOSE OF REPORT

This report details the finalisation of the Pittwater 2012 Bushfire Prone Land Map that was placed on public in March and April 2012. It summarises the review of submissions received and details proposed changes to the Draft Bushfire Prone Land Mapping 2012, the plan is available as **Attachment 1** and as tabled. The finalisation of the mapping by Council leads to the lodgement for certification of the Bushfire Prone land map by the Commissioner of the NSW Rural Fire Service.

1.0 BACKGROUND

- 1.1 In accordance with the *Environmental Planning and Assessment Act 1979*, the Pittwater Bushfire Prone Land Map is to be reviewed every 5 years. The original mapping was undertaken by the NSW Rural Fire Service on Councils behalf in July 2004. The preparation of the new mapping commenced in 2011, and was placed on exhibition in March and April 2012.
- 1.2 The *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* requires councils to map bushfire prone land within their Local Government Area. The Pittwater Bushfire Prone Land Map and Pittwater Bushfire Prone Property Map have been prepared in accordance with the *NSW Rural Fires Service Guidelines for Bushfire Prone Land Mapping (June 2006)* (referred to as 'Guideline' from here on).
- 1.3 A Bushfire Prone Area is an area that can support a bushfire or is at risk of bushfire attack. Research has shown that 85% of houses are lost in the first 100m from a known hazard and that ember attack is a significant form of attack on properties.
- 1.4 The Pittwater Bushfire Prone Property Map triggers control *B3.2 Bushfire Hazard* of the Pittwater Development Control Plan. Land to be developed to which this control applies must comply with the requirements of *Planning for Bushfire Protection (2006)* for all development, designed and constructed, within in bushfire prone areas to ensure bushfire safety controls are integrated.
- 1.5 The Pittwater 2012 Bushfire Prone Land Map was reported to Council on the 20th February 2012 for placement on public exhibition.
- 1.6 The Pittwater 2012 Bushfire Prone Land Map and Draft Pittwater Bush Fire Prone Property Map were placed on public exhibition for an extended period to ensure information could be provided and submissions could be received. It was placed on exhibition from Wednesday 22 February 2012 to Saturday 14 April 2012.

- 1.7 Public consultation consisted of seeking submissions on the draft plan, submissions were sort on the proposed mapping through:
- three advertisements in the Manly Daily and Councils Website;
 - all residents affected by the proposed Draft Pittwater 2012 Bushfire Prone Land Map (i.e. 6770 properties) were notified by mail of the proposed changes. This included: those properties to be removed; those properties to be added and those that were currently bush fire prone and would remain bushfire prone land.
 - two well attended public information sessions were held in Avalon and Narrabeen. At both meetings an officer from the Warringah Pittwater Office of the NSW Rural Fire Service was in attendance to clarify any aspects of the history and implementation of the NSW Rural Fires Service Guidelines for Bushfire Prone Land Mapping.

2.0 ISSUES

- 2.1 Following community consultation almost 90 submissions were received, of these 65 written submissions were received requesting the draft mapping be amended to exclude properties from the mapping. However, many of the submissions were from groups of residents, for example Wilga-Wilson residents Association.

Generally, these submissions focused on:

- Council staff not being able to determine a bushfire risk or interpret an aerial photo.
- the residence being miles from any bushland, usually the resident was unaware of the 100m buffer from bushfire vegetation.
- many properties owners focused on their exclusion during the previous mapping when they were initially excluded prior to certification of the mapping.
- the vegetation type had been misidentified.
- several submissions focused on this being a revenue raiser for Council and/or Council trying to prevent development by stealth.

Other submissions received referred to complaints of bush fire hazards on adjoining properties frequently Council lands, clarification of when actions need to be undertaken and who could provide advice on bushfire risk to properties.

- 2.2 All submissions received requesting mapping amendments were review and additional ground-truthing on private property undertaken with the assistance of the Warringah Pittwater Office of the NSW Rural Fire Service.

This review resulted in the removal or amendment of some areas mapped as bushfire prone vegetation and subsequently changes to the number of properties affected. These generally relate to areas being managed lands, fragmented bushland, changes to the vegetation classification and/or new development occurring.

All property owners who made a submission received written confirmation of the outcome of the review. However, it was made clear that the Commissioner may amend the 2012 Pittwater Bushfire Prone Land Map during the certification process.

- 2.3 The initial number of affected properties as notified in April 2012 is shown in Table 1 this resulted in a total of 6770 properties bush fire prone land. Following the review of the mapping with the final version of the 2012 Pittwater Bushfire Prone Land Map was completed in December 2012 with the number of bush fire prone properties being 5923 as shown in Table 2.

Effectively the mapping review amendments resulted in the removal of 847 properties from the Pittwater 2012 Bushfire Prone Land Map.

Table 1: Properties effected in the initial Draft Pittwater 2012 Bushfire Prone Land Map, April 2012.

1	those included in the new mapping that were previously not mapped	1856
2	those residences that were previously included and continue to be mapped bush fire prone	4914
3	those are proposed to be removed from the mapping	310
4	total of properties mapped as bushfire prone land	6770

Note that the total when excluding public lands is 5824 properties.

Table 2. Properties affected following the in the reviewed Pittwater 2012 Bushfire Prone Land Map, December 2012.

1	those included in the new mapping that were previously not mapped	1122
2	those residences that were previously included and continue to be mapped bush fire prone	4801
3	those are proposed to be removed from the mapping	426
4	total of properties mapped as bushfire prone land	5923[#]

Note that the total when excluding public lands is 5038 properties.

- 2.4 The Environmental Planning and Assessment Act 1979, requires that the mapping must be certified by the Commissioner of the NSW Rural Fire Service. The Pittwater 2012 Bushfire Prone Land Map does not come into effect until this certification has been provided. The Commissioner may require that additional properties be added or removed. Once certified by the Commissioner the following actions are required by Council:
- Section 149 Certificates issued under the Environmental Planning and Assessment Act 1979 will need to be modified to be consistent with certified Pittwater 2012 Bush Fire Prone Land Map; and
 - Pittwater Council's Development Control Plan, specifically control B3.2 Bushfire Hazard, will require modification to the map to reflect the changing of the certified Pittwater 2012 Bush Fire Prone Land Map.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 This mapping provides a mechanism for residents of bush fire prone land to be aware of the issue prior to undertaking development. It requires certain development to meet relevant Building Code of Australia standards to reduce the risk to the property from bushfire.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The Pittwater 2012 Bushfire Prone Land Map identifies at a simple level the risk associated with vegetation across the Pittwater LGA. This is based on the type of vegetation and size of the vegetation patch.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The 2012 Pittwater Bushfire Prone Land Map provides a mechanism to reduce the impacts of bushfire on the Pittwater Community. It provides the community with a guide to implementation of building codes and standards to reduce the bush fire risk to properties.

3.4 **Leading an Effective & Collaborative Council (Governance)**

3.4.1 The 2012 Pittwater Bushfire Prone Land Map fulfils Council legislative requirements under the *Rural Fires Act* and the *Environmental planning and Assessment Act*. It forms the basis for the management of bushfire risk for development across the LGA.

3.5 **Integrating our Built Environment (Infrastructure)**

3.5.1 The 2012 Pittwater Bushfire Prone Land Map provides a for Council and other State Agencies to assess bush fire risk within the land use planning framework.. This occurs through identification of Bush Fire prone lands and the requirements of relevant controls and standards...

4.0 **EXECUTIVE SUMMARY**

4.1 Under the requirements of the *Environmental Planning and Assessment Act, 1979* Pittwater Council is required to prepare a Bushfire Prone Land Map based on guidelines prepared by the NSW Rural Fire Service. The initial mapping was undertaken in 2004 and is to be reviewed every 5 years.

4.2 The Pittwater 2012 Bushfire Prone Land Map was placed on public exhibition in 2012. Submissions were sort through community consultation. Over 90 submissions were received and 65 additional field investigations were undertaken with the Warringah Pittwater Officer of the NSW Rural Fire Service. These were completed in September 2012. All property owners who sort there property to be removed from the map were informed in writing of the results of the review.

4.3 Final mapping has been prepared with amendments to some areas of bush fire vegetation, this resulted in the removal of 847 properties based on these field observations.

