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<b>C11.3</b>	<b>N0051/12 - 3 Florence Terrace, Scotland Island - Alterations and Additions to the Existing Dwelling, Boatshed and Public Access and Steps on Crown Land</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 18 June 2012

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**STRATEGY:** Land Use Development

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0051/12 for alterations and additions to the existing dwelling, boatshed and public access and steps on Crown land at 3 Florence Terrace, Scotland Island (Lot 112 DP 617064)

### **1.0 BACKGROUND**

1.1 The Development Unit, at its meeting held on Thursday 17 May 2012, considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0051/12 for alterations and additions to the existing dwelling, boatshed and public access and steps on Crown land at 3 Florence Terrace, Scotland Island.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

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

2.2 This application involves a variation to the foreshore building line of greater than 10%.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

3.1 The Development Unit resolved to endorse the Assessing Officer's recommendation subject to the draft Conditions of Consent.

### **4.0 ISSUES**

- B1.4 Aboriginal Heritage Significance
- D8.7 Foreshore building line
- D8.9 Site coverage
- D15.15 Marine Facilities

### **5.0 SUSTAINABILITY ASSESSMENT**

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

## **6.0 EXECUTIVE SUMMARY**

The application was considered by the Development Unit at its meeting held on 17 May 2012 and endorsed the Assessing Officer's recommendation.

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### **RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0051/12 for alterations and additions to the existing dwelling, boatshed and public access and steps on Crown land at 3 Florence Terrace, Scotland Island (Lot 112 DP 617064) be granted development consent subject to the conditions contained in the Draft Determination.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0051/12 - 3 Florence Terrace, Scotland Island (Lot 112 DP 617064) Alterations and Additions to the Existing Dwelling, Boatshed and Public Access and Steps on Crown Land.**

**Determination Level:** Development Unit

**Date:** 17 May 2012

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**SUMMARY OF RECOMMENDATION**

**CONSENT WITH CONDITIONS**

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<b>REPORT PREPARED BY:</b>	Sophie Litherland
<b>APPLICATION SUBMITTED ON:</b>	15/02/2012
<b>APPLICATION SUBMITTED BY:</b>	MICHAEL STUART CHAPMAN PO BOX 180 FRESHWATER 2096
<b>OWNER(S):</b>	CHAPMAN, MICHAEL STUART (Own)

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## 1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) Residential pursuant to Pittwater Local Environmental Plan 1993. The proposed public access is located below the mean high water mark (MHWM) where the zoning is W2 Residential Waterways. The proposed development being alterations and additions to the existing dwelling as well as ancillary marine facilities is permitted with consent.

## 2.0 NOTIFICATIONS

- 3 property owners notified
- 1 submission received in support of the application

## 3.0 ISSUES

- B1.4 Aboriginal Heritage Significance
- D8.7 Foreshore building line
- D8.9 Site coverage
- D15.15 Marine Facilities

## 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
<b>REF - Development Engineer</b>					
B3.1 Landslip Hazard			Y	Y	Y
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.6 Rainwater Tanks - Water Supply			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			Y	Y	Y

Control	Standard	Proposal	T	O	N
B6.11 Access Driveways, Internal Driveway and Off Street Parking Requirements - Dwelling House - Scotland Island			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
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			-	-	-
<b>REF - Health</b>					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
<b>REF - Natural Resources</b>					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.16 Seagrass Conservation			Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
<b>REF - Planner</b>					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee		Owners consent has been provided for the proposed works on Crown Land.	Y	Y	Y

Control	Standard	Proposal	T	O	N
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
4.8 Integrated Development - Rivers, Streams and Foreshores		<p>The proposal was referred to the Department of Primary Industries - Fisheries Division prior to the application being lodged with Council. The DPI-Fisheries Division provided the following comment:</p> <p><i>"The proposal does not include any dredging, reclamation, harm to marine vegetation, nor blockage of fish passage, and therefore DPI-Fisheries does not consider the proposal to constitute Integrated Development under s.91 of the Environmental Planning and Assessment Act 1979. DPI-Fisheries does not need to be consulted at development application stage unless there are amendments to the proposal."</i></p> <p>The plans stamped by DPI- Fisheries on 19/10/11 are consistent with those lodged with the Development Application</p>	Y	Y	Y
4.8 Integrated Development - Rivers, Streams and Foreshores		The proposed development is exempt from Controlled Activities Approval pursuant to Schedule 5 of the Water Management (General) Regulation 2011.	-	-	-
NSW Maritime Referral		The proposal was referred to NSW Maritime prior to the lodgement of the Development Application. Correspondence dated 22 <sup>nd</sup> September 2011 advises that there is no navigation concerns regarding the proposal.	Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			-	-	-
B3.2 Bushfire Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal		Existing septic tank	Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-

Control	Standard	Proposal	T	O	N
B5.13 Development on Waterfront Land					
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		Minimal overshadowing will occur as a result of the proposed works	Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		None proposed	Y	Y	Y
C1.17 Swimming Pool Safety			-	-	-
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves		The existing design of the dwelling does not include eaves and has a result the minor works to the dwelling have not included eaves. The proposed will maintain the character of the locality and is supported	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D8.1 Character as viewed from a public place			Y	Y	Y
D8.3 Building colours and materials		Dark and earthy tones proposed	Y	Y	Y
D8.4 Height	8.5m	5.05m to existing ridge Boatshed- 4.5m	Y	Y	Y
D8.5 Front building line	6.5m	7m from boundary to Florence Terrace to proposed works	Y	Y	Y
D8.6 Side and rear building line	2.5 at least to one side; 1.0 for other side	West: 1.1m to 3m to proposed new works East: 1m to existing dwelling The proposed enclosure of the existing deck results in a minor non-compliances with the control. However, the proposal does maintain the existing footprint of the dwelling and will not result in overlooking to the adjoining property or overshadowing. The proposal is considered to be appropriate given the maintenance of the existing setback and achievement of the outcomes of the control.	N	Y	Y
D8.7 Foreshore building line		The proposed new boatshed and rigging deck are located between the foreshore building line and the MHW. However, are considered to be boating facilities and are permitted under the control. The proposed public access will allow for safe access to be provided free of obstruction and have been supported by the Department of Lands as the works are located on Crown Land	Y	Y	Y

Control	Standard	Proposal	T	O	N
D8.8 Building envelope			Y	Y	Y
D8.9 Site coverage	29% or 207.64m <sup>2</sup>	Site coverage=228m <sup>2</sup> With variations for 6% of the site for the existing and proposed decking the site coverage is reduced to 184m <sup>2</sup> and complies. It should also be noted that the proposed enclosure of the existing deck to the dwelling would not increase the building footprint.	N	Y	Y
D8.10 Fences		No fences proposed	Y	Y	Y
D8.11 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D8.13 Stormwater overflow			Y	Y	Y
D8.14 Parking management			Y	Y	Y
D8.15 Site disturbance			Y	Y	Y
D8.16 Scenic Protection Category One Areas			Y	Y	Y
D15.9 Public foreshore access		The proposal will encourage public foreshore access and use of the waterway by including timber access stairs below the MHWL.	Y	Y	Y
D15.11 Waterfront lighting			Y	Y	Y
D15.12 Development seaward of mean high water mark		Works forward of the MHWL include access steps on the rock platform. A marine habitat report has been provided and also support from the Department of Primary Industries stating that there will be no harm to marine life will occur as a result of the structure	Y	Y	Y
D15.15 Marine Facilities		See discussion below	Y	Y	Y
SEPP No 71 Coastal Protection		The application was referred to the Dept. of Planning for assessment under SEPP 71. There have been no issues raised in regards to the proposal	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			-	-	-
Other State Environmental Planning Policies (SEPPs)			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 site is known as 3 Florence Terrace, Scotland Island (Lot 112 DP 617064). The site is irregular in shape and has a total area of 716m<sup>2</sup> located on the northern side of Scotland Island. The site rises steeply from the MHWL at a grade of 35 degrees and an existing single storey dwelling exists towards the rear of the site. There is a Right of Way, which provides access from Florence Terrace and at present access via the water is available via a shared jetty at 5 Florence Terrace or via the public wharf 'Tennis Wharf'. The site is identified as being slip affected and located within a bushfire prone area.



## 6.0 PROPOSAL IN DETAIL

The applicant seeks consent for a new boatshed and rigging deck located on freehold land with a public access walkway and steps on Crown Land, the enclosure of the existing deck on the western side of the existing dwelling.

## 7.0 BACKGROUND

The application was notified for 14 days and during this time, one submission was received in support of the application. The application was referred to Council's Development Engineer, Natural Resources and SEPP 71. A site visit was conducted on Thursday 26th April 2012.