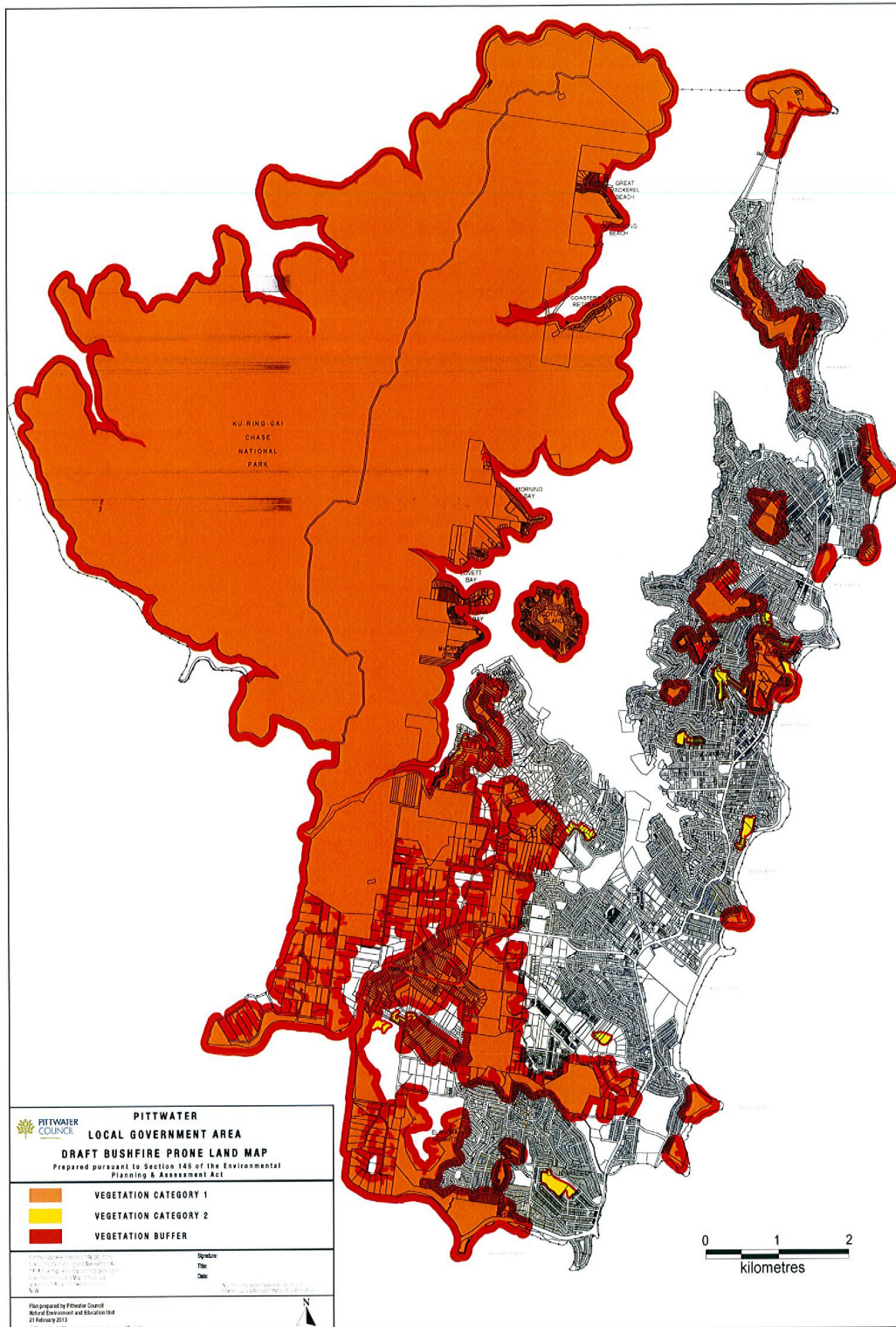
4.4 The Commissioner of the NSW Rural Fire Service is required to certification the Pittwater 2012 Bushfire Prone Land Map. Upon certification of the map Pittwater Council will be required to amend the relevant bush fire control in Councils Development Control Plan and the section 149 certificates of newly affected properties.

RECOMMENDATION

1. That the finalised Pittwater 2012 Bushfire Prone Land Map, as tabled at this meeting be forwarded to the NSW Commissioner of the Rural Fire Service for Certification.
2.
 - a) That following the NSW Rural Fire Service Commissioner certification of the Pittwater 2012 Bushfire Prone Land Map, Section 149 Certificates issued under the *Environmental Planning and Assessment Act 1979* are modified consistent with the certified Pittwater 2012 Bushfire Prone Land Map.
 - b) That following the NSW Rural Fire Service Commissioner certification of the Pittwater 2012 Bushfire Prone Land Map, Pittwater Council's Development Control Plan - B3.2 Bushfire Hazard is modified to reflect the Pittwater 2012 Bushfire Prone Land Map.

Report prepared by

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION



C10.6	Minutes of the Natural Environment Reference Group Meeting held on 13 February 2013
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Meeting:	Natural Environment Committee	Date:	4 March 2013
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STRATEGY:	Business Management
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ACTION:	Maintain and Service Council's Range of Committees
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PURPOSE OF REPORT

To present to Council for consideration, the Natural Environment Reference Group Minutes of 13 February 2013 (**see Attachment 1**).

1.0 BACKGROUND

1.1 The Natural Environment Reference Group has a primary role of assisting the Pittwater 2020 Strategic Plan process by critically analysing and reviewing the Strategic Goals aligned to the Pittwater Natural Environment and providing Reference Points for further consideration by Council.

1.2 The Natural Environment Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals. The attached Minutes relate to Discussion Papers on

- ***Community Strategic Plan Review Update***
- ***Review of Council's Reference Groups***
- ***Common Waste Service Collection System - Progress Update***

2.0 ISSUES

2.1 **NE4.1 – Community Strategic Plan Review Update**

2.2 **NE4.2 - Review of Council's Reference Groups**

Reference Points:

- *Processes whereby Reference Group recommendations can be progressed at Council Meetings to be the subject of an address to a Councillor Briefing.*

2.3 **NE4.3 – Common Waste Service Collection System - Progress Update**

Reference Points:

- *That this Committee recommend to Council that no agreement be entered into pending further negotiation with the community.*

2.4 Emerging Issues

5.1 Pittwater Waterbird Survey Update

Reference Points:

- *Group members to forward any information concerning appropriate signage to Mr Mark Beharrell, Manager NEE (mark_beharrell@pittwater.nsw.gov.au).*
 - *Local Groups to do an audit in each location as to what signage requires replacement and/or installation. The emphasis is to be on interpretive / informative / educational / pictorial signage rather than regulatory signage.*
 - *Council Officers (NEE) to liaise with Community Groups in each location to advise on current signage, replacement schedules, etc.*
 - *Groups not represented at this meeting – eg: Warriewood Valley and Elanora Heights – to be advised of this initiative and invited to participate.*
 - *Strategies other than signage: to be discussed further at the next meeting.*
-

3.0 SUSTAINABILITY ASSESSMENT

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

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

4.0 EXECUTIVE SUMMARY

- 4.1 The Natural Environment Reference Group has provided a number of Discussion and Reference Points that will assist Council and the community.
-

RECOMMENDATION

That the Minutes of the Natural Environment Reference Group Meeting held on 13 February 2013 that relate to the Discussion Papers on:

- ***Community Strategic Plan Review Update***
- ***Review of Council's Reference Groups***
- ***Common Waste Service Collection System - Progress Update***

and the Actions and Progress to date, along with further initiatives and reference points to strengthen these initiatives be noted and this information be taken into consideration as part of Council's Strategic Plan, Delivery Plan and specific management plan processes.

Report prepared by

Chris Hunt
DIRECTOR – URBAN & ENVIRONMENTAL ASSETS

MINUTES

Natural Environment Reference Group Meeting

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

13 February 2013

Commencing at 4.02pm

Attendance:

Cr Alex McTaggart, Chairperson

Members:

Ms Marita Macrae, Avalon Preservation Trust / Pittwater Natural Heritage Association
Ms Margaret Makin, Bayview–Church Point Residents Association
Ms Sharon Kinnison, Scotland Island Residents Association
Mr John Waring, Clareville and Bilgola Plateau Residents Association
Ms Gloria Carroll, Manly Warringah and Pittwater Historical Society
Mr Hans Hui, Newport Residents Association
Mr Stuart Taylor, Palm Beach Whale Beach Association
Mr Martin Porter, Surfrider Foundation
Mr Alan Yuille, West Pittwater Community Association

Council Staff Members

Mr Les Munn, Acting Director, Urban & Environmental Assets
Mr Jeff Lofts, Manager, Environmental Compliance
Ms Robina Bramich, Principal Officer - Environmental Health
Ms Jane Mulroney, Community Engagement Officer, Corporate Strategy
Ms Simonne Johnston, Corporate Strategic Planner
Ms Pamela Tasker, Minute Secretary / Administration Officer

Observers

Mr Fred Murray-Walker, Clareville and Bilgola Plateau Residents Association

Natural Environment Reference Group Meeting
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Item No	Item	Page No
1.0	Apologies	
2.0	Declarations of Pecuniary Interest / Non-Pecuniary Conflict of Interest	
3.0	Confirmation of Minutes	
4.0	Discussion Topics	
NE4.1	Community Strategic Plan Review Update	
NE4.2	Review of Council's Reference Groups	
NE4.3	Common Waste Service Collection System - Progress Update	
5.0	Emerging Issues	
5.1	Pittwater Waterbird Survey Update	
5.2	Garbage collection in public places	
5.3	Clean Up Australia Day	
6.0	Next Meeting	

1.0 Apologies

Notes:

1. Apologies were received from:
 - Ms Caroline McWilliam, Newport Residents Association
 - Ms Roberta Conroy, Pittwater Resident Representative
 - Ms Dianne Campbell, Scotland Island Residents Association
 - Mr David Williams, Bayview–Church Point Residents Association
 - Ms Frances Holdaway, Careel Bay, Pittwater Protection Association
 - Mr Roger Treagus, Pittwater Resident Representative
 - Mr Robert Williams, Pittwater Resident Representative

and leave of absence was granted from the Natural Environment Reference Group Meeting held on 13 February 2013.

2. The Reference Group members accepted the apologies.
3. Ms Sharon Kinnison attended as alternate delegate for Scotland Island Residents Association.
4. Mr Fred Murray-Walker (Clareville and Bilgola Plateau Residents Association) attended as an observer.

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

Nil.

3.0 Confirmation of Minutes

Notes:

1. The endorsement of the Minutes was deferred pending clarification of amendments concerning the following:
2. **NE4.2 - Projects Update - Upper Mullet Creek Catchment (page 7):**

Where it reads:

"Ms Marita Macrae updated members on the work being done by the Pittwater Natural Heritage Association in the Upper Mullet Creek Catchment. The Association is concentrating its rehabilitation efforts higher up on the catchment. Tax deductible donations and NSW Environmental Trust grants have guaranteed funding over the next few years, the longevity being seen as beneficial to project outcomes."

It should read:

*"Ms Marita Macrae updated members on the work being done by **Pittwater Environmental Foundation (PEF) in the Upper Mullet Creek Catchment. A Large Project grant from NSW Environmental Trusts is concentrating rehabilitation efforts higher up in the catchment. The \$250K project funds work for six (6) years,** the longevity being seen as beneficial to project outcomes."*

Where it reads:

"The subject land is now part of the Ingleside Chase Reserve in private ownership."

It should read:

*"The subject land is now part of **Pittwater Council's** Ingleside Chase Reserve."*

3. That all mention of **Clareville and Bilgola Residents Association (CABRA)** be amended to read **Clareville and Bilgola Plateau Residents Association (CABPRA)**.

4.0 Discussion Topics

NE4.1 Community Strategic Plan Review Update

Proceedings in Brief

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

DISCUSSION POINTS:

Pittwater 2020 originally had 20 strategies and this has now been rationalised down to 12 strategies. We haven't lost anything as all strategies are still contained within the Community Strategic Plan. Some strategies have just been integrated into over arching key principles, for example sustainability and community engagement which apply to all strategies. We have reduced duplication in some cases and updated objectives in response to community feedback over the past four years.

Workshops will be conducted throughout March and May. Everybody who has previously participated in any capacity will be notified of workshops, including all those who have made submissions, Pittwater committee and reference group members, interested parties, etc.

The Draft Opportunities and Challenges document that came out of the community consultation process is attached to the Minutes at Appendix 1.

A copy of the PowerPoint presentation given at the meeting is included with these Minutes at Appendix 2.

Notes:

1. The report and presentation was noted by Reference Group Members.
2. Ms Johnston was thanked for her presentation.

NE4.2 Review of Council's Reference Groups

Proceedings in Brief

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

DISCUSSION POINTS:

The Expression of Interest process to recruit Reference Group membership will be initiated as soon as possible so that a new term of members can be appointed in time for the May round of meetings.

One of the first tasks following the appointment of new members is the investigation of Reference Group interactions, for instance Google Groups, on-line postboards, blogs, Facebook and Twitter. All this requires some measure of co-ordination and administration. Past experience has shown that Reference Group interaction mechanisms have to be developed so that they work across all reference groups. To achieve this continuity in communication strategies is difficult for Council as it requires specialised staff and resources. It has to be addressed but it will take time.

The survey results indicate that members want more combined meetings across the four reference groups to consider matters of mutual concern. This is considered to be a good way for members to network with other community activists and to give each group a better understanding of how other reference groups function and their main areas of deliberation.

Assisting with a more formalised procedure to facilitate Reference Group Members reporting back to the community groups they represent is also seen as a priority in the next term. As a first step, in future Agendas and Minutes will be distributed electronically as well as in hard copy to facilitate distribution amongst group members and their networks.

In the next term of appointment, Reference Group members will be expected to provide a presentation on an item of interest or concern (linked to the terms of reference). This will be negotiated early in the new term.

Minutes are reported to Council by the Director, Urban & Environmental Assets, and usually the Group Chairperson speaks to the report. If a Reference Group wants action on a particular matter it is critical that reference points are clearly and concisely articulated and members can also request that the Chairperson emphasise important points during his address to Council. It must be remembered that there are considerations re funding, staff resources, etc., but it is recognised that a process is required to progress Reference Group recommendations to the next level. Perhaps a Council Decision to further investigate an issue would be helpful in certain instances. It was suggested that processes to progress Reference Group recommendations would be a good topic to raise at a Councillor Briefing.

Notes:

1. The report and presentation were noted by Reference Group Members.
2. Ms Mulroney was thanked for her presentation.

ACTION ITEMS:

- Agendas and Minutes to be distributed to Community Group delegates electronically in addition to hard copy.

REFERENCE POINTS:

- *Processes whereby Reference Group recommendations can be progressed at Council Meetings to be the subject of an address to a Councillor Briefing.*

NE4.3 SHOROC Common Waste Service Collection System

Proceedings in Brief

Ms Robina Bramich, Principal Officer - Environmental Health, addressed the meeting on this item.

DISCUSSION POINTS:

In mid 2015 Pittwater and the SHOROC Council's are planning to introduce a common waste collection service with co-mingled recycling (paper and container/plastics) collected fortnightly in one bin. Vegetation and food wastes will be collected weekly in one bin. Residual (garbage) will be collected fortnightly.

Following the proposed closure of the Belrose landfill in 2014, all putrescible waste generated within the SHOROC region will need to be transported to remote landfill sites. The SHOROC region no longer has limitless capacity for landfill. Kimbriki Resource Recovery facility located at Kimbriki Road, Terrey Hills, is intended to be used as an alternative processing facility to better manage wastes, to reduce landfill tonnages and to reduce truck movements.

The SHOROC Council's emphasis will be for householders to implement strategies to reduce the waste they generate. Independent research conducted on behalf of SHOROC has identified that Pittwater residents are highly disciplined and well aware of sustainable initiatives. The Pittwater local government area generates clean paper and co-mingled recycle on a regular basis. Food waste constitutes approximately 40% of the content of an 80 litre garbage bin. The SHOROC strategy to reduce the volume of food waste to landfill is to introduce food into the green waste (vegetation) bin. However, home composting combining garden clippings with food scraps is another strategy as waste does not need to be transported, no longer contributing to landfill and can actually be turned into an asset.

In response to the issues raised by the Clareville and Bilgola Plateau Residents Association (CABPRA) it was acknowledged that waste will need to be managed efficiently and locally in differing ways, considering ever increasing costs and our carbon footprint.

The members of the reference group in general accepted the need to better manage waste, but were concerned that it cannot just be imposed on residents without practical factors being considered. Members raised concerns that the volume currently being generated already exceeds collection, especially during the holiday season, and Council has a duty to collect rubbish. Ratepayers cover the costs of this service.

Members advised that the proposed bin size will also create an extra burden on residents. If the bins are too large to be easily managed by residents in areas of steep access, they will be left on streets where they will only create more problems such as the risk of increased damage and vandalism, reduced parking and traffic problems as well as simply being unsightly. Concerns were expressed that what may be insufficient collection will also increase the amount of littering and rubbish in public areas. It was felt that the implementation of this initiative, no matter how greatly needed, was a case of "putting the cart before the horse". Council needs to first implement strategies to assist householders in the reduction of waste. How will Council help residents to further minimise the waste they generate?

Council Officers responded that consideration had already been given to a number of these concerns. A range of bin sizes has been adopted by Council and it is intended that larger bins will be available to cater for larger capacity and smaller bins will also be available for residents if they require due to hilly terrain, etc. At the previous Natural Environment Reference Group meeting a wheel in wheel out service was suggested and Council officers advised that this service is currently available to assist infirm residents.

As to educating and assisting the community to better manage household waste, Council, Community Groups and Reference Group members have more than two years until implementation of the different bin. Sometimes it is just common sense suggestions, such as collapsing milk cartons to reduce their volume in the bin. In this time residents will be able to estimate what size bin is actually required by their household. Ms Bramich advised that an independent audit of domestic waste streams was conducted as part of the SHOROC initiative. A copy of the audit results will be provided to interested parties.

Members were confused as to why specific technologies were being introduced to handle co-mingled recyclables when people are already happy to separate glass, plastics and paper.

Council Officers advised that they had asked the same questions when this initiative was first raised. In the view of the contractors, the sorting technology is now so much more effective that it can be easily and effectively introduced and works better, for instance this technology reduces the damage to glass products, with broken glass having always been one of the major problems encountered in recycling. Co-mingling has also been shown to achieve better participation rates across the board as it is easier than separating systems for householders. Other advantages mentioned were the reduction in vehicle movements as collections were halved and less wear and tear on the bins which reduces the costs of bin maintenance and replacement.

Western Foreshores / Scotland Island Collections:

The issue of Off Shore recycling collections was raised. It was advised that the capacity of the recycling bins on the public wharves is, at times, inadequate which leads to residents dumping recyclables into the garbage bins. It was suggested that Council staff take a trip on the barge to see the situation on the western foreshores. (Ms Bramich undertook to provide more bins to specified wharves and advised that she is already in discussion with Scotland Island and western foreshores residents on this issue. This is a problem that can be resolved immediately).

Green Waste Collections:

Members expressed concerns about the limits to introducing the green waste (vegetation) bins and eliminating the ability to present "bundled and tied" items. Often garden waste clippings and tree branches were just too big to go into the vegetation bins.

Mr Lofts responded that it is the resident's responsibility to cut up vegetation to fit to the vegetation bin size. Again, this is seen as an ongoing process to educate the community and make people more aware of how best to work together with Council in Waste Management. For instance, composting on site may eliminate the need for collection or transportation at all.

It was suggested that if collection and transportation costs were a factor why not simply provide residents with a composting bin free of charge on request.

Discussion Summary:

It was agreed that we will have to live with changes to the waste system eventually, that people will have to stop using disposable nappies and plastics, and that householders will have to adapt to a more holistic and sustainable way of living. The members advised that they were completely in agreement with the end strategy, but were just concerned with how it is being implemented as it puts too great a burden on residents. This initiative needs to be further negotiated with residents who are already doing a lot of composting and minimising waste generated.

The Members advised that they felt Council Officers have given a comprehensive overview but that they had not addressed specific concerns. They were in agreement with many aspects of the SHOROC Common Waste Service Collection initiative, but were concerned that there was a danger of the new system not working if it was just imposed on residents.

ACTION ITEMS:

- A copy of the SHOROC Domestic Waste Audit to be forwarded to CABPRA and Palm Beach - Whale Beach Association delegates.

REFERENCE POINTS:

- *That this Committee recommend to Council that no agreement be entered into pending further negotiation with the community.*

REFERENCE GROUP RECOMMENDATION

1. That the report on the SHOROC Common Waste Service Collection System - Progress Update be noted.
2. That this Committee recommend to Council that no agreement be entered into pending further negotiation with the community.
3. That the relevant officers forward to the community groups represented at this Committee details of the Domestic Waste Audit for their associations to consider.
4. That Ms Bramich and Mr Lofts be thanked for their presentation.

(Mr Martin Porter / Mr Stuart Taylor)

5.0 Emerging Issues

5.1 Pittwater Waterbird Survey Update:

Members were provided with copies of the Media Release which resulted in two articles in the Manly Daily, 24 November and 30 November 2012, and Mayor Jacqui Townsend's Manly Daily column of 1 December 2012 which also contained extensive mention of the Waterbird Survey and the issue of habitat disturbance.