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

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

### **Development standard to be varied**

Part IV 7(4) of Pittwater Local Environmental Plan (PLEP) 1993 which states: "*A building shall not be erected between the foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed.*"

### **Extent of variation.**

Proposed new boatshed, rigging deck and public access steps are located entirely between the foreshore building line and the embankment.

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

The aim of SEPP no. 1 is to:

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

*(a) to encourage:*

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

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

The proposed works will result in a development which will promote economic use of the land and enable necessary waterfront access. The proposal will be in keeping with the desired future character of the Locality and as discussed below achieve the outcomes of the development standard.

### **Underlying Object or Purpose of the Standard**

The objectives of the standard can be taken from those stated under Control D8.7 Foreshore Building Line of Pittwater 21 DCP.

- The proposed boatshed, rigging deck and public access will be in keeping with the similar boatshed and associated decks located along the foreshore of the northern side of Scotland Island. When viewed from the waterway, there will be minimal visual intrusion and the built form will be complimentary to the natural environment.
- The current vegetation of the area includes a number of canopy trees, namely Casurinas that will be retained and will compliment the built form. Therefore, protecting the natural vegetated state of the foreshore area.
- Pedestrian access will be improved by providing a 1 metre wide access way from the rock shelf to the rigging deck. This will improve the current access situation by providing safe access to Pitt View St and onto the public Tennis Wharf.

### **Reasonableness of requiring compliance with the Development Standard**

The proposed non-compliance with the Foreshore Building Line does not raise any matter of significance in regards to State or Regional planning. In addition, the proposal will provide improved public benefits in terms of the access steps and is capable of achieving the objectives as discussed above. Strict compliance with the development standard is not considered necessary and would be unreasonable in this instance given that the waterfront location of the subject site and the need to provide access to the site via the waterway.

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

## **9.0 EXISTING USE RIGHTS**

Does the proposal rely on Existing Use Rights?

## **10.0 DISCUSSION OF ISSUES**

### **• B1.4 Aboriginal Heritage Significance**

Council's Natural Resources officer provided the following comments:

*A recorded midden is located in the nearby Catherine Park foreshore, however the foreshore of the subject site is modified and contains a seawall, so there are no apparent issues.*

### **• B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community**

Council's Natural Resources officer provided the following comments:

*The property contains a modified landscape although has predominantly native canopy trees and shrubs, and adjoins the foreshore of Pittwater estuary. The proposed works involve the construction of a boatshed and alterations to the existing dwelling. Due to trees existing on the site in close proximity to the proposed works an arborist report has been submitted (Syncarpia Vegetation Management, September 2011).*

The report assesses fifteen (15) trees which are within 5 metres of the proposed boatshed construction. Alterations to the existing dwelling are remaining in the current footprint and will not impact on surrounding vegetation. All trees surrounding the proposed boatshed works are able to be retained and tree protection measures applicable to those are to be adopted as specified in the arborist report. A Marine Ecology report has been submitted (Marine Pollution Research, September 2011) and provides recommendations to minimise impact on existing vegetation (Grey Mangroves). The report has determined that the existing mangroves are further than 5 metres from the proposed works however their pneumatophore (aerial) roots may possibly get trampled by construction workers and specifies methods to prevent this, which are to be adopted as outlined in the conclusion of the report. There are no seagrass or saltmarsh issues.

- **D15.15 Marine Facilities**

An assessment of the proposed boatshed against part (c) Marine Facilities Control is provided below:

Boatsheds shall meet the following criteria:

- i. *Boatsheds shall be located above mean high water mark on freehold land, where practicable. Where this cannot realistically be achieved, as much of the proposed boatshed as is practical must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark:*  
*The proposed boatshed and associated rigging deck are located above the MHW.*
- ii. *Boatsheds shall be one storey and no greater than 4.5 metres in height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length, as illustrated in Diagram 4. The use of lofts or similar design concepts shall not be permitted.*  
*The proposed boatshed is 4.5m in height, 4m wide and 6m long.*
- iii. *Boatsheds shall not prevent or hinder public foreshore access. Alternative access must be provided where a proposed boatshed is likely to make existing foreshore access below mean high water mark difficult.*  
*The proposal includes the provision of a public access walkway.*
- iv. *Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.*  
*No habitation facilities such as a kitchen are proposed. The proposed boatshed is for the sole purpose of storing a boat and associated equipment.*
- v. *Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Structures proposed along the western foreshores, McCarrs Creek, Horseshoe Cove, Salt Pan Cove, Refuge Cove, Clareville and Careel Bay are to have specific regard for the natural landscaped character of the area. Reflective materials and finishes for private boatsheds shall not be permitted.*  
*The proposed boatshed is to be constructed using hardwood and sandstone with a dark grey Colorbond roof.*
- vi. *The minimum floor level for proposed boatsheds shall be in accordance controls for foreshore development around the Pittwater Waterway.*  
*The proposed boatshed has a finished floor level of 1.65m AHD. All materials located below the Estuarine Planning Level of 2.5m will be flood compatible and all electrical equipment waterproofed.*