REFERENCE POINTS:

- *Group members to forward any information concerning appropriate signage to Mr Mark Beharrell, Manager NEE (mark_beharrell@pittwater.nsw.gov.au).*
- *Local Groups to do an audit in each location as to what signage requires replacement and/or installation. The emphasis is to be on interpretive / informative / educational / pictorial signage rather than regulatory signage.*
- *Council Officers (NEE) to liaise with Community Groups in each location to advise on current signage, replacement schedules, etc.*
- *Groups not represented at this meeting – eg: Warriewood Valley and Elanora Heights – to be advised of this initiative and invited to participate.*
- *Strategies other than signage: to be discussed further at the next meeting.*

REFERENCE GROUP RECOMMENDATION

1. That the following reference points be brought to Council for consideration:
 - Group members to forward any information concerning appropriate signage to Mr Mark Beharrell, Manager NEE (mark_beharrell@pittwater.nsw.gov.au).
 - Local Groups to do an audit in each location as to what signage requires replacement and/or installation. The emphasis is to be on interpretive / informative / educational / pictorial signage rather than regulatory signage.
 - Council Officers (NEE) to liaise with Community Groups in each location to advise on current signage, replacement schedules, etc.
 - Groups not represented at this meeting – eg: Warriewood Valley and Elanora Heights – to be advised of this initiative and invited to participate.
2. That the Manager, Natural Environment & Education, bring a report to the next meeting of the Natural Environment Reference Group Meeting, and that this report advise on current status of signage and replacement schedules.

(Ms Margaret Makin / Mr Hans Hui)

5.2 – Garbage collection in public places

The issue of bins overflowing at North Narrabeen rock pool was raised.

Mr Lofts advised that Council has taken action with the waste contractor, United Resource Management (URM) regarding the missed services at North Narrabeen rockpool. URM are now having satellite tracking installed in their trucks to verify future collections.

Another strategy to counter the problem with residents using the public bins for domestic waste is that the two bins will be removed from the North Narrabeen pool area. The bins will be relocated adjacent to the boom-gate pedestrian entrance to the pool. Signage will be installed in the area of the rockpool to direct pool patrons to where rubbish can be deposited.

During summer garbage bins in high use public reserves, rockpools and beaches are serviced twice daily. Council is aware of peak periods caused by school holidays, Christmas and Easter however, given the frequency of collection, this problem should never arise.

5.3 – Clean Up Australia Day

The Chairman asked members if they had considered a higher profile involvement in Clean Up Australia Day as it seemed the Natural Environment Reference Group is ideally placed to take a leading role in this initiative locally. Members responded that various community groups have formed working parties. Council facilitates community involvement via its website, supplies bags for rubbish collection and is involved in the clearance of all rubbish at the end of the day. Given the current time constraints it was suggested that this matter be reconsidered prior to Clean Up Australia Day 2014.

6.0 Next Meeting

The next meeting of the Natural Environment Reference Group is scheduled to be held at 4.00pm on Wednesday, 8 May, 2013.

**There being no further business
the meeting concluded at 6.04pm
on Wednesday 13 February 2013**

Council Meeting

11.0 Adoption of Community, Recreation and Economic Development Committee Recommendations

12.0 Adoption of Natural Environment Committee Recommendations

Confidential Advice

"Commercial in Confidence"

Confidential – Tender Evaluation – Tender T08/11 Establishment of a Panel for Printing and Related Services to Council

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No:	C9.2
Matter:	Tender T08/11 Establishment of a Panel for Printing and Related Services to Council Tender Evaluation
From:	Mark Shaw MANAGER – URBAN INFRASTRUCTURE
Meeting:	Council
Date:	4 March 2013

The abovementioned matter is listed as Item No. C9.2 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

Confidential - Tender T08/11 Establishment of a Panel for Printing and Related Services to Council

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	Paul van der Kraan	Procurement and Distribution Officer – Urban Infrastructure
Member	Alison Kellett	Communications Officer – Administration & Governance
Member	Janell Keegan	Climate Change Adaptation Officer – Reserves & Recreation
Member	Belinda Smith	Administration Officer – Environmental Compliance
Independent	Peter Baartz	Senior Officer Procurement and Fleet – Urban Infrastructure

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

Scope of Services required is as follows:

1. The Scope of Services required compromise the provision of labour, equipment, material and any other things necessary to supply the Printing Requirements and related services as described further in the Specification to Pittwater Council.
2. The Contract Term (or "Contract Period" as defined in Clause 7– Conditions of Tender) is two (2) years with one (1) optional extension of one (1) year at Council's discretion for the required Services.

2.0 TENDERS RECEIVED

Nine (9) tenders were received via Tenderlink and the Council's Tender Box as follows:

- The Printing Department
- SOS Print + Media Group Australia Pty Ltd
- Planet Press Pty Ltd
- Pegasus Print Group
- Geon Australia Pty Ltd
- ecoDesign ecoPrint
- Staples
- Blue Star Print Group
- Centrum Printing

3.0 TENDER EVALUATION

3.1 Stage 1: Tender Compliance and initial cull

- (a) An initial review was conducted by the Tender Evaluation Panel (TEP) to identify any non-conforming tenders. Submissions received from the following tenderers were found to be conforming and covered the specification to sufficient degree to allow further assessment.
- SOS Print + Media Group Australia Pty Ltd
 - Planet Press Pty Ltd
 - Geon Australia Pty Ltd
 - ecoDesign ecoPrint
 - Staples
 - Blue Star Print Group
- (b) The tenders received from The Printing Department, Pegasus Print Group and Centrum Printing were culled with incomplete submissions being in evidence or due to non-compliances with the requirements of tender.

3.2 Stage 2: Evaluation of Scored Criteria

The remaining tenders underwent further detailed evaluation in relation to the key scored criteria

Scored Criteria	Schedule	%
The fees, rates and prices	Form 2	20
Key personnel including key personnel of sub-contractors	Form 3	10
Demonstrated past experience in performing work similar to the Works required in this tender and value added services	Form 4	10
Quality assurance system and procedures	Form 7	15
Environmental sustainability and social equity	Form 10	15
Work process methodology	Form 12	30

Any tender achieving an overall score of less than 70 (minor risk but acceptable) would be considered a fail and not considered further. The top three scores would be recommended to be a part of the panel.

3.3 Stage 3: Detailed Evaluation of Remaining Tenders

The tender received from SOS Print + Media Group Australia Pty Ltd for the Provision of Printing and Related Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from **SOS Print + Media Group Australia Pty Ltd** attained the highest passing score overall.
- The submission from SOS provided competitive pricing schedules, strong integrated quality assurance systems and environmental sustainability and social equity. A satisfactory response was provided regarding key personnel.

The tender received from **Blue Star Print Group** for the Provision of Printing and Related Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from Blue Star Print Group achieved the third highest score.
- The tender submission from Blue Star Print Group noted strong demonstrated past experience of similar works, quality assurance systems and work process methodologies were in evidence. Satisfactory responses were received for all remaining scored criteria.

The tender received from **ecoDesign ecoPrint** for the Provision of Printing and Related Services to Council is not recommended for acceptance.

- Whilst scoring well in most areas, the pricing received from ecoDesign ecoPrint was scored poorly by the panel and deemed expensive in comparison with other tenders

The tender received from **Planet Press** for the Provision of Printing and Related Services to Council in accordance with the tendered schedule of rates is not recommended for acceptance.

- The tender received from Planet Press scored satisfactorily in the areas of past experience and key personnel but scored lower on pricing.
- Quality assurance systems scored poorly due to lack of evidence in both system and accreditation.

The tender received from **Staples** for the Provision of Printing and Related Services to Council is not recommended for acceptance.

- The tender received from Staple scored poorly in the area of key personnel and demonstrated past experience due to the offering of a brokerage only service. No information was offered as to subcontractors.
- Quality assurance received lower scores in comparison with other tenders due to it having no relevance to printing services.

3.4 Receivership – Geon Australia Pty Ltd

The tender received from **Geon Australia Pty Ltd** for the Provision of Printing and Related Services to Council is not recommended for acceptance

During the preparation of reports to Council, correspondence was received from Geon advising of entering into voluntary administration and that they were now in the hands of the Receiver. The TEP recommended and decided not to proceed with a recommendation of appointment to a Panel.

4.0 FINANCIAL ASSESSMENT

Financial Implications

An assessment of the recommended tenderers was carried out through financial reporting agency Corporate Scorecard Pty Ltd. The recommended tenderers were found to be of good financial standing and capable of carrying out the proposed contract.

The rates offered by the recommended tenderers are within the range deemed to be commercially appropriate for the Provision of Printing and Related Services to Council.

5.0 RECOMMENDATION of TEP to Council

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tenders received from:

- SOS Print & Media Group Australia Pty Ltd
- Blue Star Print Group

as per the tendered schedule of rates for the Provision of Printing and Related Services, be accepted and that these companies be placed on a Panel for a contract period of an initial two (2) year period with one (1) year options for extension available upon successful performance.

2. That work be made available to all panel members in the services tendered on a cheapest rate/first available basis
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

T08/11 – Panel for Provision of Printing and Related Services for Council

Criteria	Response/ clause to be evaluated	Weighting or Pass/Fail	SOS + Media Group Australia Pty Ltd		Geon Australia Pty Ltd		Blue Star Print Group		ecoDesign ecoPrint	
MANDATORY CRITERIA			Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL	
Compliance with conditions of Tender	All forms	Pass/Fail	Pass		Pass		Pass		Pass	
Form of Tender	Form 1	Pass/Fail	Pass		Pass		Pass		Pass	
Financial Capacity	Form 3	Pass/Fail	Pass		Fail		Pass		Pass	
Work Health and Safety	Form 8	Pass/Fail	Pass		Pass		Pass		Pass	
Insurances	Form 9	Pass/Fail	Pass		Pass		Pass		Pass	
Departures & Qualifications	Form 11	Pass/Fail	Pass		Pass		Pass		Pass	
SCORED CRITERIA		Weight	Score out of 100	Weighted Score	Score out of 100	Weighted Score	Score out of 100	Weighted Score	Score out of 100	Weighted Score
The fees, rates and prices	Form 2	20%	100	20			65	12	55	10.8
Key Personnel	Form 3	10%	50	5			70	7	85	8.5
Demonstrated past experience	Form 4	10%	80	8			85	8.5	70	7
Quality Assurance	Form 7	15%	90	13.5			90	13.5	90	13.5
Environmental sustainability and social equity	Form 10	15%	90	13.5			80	12	85	12.75
Work process methodology	Form 12	30%	85	25			85	25.5	75	22.5
TOTAL		100%	85		Culled		78.5		75.05	

Criteria	Response/ clause to be evaluated	Weighting or Pass/Fail	Planet Press Pty Ltd		Staples		Pegasus Print Group		The Printing Department Pty Ltd	
MANDATORY CRITERIA			Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL	
Compliance with conditions of Tender	All forms	Pass/Fail	Pass		Pass		Fail		Fail	
Form of Tender	Form 1	Pass/Fail	Pass		Pass					
Financial Capacity	Form 3	Pass/Fail	Pass		Pass					
Work Health and Safety	Form 8	Pass/Fail	Pass		Pass					
Insurances	Form 9	Pass/Fail	Pass		Pass					
Departures & Qualifications	Form 11	Pass/Fail	Pass		Pass					
SCORED CRITERIA		Weight	Score out of 100	Weighted Score	Score out of 100	Weighted Score	Score out of 100	Weighted Score	Score out of 100	Weighted Score
The fees, rates and prices	Form 2	20%	65	12.1	70	13.6				
Key Personnel	Form 3	10%	90	9	50	5				
Demonstrated past experience	Form 4	10%	100	10	50	5				
Quality Assurance	Form 7	15%	55	8.25	65	9.75				
Environmental sustainability and social equity	Form 10	15%	80	12	75	11.25				
Work process methodology	Form 12	30%	75	23.5	85	25.5				
TOTAL		100%	74.85		70.1		Culled		Culled	

Criteria	Response/c lause to be evaluated	Weighting or Pass/Fail	Centrum Printing Pty Ltd	
MANDATORY CRITERIA			Score PASS/FAIL	
Compliance with conditions of Tender	All Forms	Pass/Fail	Fail	
Form of Tender	Form 1	Pass/Fail		
Financial Capacity	Form 3	Pass/Fail		
Work Health and Safety	Form 8	Pass/Fail		
Insurances	Form 9	Pass/Fail		
Departures & Qualifications	Form 11	Pass/Fail		
SCORED CRITERIA		Weight	Score out of 100	Weighted Score
The fees, rates and prices	Form 2	20%		
Key Personnel	Form 3	10%		
Demonstrated past experience	Form 4	10%		
Quality Assurance	Form 7	15%		
Environmental sustainability and social equity	Form 10	15%		
Work process methodology	Form 12	30%		
Total		100%	Culled	

Tender T08/11 Provision of Printing and Related Services to Council

Pricing Schedule for recommended Tenderers (prices exclude GST)

Product	Unit of Measure	SOS + Media Group Australia Pty Ltd	Blue Star Print Group
Council Letterhead	Ream of 500	\$12.05	\$16.25
Council With Compliance Slips	Ream of 500	\$22.40	\$22.50
Council A3 Gold Kraft Envelopes	Box of 250	\$80.00	\$87.50
Council B4 Gold Kraft Envelopes	Box of 250	\$31.67	\$34.60
Council C4 Gold Kraft Envelopes	Box of 250	\$23.25	\$25.75
Council C5 Gold Kraft Envelopes	Box of 500	\$29.80	\$32.70
Council DLX Standard Window Banker Envelope	Box of 500	\$13.10	\$14.70
Council DLX Plain Wallet Envelope	Box of 500	\$15.10	\$16.50
Council DLX Standard Window Wallet Envelope	Box of 500	\$13.37	\$15.00
Council Stores Requisition Book	Each book	\$8.30	\$10.90
Council Generic Business Cards	Box of 250	\$10.54	\$7.90
Community and Library Seniors Week Booklet	Each booklet	\$2.57	\$2.95
Community and Library Volunteer Awards Booklet	Each booklet	\$4.47	\$4.65
Community and Library Brochures	Each brochure	\$0.46	\$0.39
Community and Library School Holiday Brochures	Each brochure	\$0.46	\$0.40
Urban Infrastructure Vehicle and Plant Inspection Book	Each book	\$20.75	\$16.52
Urban Infrastructure External Plant Hire Book	Each book	\$8.00	\$14.78
Planning and Assessment Newsletter	Each newsletter	\$0.40	\$0.36
Planning and Assessment Brochure	Each brochure	\$0.27	\$0.42

Product	Unit of Measure	SOS + Media Group Australia Pty Ltd	Blue Star Print Group
Planning and Assessment Development Control Plan	Each plan	\$104.00	\$338.32
Development Application Notification Sign	Each sign	\$15.40	\$10.80
Natural Environmental and Education Brochure	Each brochure	\$0.15	\$0.07
Environmental Compliance brochure	Each brochure	\$0.25	\$0.33
Environmental Compliance Event Guide Booklet	Each booklet	\$1.20	\$1.85
Environmental Compliance Letter document	Each document	\$0.42	\$0.35
Waste Calenders	Each Calender	\$0.255	\$0.11
Reserves, Recreation and Building Services Reports – special paper 1	Each report	\$3.57	\$6.40
	Each report	\$2.74	\$4.63
Reserves, Recreation and Building Services Reports – special paper 2	Each report	\$3.88	\$7.08
	Each report	\$3.01	\$5.16
Reserves, Recreation and Building Services Reports – special paper 3	Each report	\$3.50	\$6.40
	Each report	\$2.69	\$4.63
Reserves, Recreation and Building Services Market Brochures	Each brochure	\$0.056	\$0.50
	Each brochure	\$0.165	\$0.17
	Each brochure	\$0.68	\$0.06
Catchment Management and Climate Change Council Reports	Each report	\$10.75	\$35.25

Product	Unit of Measure	SOS + Media Group Australia Pty Ltd	Blue Star Print Group
Catchment Management and Climate Change Brochures and Information Sheets A4	Each sheet	\$0.43	\$0.13
Catchment Management and Climate Change Brochures and Information Sheets A3	Each sheet	\$0.49	\$0.17
Administration and Governance Report Newsletter	Each newsletter	\$0.084	\$0.11
Total Price for Printed per unit Quantity		\$450.68	\$747.29

Confidential - Tender Evaluation - Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No: C9.3

Matter: Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club
Tender Evaluation

From: Les Munn
MANAGER – RESERVES, RECREATION & BUILDING SERVICES

Meeting: Community, Recreation & Economic Development Committee

Date: 4 March 2013

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

The detailed analysis of the tenders is circulated separately.

Les Munn
MANAGER – RESERVES, RECREATION & BUILDING SERVICES

Confidential - Tender T15/12 Renovations to Avalon Beach Surf Life Saving Club

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	John Berry	Group Leader Building Services - Reserves & Recreation
Member	Glenn Davis	Principal Officer Commercial
Member	Robert Hopton	Architect and member - Avalon Beach Surf Life Saving Club
Member	Richard Cole	Architect and member - Avalon Beach Surf Life Saving Club
Independent	Peter Baartz	Senior Officer Procurement and Fleet - Urban Infrastructure

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. Robert Hopton is the husband of the Avalon Surf Club President, Christine Hopton.

1.0 SCOPE

Scope of Services required is as follows:

1. Site establishment including setout, notice boards, site office, site facilities, plant on site etc;
2. Site Management including, site fencing, traffic management, quality control and environmental protection including sediment and erosion control;
3. Identification and protection of any existing services;
4. Site Work Health & Safety management for all sub-contractors and site personnel in accordance with legislation and Work Cover regulations and procedures;
5. Cooperation and coordination with all sub-contractors, service authorities, and other such parties as required for satisfactory completion of the works;
6. Redevelopment of the existing building including demolition, supply of all materials and construction as per Specification and Drawings;
7. Detailed design, provision of Shop Drawings, schedules reporting and samples as required by the Specification;
8. Coordination of trades and fabrication including structural steelwork, roof trusses, windows and doors, lift and mechanical services, for hardware and joinery.
9. Site disestablishment including removal of equipment, site office, site facilities and plant on site and "Make Good"; and
10. Certification of the construction of the structure by a suitably qualified Structural Engineer.

2.0 TENDERS RECEIVED

- Ichor Pty Ltd
- Illuka Constructions Pty Ltd
- Keystone Projects Group
- Patterson Building Group
- Unity NSW Pty Ltd

3.0 TENDER EVALUATION

3.1 Stage 1: Tender Compliance and initial cull

An initial review was conducted by the Tender Evaluation Panel (TEP) to identify any non-conforming tenders. Submissions received from all tenderers were found to be conforming and covered the specification to sufficient degree to allow further assessment.

3.2 Stage 2: Detailed Evaluation of Remaining Tenders

Tenders then underwent further detailed evaluation in relation to the key scored criteria.

	Weighted Criteria (Scored)	Required Information	Weight
1.	The fees, rates and prices	Form 1	45%
2.	Key personnel including key personnel of sub-contractors	Form 2	15%
4.	Quality assurance system and procedures	Form 6	15%
5.	Environmental sustainability and social equity	Form 9	5%
6.	Anticipated sub-contracting	Form 10	5%
7.	Methodology, including works programme	Form 11	15%

Scores out of 100 were allocated as per the Pittwater Council Evaluation Scoring **Guide (Attachment 1)**. Scoring achieved per tender is shown at **Attachment 2**.

The lowest price tender was accorded the full available score for the criteria. All higher priced tenders were scored using the following formula:

Lowest price/higher price x Weight

Using the individual scores for the 'Scored Criteria' and the total price, Value-for-Money (VFM) was determined for each tender by allocating a score out of 100. Criteria responses containing evidence of formal certifications to Australian or ISO standards in addition to the other minimum required documentation were accorded higher scores than submissions not containing these. Tendered pricing is shown at **Attachment 3**.

Alternative proposals were also assessed against the specification and a value for money assessment score calculated against the cheapest tender. Such calculations included the tendered price, any perceived reductions in ongoing maintenance costs and other factors as described in the tenders.

During the Stage 2 evaluation, it was determined that the alternative offer from Unity NSW Pty Ltd containing elements of value in kind could not be definitively assessed from a value viewpoint and was subsequently culled from further consideration. The panel also raised issues in relation to risk elements and probity issues relating to this offer.

3.3 Stage 3: Comparative Analysis and comments on tender evaluation

Tenders were then ranked according to VFM with the highest ranked tender to be recommended for contract award.

The lowest priced tender received from **Keystone Projects Group** (option 2) for Renovations to Avalon Beach Surf Life Saving Club in the amount of \$2,694,322.77 (including GST) is recommended for acceptance.