vii. *Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway.*

*The proposed boatshed can be completely enclosed and appropriate hardwood cladding has been proposed.*

viii. All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level.

*Council's Development Engineer has recommended conditions to ensure that all electrical equipment/wiring shall be water proofed below 2.5m AHD.*

The proposed boatshed is capable of meeting all of the above criteria and is considered to be suitable foreshore development similar to that which currently exists around the Pittwater Waterway. The proposal is therefore supported and recommended for approval.

## **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.

The proposed alterations and additions to the existing dwelling are considered to be minor and are contained within the existing footprint of the dwelling. The proposed marine facilities works are in keeping with the desired future character of the Locality and will provide suitable access for property. Furthermore, the proposal is considered to have minimal environmental impact and can achieve the outcomes of the control.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 81 of the Environmental Planning and Assessment Act 1979 grant consent to development application N0051/12 for alterations and additions to the existing dwelling, construction of a new boatshed, rigging deck and public access stairs at 3 Florence Terrace, Scotland Island subject to conditions of consent.

Report prepared by

Sophie Litherland  
**SENIOR PLANNER**

**DRAFT DETERMINATION**

**CONSENT NO: N0051/12  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

**Applicants Name and Address:**

MICHAEL STUART CHAPMAN  
PO BOX 180  
FRESHWATER 2096

Being the applicant in respect of Development Application No **N0051/12**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0051/12 for:  
Alterations and additions to the existing dwelling, boatshed and walkway on crown land.

**At: 3 Florence Terrace, Scotland Island (Lot 112 DP 617064)**

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **drawings numbered 2121 - DA01, 2121- DA02, 2121- DA03, 2111- DA01, 2111- DA02 prepared by Stephen Crosby & Associates Pty Ltd dated September 2011; Tree Assessment prepared by Julia Stanton dated September 2011; Geotechnical Risk Management Report prepared by Jack Hodgson Consultants Pty Ltd dated 6<sup>th</sup> September 2011, Bushfire Risk Assessment prepared by Bushfire Planning Services dated 23 September 2011; Aquatic Ecology Report prepared by Marine Pollution Research Pty Ltd dated 27<sup>th</sup> September 2011**

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

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

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

## CONDITIONS OF APPROVAL

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

1.
  - a. All structural elements below the Estuarine Planning level shall be of flood compatible materials.
  - b. All structures must be designed and constructed to achieve a low risk of damage and instability due to estuarine hazard.
  - c. All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Estuarine Planning level.
  - d. The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwater is not permitted below the Flood Planning level.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

Any vegetation planted onsite outside approved landscape zones is to be consistent with:

- a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  - b. Species listed from the Endangered Ecological Community
  - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
4. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
5. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.



6. No building materials or other materials are to be placed on mangroves (including aerial roots) or other foreshore vegetation. Sediment is not to leave the site or enter areas of foreshore vegetation, and the appropriate sediment fencing is to be installed.
7. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.
8. Mangroves (including aerial roots) are to be in the same (or better condition) post development as it is prior to development on the site. The recommendations on Page 5 and 6 of the Aquatic Ecology Survey report (Marine Pollution Research September 2011) are to be implemented. Prior to issue of Occupation Certificate a site inspection is to be made and compliance with the approved report is to be certified by the Aquatic Ecology Consultant. Seagrass beds as per approved report/plan are to be retained for the life of the development.
9. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.
10. No building materials or other materials are to be placed on foreshore / seagrass or other native vegetation. Sediment is not leave the site or enter areas of seagrass or its habitat.
11. In accordance with Pittwater Councils Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
12. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
13. No water pollution shall result from the operation of any plant or equipment or activity carried out.
14. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
15. Materials and colour schemes are to be in accordance with the sample scheme approved by Council.

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

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

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. 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.
3. Structural Engineering details relating to the development are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.