- The tender from Keystone Projects Group provided the most advantageous pricing with an innovative and cost effective roof truss design contributed to cost savings.
- Keystone Projects Group is a well established company with relevant project experience in evidence
- A detailed methodology provided for the proposed project and the construction program offered was both within time constraints for construction and shorter in duration than those offered by other tenders

The second lowest priced tender received from **Keystone Projects Group** (option 1) for Renovations to Avalon Beach Surf Life Saving Club in the amount of \$2,714,484.00 including GST is not recommended for acceptance.

- Whilst scoring well in all key areas, there was no advantage in this option compared to the lower priced tender from Keystone.

The third lowest priced tender received from **Unity NSW Pty Ltd** for Renovations to Avalon Beach Surf Life Saving Club in the amount of \$3,289,546.00 including GST is not recommended for acceptance.

- The submission lacked detail in relation to project staffing with resumes not being in evidence
- The quality assurance system was not certified
- Pricing and programming were less advantageous than those of the recommended tender

The fourth lowest priced tender received from **Patterson Build for Renovations** to Avalon Beach Surf Life Saving Club in the amount of \$ 3,588,117.00 including GST is not recommended for acceptance.

- Whilst achieving reasonable scores in all other key areas, the submission was accorded a poor score in relation to the use of subcontractors, lacking any real detail and noting only that these were to be advised

- Pricing and programming were less advantageous than those of the recommended tender

The fifth lowest priced tender received from **Ichor Pty Ltd** for Renovations to Avalon Beach Surf Life Saving Club in the amount of \$3,656,840.00 including GST is not recommended for acceptance.

- Whilst reasonable scores were achieved in most key areas, the pricing offered was higher than most other tenders

The sixth lowest priced tender received from **Illuka Constructions Pty Ltd** for Renovations to Avalon Beach Surf Life Saving Club in the amount of \$3,678,502.08 including GST is not recommended for acceptance.

- The pricing offered was the highest of all tenders with no significant benefit evidenced via the submitted documentation
- Information relating to key personnel (principal only noted) and contractors was lacking in detail
- Certificates of currency for insurances were not in evidence
- A longer construction program was offered and a poor score accorded to the proposed works methodology

4.0 FINANCIAL ASSESSMENT

Financial Implications

An assessment of the recommended tenderer was carried out through financial reporting agency Corporate Scorecard Pty Ltd. The recommended tenderer was assessed and following a review of the financial data obtained, the subject is considered to meet the minimum desired financial criteria for the contract in question.

The pricing offered by the recommended tenderer is within the budget allocated for Renovations to Avalon Beach Surf Life Saving Club and deemed to be commercially appropriate.

5.0 RECOMMENDATION of TEP to Council

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tender received from Keystone Projects Group for Renovations to Avalon Beach Surf Life Saving Club (T15/12) in the amount of \$2,694,322.77 (Option 2) including GST be accepted.
2. That the General Manager be authorised to sign all contract documentation required for the execution of Tender T15/12 and to make payments and consider variations in accordance with delegations of authority.
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

EVALUATION SCORESHEET

The Evaluation Panel uses the following rating scale to score its level of the confidence that the Respondent/Tenderer would do what it claims it would do to meet the contractual requirements, based on the Evaluation Panel's assessment of the Respondent's/Tenderer's strengths and weaknesses.

Note: Where proposals score less than 50 in any criterion they are to be ruled non-compliant and assessed no further. Detailed reasons for non-compliance are to be recorded.

Absolutely Risk Free Superior response to criteria. Exceedingly innovative and flexible. Greatly exceeds the evaluation criteria. Comprehensively documented. All proposals and claims comprehensively detailed and substantiated. Unequivocal support from the referees. Minimum contract management	100
Statistically Risk Free Outstanding response to criteria. Highly innovative and flexible. Comprehensively meets the evaluation criteria. Completely documented. All proposals and claims fully detailed and substantiated. Unequivocal support from the referees.	90
Minimal Risk but Acceptable Excellent response to criteria. Very innovative and flexible. Comfortable meets the evaluation criteria. Very well documented with minor omissions acceptable without change. Minor lack of substantiation of claims. Refereed happy with the tenderer.	80
Minor Risk but Acceptable Very good response to criteria. Innovative and flexible. Satisfactory meets the evaluation criteria. Well documented with minor deficiencies and shortcomings resolved with clarification and manageable with minor changes. Referees happy with the respondent/tenderer but report minor shortcomings	70
Some Risk but Acceptable Good response to criteria. Minor innovation and flexibility. Satisfactorily meets the evaluation criteria. Satisfactorily documented, with minor deficiencies and shortcomings resolved with clarification, and manageable with important changes. Referees have reservations about past performance.	60
Risky and Barely Acceptable Acceptable response to criteria, but some non-critical elements are unworkable. Minor innovation and flexibility. Just meets the evaluation criteria. Satisfactorily documented, with important deficiencies and shortcoming not fully resolved with clarification, and manageable only with significant changes. Referees have experienced poor performance in the past.	50
Risky and Unacceptable (Proposal in Non-Compliant) Problematic response to criteria, with some important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criteria. Barely documented, with important deficiencies and shortcomings not resolved by clarification and manageable only with substantial restructuring and extra Contract Manager effort. Referees report past failures.	40
Very Risky and unacceptable (Proposal is non-compliant) Poor response to criteria with many important elements unworkable. Little innovation and flexibility. Barely meets the evaluation criteria. Barely documented, with important flaws not resolved by clarification, and manageable only with a major re-write and excessive effort by the Contract Manager. Referees report past failure.	30

Extremely Risky and Unacceptable (Proposal in non-compliant) Unsatisfactory response to criteria with fundamentals lacking. No innovation and inflexible. Does not meet the evaluation criteria. Poorly documented, the Respondent/Tenderer has provided minimal information even with clarification. The respondent/tenderer has made an effort but possessed minimal capability and experiences. One or more referees are unable to recommend the tenderer	20
Unequivocally Risky (proposal is non-compliant) Incomplete response to criteria. No innovation and inflexible. Does not meet the evaluation criteria. Lacks documentation. Respondent/tenderer has provided some information but the submission/tender is not genuine. Is out of its depth. Is unsuited ton the required services. No likelihood of the Respondent/Tenderer making nay effort to mange the risk. Ne referees cited.	10

PITTWATER COUNCIL EVALUATION SCORE SHEET
T15/12 – Renovations to Avalon Beach Surf Life Saving Club

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Keystone Projects Group (option 1)		Keystone Projects Group (option 2)		Unity NSW Pty Ltd (option 1)	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Financial capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
Departures and qualifications and compliance with Specification	Form 12	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Price	Form 1	45%	45		44.75		36.9	
Key personnel	Form 3B	15%	70	10.5	70	10.5	45	6.75
Quality Assurance	Form 6	15%	75	11.25	75	11.25	80	12
Environmental sustainability and social equity	Form 9	5%	90	4	90	4	80	4
Anticipated subcontracting	Form 10	5%	75	3.75	75	3.75	75	3.75
Methodology and work programme	Form 11	15%	85	12.75	85	12.75	85	12.75
TOTAL		100%	87.25		87.00		76.15	

PITTWATER COUNCIL EVALUATION SCORE SHEET

T15/12 – Renovations to Avalon Beach Surf Life Saving Club

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Patterson Build		Ichor Pty Ltd		Illuka Construction Pty Ltd	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Financial capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
Departures and qualifications and compliance with Specification	Form 12	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Price	Form 1	45%	33.85		33.2		33	
Key personnel	Form 3B	15%	75	11.25	75	11.25	30	4.5
Quality Assurance	Form 6	15%	90	13.5	80	12	60	9
Environmental sustainability and social equity	Form 9	5%	90	4.5	80	4	55	2.75
Anticipated subcontracting	Form 10	5%	20	1	80	4	75	3.75
Methodology and work programme	Form 11	15%	70	10.5	90	13.5	45	6.75
TOTAL		100%	74.60		77.95		59.75	

TENDER PRICING**T15/12 – Renovations to Avalon Beach Surf Life Saving Club**

TENDERER	RANKING	PRICE
Keystone Projects Group (option 2)	1	\$2,694,322.77
Keystone Projects Group (option 1)	2	\$ 2,714,484.00
Unity NSW Pty Ltd	3	\$ 3,289,546.00
Patterson Build	4	\$ 3,588,117.00
Ichor Pty Ltd	5	\$ 3,656,840.00
Illuka Constructions Pty Ltd	6	\$ 3,678,502.08

Confidential – Expression of Interest 04/12 – Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale

CONFIDENTIAL ‘COMMERCIAL IN CONFIDENCE’ ADVICE

Item No: C9.4

Matter: Expression of Interest E04/12 – Provision of a Multi Storey Carpark,
Bungan Lane, Mona Vale
Tender Evaluation

From: Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

Meeting: Council

Date: 4 March 2013

The abovementioned matter is listed as Item No. C9.4 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

Confidential – Expression of Interest 04/12 – Provision of a Multi Storey Carpark, Bungan Lane, Mona Vale

CONFIDENTIAL ‘COMMERCIAL IN CONFIDENCE’ ADVICE

The Evaluation Panel (EP) for this tender comprised the following:

Role	Name	Position
Chair	Mark Shaw	Manager – Urban Infrastructure
Member	Roy Einarsen	Principal Engineer – Urban Infrastructure
Member	Glenn Davis	Principal Officer - Commercial
Independent	Peter Baartz	Senior Officer Procurement and Fleet – Urban Infrastructure

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

Scope of Services required is as follows:

The Scope of Services is the full construction a multi level car park including:

- Earth works
- Electrical works
- Hydraulic works
- Concrete works
- Stormwater drainage construction
- Mechanical ventilation (if needed) and
- All other construction activities

2.0 EXPRESSIONS OF INTEREST RECEIVED

Seventeen (17) tenders were received via Tenderlink and Council's Tender Box as follows:

- Fernandes Construction
- Grindley Construction Pty Ltd
- ADCO Constructions Pty Ltd
- APP Corporation Pty Limited
- Cockram Construction
- FAL Construction Group Pty Ltd
- Haslin Construction Pty Ltd
- Hindmarsh Construction Australia
- Keystone Projects Group Pty Ltd
- Lipman Pty Ltd
- Mbuild Managements Australia Pty Ltd
- North Construction Building Pty Ltd
- Projectcorp Australia Pty Ltd
- B. R. Durham & Sons
- Structus
- Parkview Group Australia Pty Ltd
- Beach Constructions

3.0 EXPRESSIONS OF INTEREST EVALUATION

3.1 Stage 1: Tender Compliance and initial cull

- a) An initial review was conducted by the EP to identify any non-conforming expressions of interest. Submissions received from thirteen (13) respondents were found to be conforming and covered the specification to sufficient degree to allow further assessment:
- Fernandes Construction
 - Grindley Construction Pty Ltd
 - ADCO Constructions Pty Ltd
 - Cockram Construction
 - FAL Construction Group Pty Ltd
 - Haslin Construction Pty Ltd
 - Hindmarsh Construction Australia
 - Keystone Projects Group Pty Ltd
 - Lipman Pty Ltd
 - North Construction Building Pty Ltd
 - Projectcorp Australia Pty Ltd
 - Structus
 - Parkview Group Australia Pty Ltd
- (b) EOIs received from the companies listed below did not conform in the areas of EOI compliance (submission of all documentation), Corporate Capacity and Work Health & Safety and were subsequently culled:
- Mbuild Managements Australia Pty Ltd
 - B R Durham & Sons
 - Beach Constructions
- (c) The EOI received from APP Corporation Pty Ltd was a submission for project management only and was subsequently culled.

3.2 Stages 2 and 3: Detailed Evaluation and review of shortlisted EOIs

The remaining tenders underwent further detailed evaluation in relation to the key scored criteria

Scored Criteria

Scored Criteria	Schedule	%
Key personnel	Form 2	35%
Demonstrated past experience in performing work similar to the Works required in this tender	Form 3	35%
Quality assurance system and procedures	Form 6	20%
Environmental sustainability and social equity	Form 10	10%
TOTAL		100%

1. The EOI received from ADCO Constructions for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - ADCO Constructions is a well established national company with broad government and commercial experience.
 - The EOI received from ADCO Constructions was compliant in all areas and provided strong responses to all of the scored criteria.
2. The EOI received from Hindmarsh Constructions for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - Hindmarsh Constructions is a well established national company with broad government, tertiary and commercial experience.
 - The EOI received from Hindmarsh Constructions was compliant in all areas and provided strong responses to all of the scored criteria.
3. The EOI received from Lipman Pty Ltd for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - Lipman Pty Ltd is a long established Sydney based company with broad tertiary, health and commercial experience.
 - The EOI received from Hindmarsh Constructions was compliant in all areas and provided strong responses to all of the scored criteria.
4. The EOI received from Parkview Group Australia Pty Ltd for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - Parkview Group is a well established Sydney based company with tertiary, health and other broad commercial experience.
 - The EOI received from Parkview Group provided strong responses in the areas of relevant completed projects, Quality Assurance and Sustainability and Social Equity with a very good response received for key personnel.
5. The EOI received from Cockram Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - Cockram Construction is a long established Melbourne based company with international operations. Cockram have broad experience in NSW in the tertiary, health and commercial sectors.
 - The EOI received from Cockram Construction provided strong responses in the areas of key personnel, Quality Assurance and Sustainability and Social Equity with a very good response received for relevant completed projects.
6. The EOI received from Haslin Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is recommended for acceptance.
 - Haslin Construction is a long established NSW based company with strong demonstrated experience in the proposed project.
 - The EOI received from Cockram Construction provided strong responses in the areas of key personnel, Quality Assurance and Sustainability and Social Equity.
7. The EOI received from Grindley Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - Whilst offering a compliant submission, the submission for key personnel and past experience was not as strong as other respondents.

8. The EOI received from Keystone Projects for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - The submission for key personnel and past experience was deemed of a lower quality in comparison to other responses and was therefore accorded lower scores.
9. The EOI received from FAL Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - The submission for key personnel achieved a low score with the remainder of the submission being of a lower quality than the top scored respondents.
10. The EOI received from North Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - Certificates of currency were not in evidence for the insurance information supplied.
 - The submission for past experience was not as strong as other respondents and achieved a lower score.
 - Good scores were achieved in other areas
11. The EOI received from Projectcorp Australia for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - Whilst offering a compliant submission the submission in all scored criteria was not as strong as top scoring respondents and was therefore accorded lower scores.
12. The EOI received from Fernandes Construction for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - Whilst offering a compliant submission the submission in all scored criteria was not as strong as top scoring respondents and was therefore accorded lower scores.
13. The EOI received from Structus for the provision of a multi storey car park, Bungan Lane, Mona Vale is not recommended for acceptance.
 - Whilst offering a compliant submission and recording good scores in the areas of Quality Assurance and Sustainability and Social Equity, lower scores were accorded for both key personnel and past experience

4.0 FINANCIAL ASSESSMENT

Financial statements for the recommended respondents were provided and reviewed and found to be of sufficient capacity to allow progress to the tendering stage. An assessment of the respondents to tender is to be carried out during tender assessment

5.0 RECOMMENDATION of TEP to Council

- 5.1 That in accordance with Section 55 of the *Local Government Act* and the Local Government (General) Regulation, the Expressions of Interest from the following Companies for the provision of a multi storey car park, Bungan Lane, Mona Vale (EO4/12) be accepted and these companies be invited to submit detailed tenders through a subsequent select tender process.

ADCO Constructions Pty Ltd
Cockram Construction
Haslin Construction Pty Ltd
Hindmarsh Construction Australia
Lipman Pty Ltd
Parkview Group Australia Pty Ltd

- 5.2 That the unsuccessful respondents be advised of Council's decision.

PITTWATER COUNCIL EVALUATION SCORE SHEET**E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale**

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	ADCO Construction		Hindmarsh Construction		Lipman Pty Ltd	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Corporate capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Key personnel	Form 2	35%	90	31.5	90	31.5	90	31.5
Past experience in the works to be performed	Form 3	35%	90	31.5	90	31.5	90	31.5
Quality Assurance	Form 6	20%	90	18	90	18	90	18
Environmental sustainability and social equity	Form 10	10%	90	9	90	9	90	9
TOTAL		100%	90		90		90	

PITTWATER COUNCIL EVALUATION SCORE SHEET

E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Parkview Construction		Cockram Construction		Haslin Construction	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Corporate capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Key personnel	Form 2	35%	85	29.75	90	31.5	90	31.5
Past experience in the works to be performed	Form 3	35%	90	31.5	85	29.75	85	29.75
Quality Assurance	Form 6	20%	90	18	90	18	90	18
Environmental sustainability and social equity	Form 10	10%	90	9	90	9	90	9
TOTAL		100%	88.25		88.25		88.25	

PITTWATER COUNCIL EVALUATION SCORE SHEET

E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Grindley Construction		Keystone Projects		FAL Construction	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Corporate capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Key personnel	Form 2	35%	80	28	50	17.5	30	10.5
Past experience in the works to be performed	Form 3	35%	80	28	50	17.5	85	29.75
Quality Assurance	Form 6	20%	90	18	90	18	80	16
Environmental sustainability and social equity	Form 10	10%	90	9	90	9	70	7
TOTAL		100%	83		62		63.25	

PITTWATER COUNCIL EVALUATION SCORE SHEET

E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	North Construction		Structus		Projectcorp Australia	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		PASS		PASS	
Corporate capacity	Form 2	Pass/Fail	PASS		PASS		PASS	
Work Health & Safety	Form 7	Pass/Fail	PASS		PASS		PASS	
Insurances	Form 8	Pass/Fail	PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total
Key personnel	Form 2	35%	85	29.75	70	24.5	90	31.5
Past experience in the works to be performed	Form 3	35%	75	26.25	60	21	60	21
Quality Assurance	Form 6	20%	90	18	70	14	50	10
Environmental sustainability and social equity	Form 10	10%	90	9	70	7	90	9
TOTAL		100%	83		71.5		66.5	

PITTWATER COUNCIL EVALUATION SCORE SHEET

E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Fernandes Construction		APP Corporation Pty Ltd		B. R. Durham & Sons	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	PASS		FAIL		FAIL	
Corporate capacity	Form 2	Pass/Fail	PASS					
Work Health & Safety	Form 7	Pass/Fail	PASS					
Insurances	Form 8	Pass/Fail	PASS					
SCORED CRITERIA			Score	Total	Total	Score	Total	
Key personnel	Form 2	35%	40	14				
Past experience in the works to be performed	Form 3	35%	50	17.5				
Quality Assurance	Form 6	20%	60	12				
Environmental sustainability and social equity	Form 10	10%	80	8				
TOTAL		100%	51.5		CULLED		CULLED	

PITTWATER COUNCIL EVALUATION SCORE SHEET

E04/12 – Provision of a multi storey car park – Bungan Lane, Mona Vale

Criteria	Response/clause to be evaluated	Weighting or Pass/Fail	Mbuild Managements Pty Ltd		Beach Contractions	
MANDATORY CRITERIA			PASS/FAIL		PASS/FAIL	
Compliance with conditions of tender	All forms	Pass/Fail	FAIL		FAIL	
Corporate capacity	Form 2	Pass/Fail	FAIL			
Work Health & Safety	Form 7	Pass/Fail			FAIL	
Insurances	Form 8	Pass/Fail				
SCORED CRITERIA			Score	Score	Total	Score
Key personnel	Form 2	35%				
Past experience in the works to be performed	Form 3	35%				
Quality Assurance	Form 6	20%				
Environmental sustainability and social equity	Form 10	10%				
TOTAL		100%	CULLED		CULLED	

Confidential – Tender Evaluation – Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council
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CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No:	C10.3
Matter:	Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council Tender Evaluation
From:	Les Munn MANAGER – RESERVES, RECREATION & BUILDING SERVICES
Meeting:	Community, Recreation & Economic Development Committee
Date:	4 March 2013

The abovementioned matter is listed as Item No. C10.3 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Les Munn
MANAGER – RESERVES, RECREATION & BUILDING SERVICES

Confidential - Tender T12/12 Establishment of a Panel for the Provision of Tree Maintenance Services to Council

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	Robert Clarke	Tree Management Officer – Reserves & Recreation
Member	John Berry	Group Leader Building Services – Reserves & Recreation
Member	Paul van der Kraan	Procurement and Distribution Officer – Urban Infrastructure
Independent	Peter Baartz	Senior Officer Procurement and Fleet – Urban Infrastructure

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

Scope of Services required is as follows:

1. The Scope of Services required comprise the provision of labour, equipment, material and expertise necessary to carry out tree maintenance and other related services as described further in the Specification to Pittwater Council.
2. The Contract Term (or "Contract Period" as defined in Clause 7– Conditions of Tender) is two (2) years with two (2) optional extensions of one (1) year each at Council's discretion for the required Services.

2.0 TENDERS RECEIVED

Eight (8) tenders were received via Tenderlink and the Council's Tender Box as follows:

- Utility Asset Management Pty Ltd
- Sydney Metro Tree Services Pty Ltd
- Plateau Tree services Pty Ltd
- General Forest Tree Surgeon Pty Ltd
- C J Murphy Tree Recycling Services Pty Ltd
- City Wide Service Solutions Pty Ltd
- Arbor Pride Pty Ltd
- Active Tree Services

3.0 TENDER EVALUATION

3.1 Stage 1: Tender Compliance and initial cull

- (a) An initial review was conducted by the Tender Evaluation Panel (TEP) to identify any non-conforming tenders. Submissions received from the following tenderers were found to be conforming and covered the specification to sufficient degree to allow further assessment.
- Utility Asset Management Pty Ltd
 - Sydney Metro Tree Services Pty Ltd
 - Plateau Tree services Pty Ltd
 - CJ Murphy Tree Recycling Services Pty Ltd
 - City Wide Service Solutions Pty Ltd
 - Arbor Pride Pty Ltd
 - Active Tree Services
- (b) The tender received from General Forest Tree Surgeon did not confirm due to not having required level of insurance as included in the Conditions of Contract and was subsequently culled.

3.2 Stage 2: Evaluation of Scored Criteria

The remaining tenders underwent further detailed evaluation in relation to the key scored criteria

Scored Criteria	Schedule	%
The fees, rates and prices	Form 2	20
Key personnel including key personnel of sub-contractors	Form 3	20
Demonstrated past experience in performing work similar to the Works required in this tender and value added services	Form 4	10
Quality assurance system and procedures	Form 7	10
Environmental sustainability and social equity	Form 10	10
Work process methodology	Form 12	30

Any tender achieving a score of less than 70 (minor risk but acceptable) in any of the Scored Criteria would be considered a fail and not considered further. The top five scores would be recommended to be a part of the panel.

3.3 Stage 3: Detailed Evaluation of Remaining Tenders

The tender received from Citywide Service Solutions Pty Ltd for the Provision of Tree Maintenance Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from Citywide Service Solutions Pty Ltd attained the equal highest score of eighty two (82).
- The submission from Citywide provided competitive pricing schedules, strong integrated quality assurance systems and environmental sustainability and social equity. A satisfactory response was provided regarding key personnel.

The tender received from Active Tree Services (ATS) for the Tree Maintenance Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from ATS attained the equal highest score of eighty two (82).
- The tender submission received from ATS was strong in addressing Work Process Methodologies, Demonstrated past experience of similar works and Environmental Sustainability and Social Equity. Satisfactory responses were received for all remaining scored criteria.

The tender received from Plateau Tree Services for the Provision of Tree Maintenance Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from Plateau achieved the second highest score of seventy seven (77).
- The tender submission from Plateau noted strong demonstrated past experience of similar works, quality assurance systems and work process methodologies were in evidence. Satisfactory responses were received for all remaining scored criteria.

The tender received from C J Murphy Tree Recycling Pty Ltd for the Provision of Tree Maintenance Services to Council in accordance with the tendered schedule of rates is recommended for acceptance.

- The tender from C J Murphy achieved the third highest score of seventy four (74).
- The tender submission from C J Murphy noted strong, quality assurance systems and demonstrated past experience. Satisfactory responses were received for all remaining scored criteria.

The tender received from Sydney Metro Services Pty Ltd for the provision of Tree Maintenance Services to Council is not recommended for acceptance.

- Sydney Metro was culled in stage 2 of the evaluation due to a score of fifty eight (58) in the pricing schedule.

The tender received from Arbor Pride Pty Ltd for the provision of Tree Maintenance Services to Council is not recommended for acceptance.

- Arbor Pride was culled in stage 2 of the evaluation due to a score of forty seven (47) in the pricing schedule.

The tender received from Utility Asset Management Pty Ltd for the provision of Tree Maintenance Services to Council is not recommended for acceptance.

- Utility Asset Management was culled in stage 2 of the evaluation due to a score of fifty five (55) in the work process methodology.

4.0 FINANCIAL ASSESSMENT

Financial Implications

An assessment of the recommended tenderers was carried out through financial reporting agency Corporate Scorecard Pty Ltd. The recommended tenderers were found to be of good financial standing and capable of carrying out the proposed contract.

The rates offered by the recommended tenderers are within the range deemed to be commercially appropriate for Tree Maintenance Services to Council.

5.0 RECOMMENDATION of TEP to Council

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the tenders received from:
 - Plateau Tree Services Pty Ltd.
 - C J Murphy Tree Recycling Services Pty Ltd.
 - City Wide Service Solutions Pty Ltd.
 - Active Tree Services.

as per the tendered schedule of rates for the Tree Maintenance Services, be accepted and that these companies be placed on a Panel for a contract period of an initial two (2) year period with one (1) year options for extension available upon successful performance.

2. That work be made available to all panel members in the services tendered on a cheapest rate/first available basis
3. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

PITTWATER COUNCIL EVALUATION SCORE SHEET

T12/12 – Panel for Tree Maintenance Services

Criteria	Response/cause to be evaluated	Weighting or Pass/Fail	Utility Asset Management Pty Ltd		Sydney Metro Tree Services Pty Ltd		General Forest Tree Surgeon Pty Ltd		Plateau Tree Services Pty Ltd	
MANDATORY CRITERIA			Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL	
Compliance with conditions of Tender	All Forms	Pass/Fail	PASS		PASS				PASS	
Form of Tender	Form 1	Pass/Fail	PASS		PASS				PASS	
Corporate capacity	Form 3	Pass/Fail	PASS		PASS				PASS	
Work Health & Safety	Form 8	Pass/Fail	PASS		PASS				PASS	
Insurances	Form 9	Pass/Fail	PASS		PASS		CULLED		PASS	
Departures & Qualifications	Form 11	Pass/Fail	PASS		PASS				PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total	Score	Total
The fees, rates and prices	Form 2	20 %	17.5		11.5				15.5	
Key personnel	Form 3	20 %	70	14	CULLED STAGE 2				80	16
Demonstrated past experience	Form 4	10 %	70	7					80	8
Quality Assurance	Form 7	10 %	70	7					85	8.5
Environmental sustainability and social equity	Form 10	10 %	70	7					70	7
Work process methodology	Form 12	30 %	55	16.5					75	22
TOTAL		100 %	CULLED		CULLED		CULLED		77	

T12/12 – Panel for Tree Maintenance Services

Criteria	Response/ clause to be evaluated	Weighting or Pass/Fail	C J Murphy Tree Recycling Services Pty Ltd		City Wide Service Solutions Pty Ltd		Arbor Pride Pty Ltd		Active Tree Services	
MANDATORY CRITERIA			Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL		Score PASS/FAIL	
Compliance with conditions of Tender	All Forms	Pass/Fail	PASS		PASS		PASS		PASS	
Form of Tender	Form 1	Pass/Fail	PASS		PASS		PASS		PASS	
Corporate capacity	Form 3	Pass/Fail	PASS		PASS		PASS		PASS	
Work Health & Safety	Form 8	Pass/Fail	PASS		PASS		PASS		PASS	
Insurances	Form 9	Pass/Fail	PASS		PASS		PASS		PASS	
Departures & Qualifications	Form 11	Pass/Fail	PASS		PASS		PASS		PASS	
SCORED CRITERIA			Score	Total	Score	Total	Score	Total	Score	Total
The fees, rates and prices	Form 2	20 %	14.5		20		9		19.5	
Key personnel	Form 3	20 %	70	14	70	14	CULLED STAGE 2		80	16
Demonstrated past experience	Form 4	10 %	80	8	80	8			80	8
Quality Assurance	Form 7	10 %	85	8.5	75	8.5			85	8.5
Environmental sustainability and social equity	Form 10	10 %	75	7.5	85	8.5			70	7
Work process methodology	Form 12	30 %	70	21	75	22.5			75	22.5
TOTAL		100 %	73.5		81.5		CULLED		81.5	

T12/12 – Panel for Tree Maintenance Services - Pricing Schedule for recommended Tenderers (prices exclude GST)

Service Description	City Wide Service Solutions Pty Ltd	Active Tree Services	Plateau Tree Services Pty Ltd	C J Murphy Tree Recycling Services Pty Ltd
Raising Crowns for pedestrian and traffic access over roads & foot paths per tree	\$69.00	\$66.00	\$67.50	\$19.50
Raising Crowns/Deadwood Removal down to 40mm over road to 5m per km	\$1628.00	\$620.00	\$2756.25	\$2880.00
Pruning/deadwood removal down to 40mm 11-15m including road control	\$73.00	\$322.00	\$281.25	\$470.00
Removal tree/stump grind 0-5m include road control	\$188.00	\$165.00	\$157.00	\$140.00
Removal tree/ stump grind 6-10m include road control	\$316.00	\$290.00	\$405.00	\$320.00
Removal tree/ stump grind 6-10m include road control with powerlines	\$422.00	\$460.00	\$517.50	\$620.00
Removal tree/stump grind 11-15m include road control	\$996.00	\$685.00	\$686.25	\$780.00
Removal tree/ stump grind 11-15m include road control and crane	\$1811.00	\$1230.00	\$843.75	\$1320.00
Price per 8hr, crew, truck and chipper including traffic control staff	\$1101.00	\$2600.00	\$2418.75	\$2240.00
TOTALS	\$6304.00	\$6438.00	\$8133.75	\$8789.50