4. Details in the Construction Certificate are to reflect the requirements of the Bushfire Assessment report prepared by Bushfire Planning Services dated 23<sup>rd</sup> September 2011.

**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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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.

4. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
5. No skip bins or materials are to be stored on Council's Road Reserve.
6. 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.
7. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.

8. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Syncarpia Vegetation Management dated September 2011 are required to be complied with before and throughout the development period, particularly with regard to the following:
  - i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
  - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
  - iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
  - iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
  - v. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
9. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

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

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

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

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

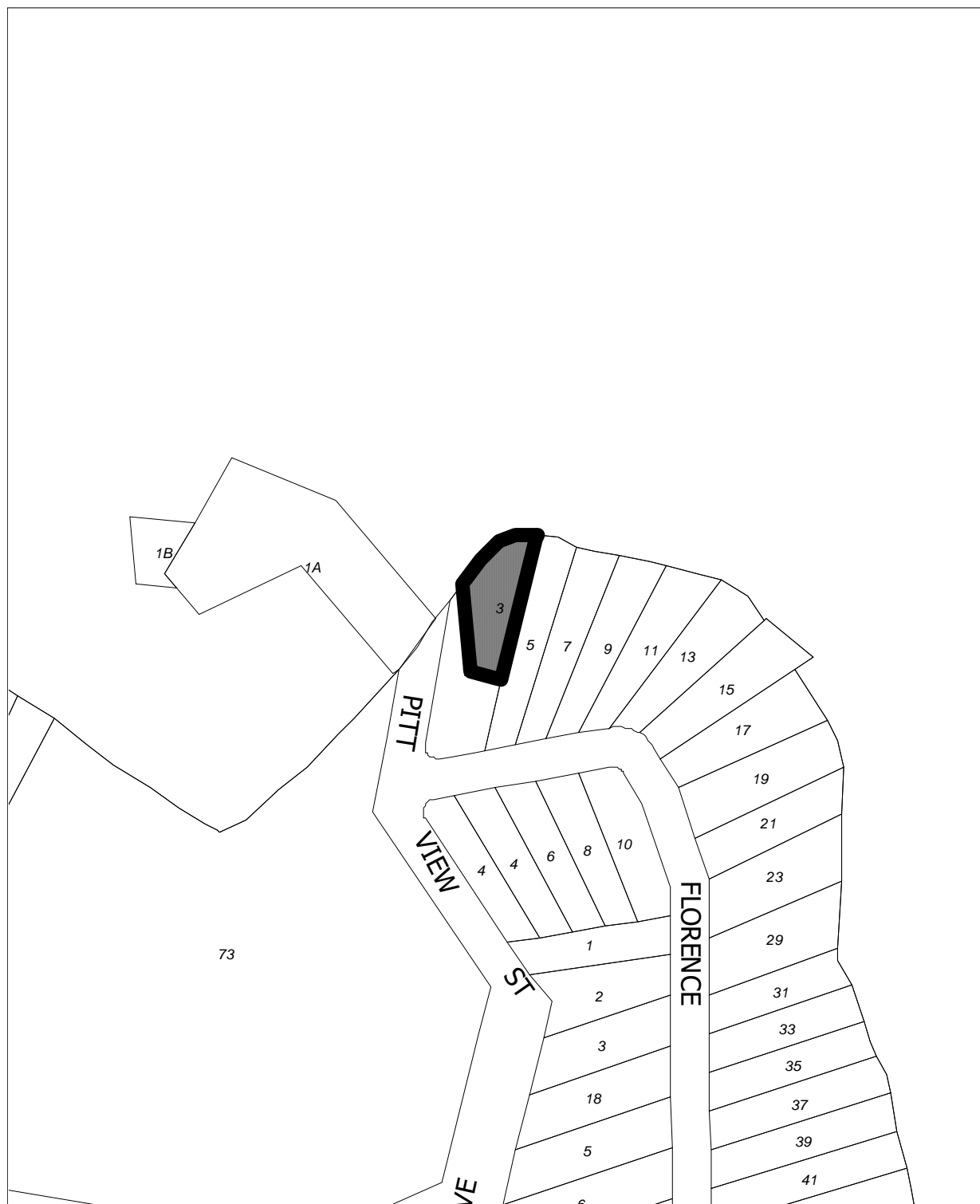
**F. Matters to be satisfied prior to the issue of Subdivision Certificate:**

Nil

**G. Advice:**

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

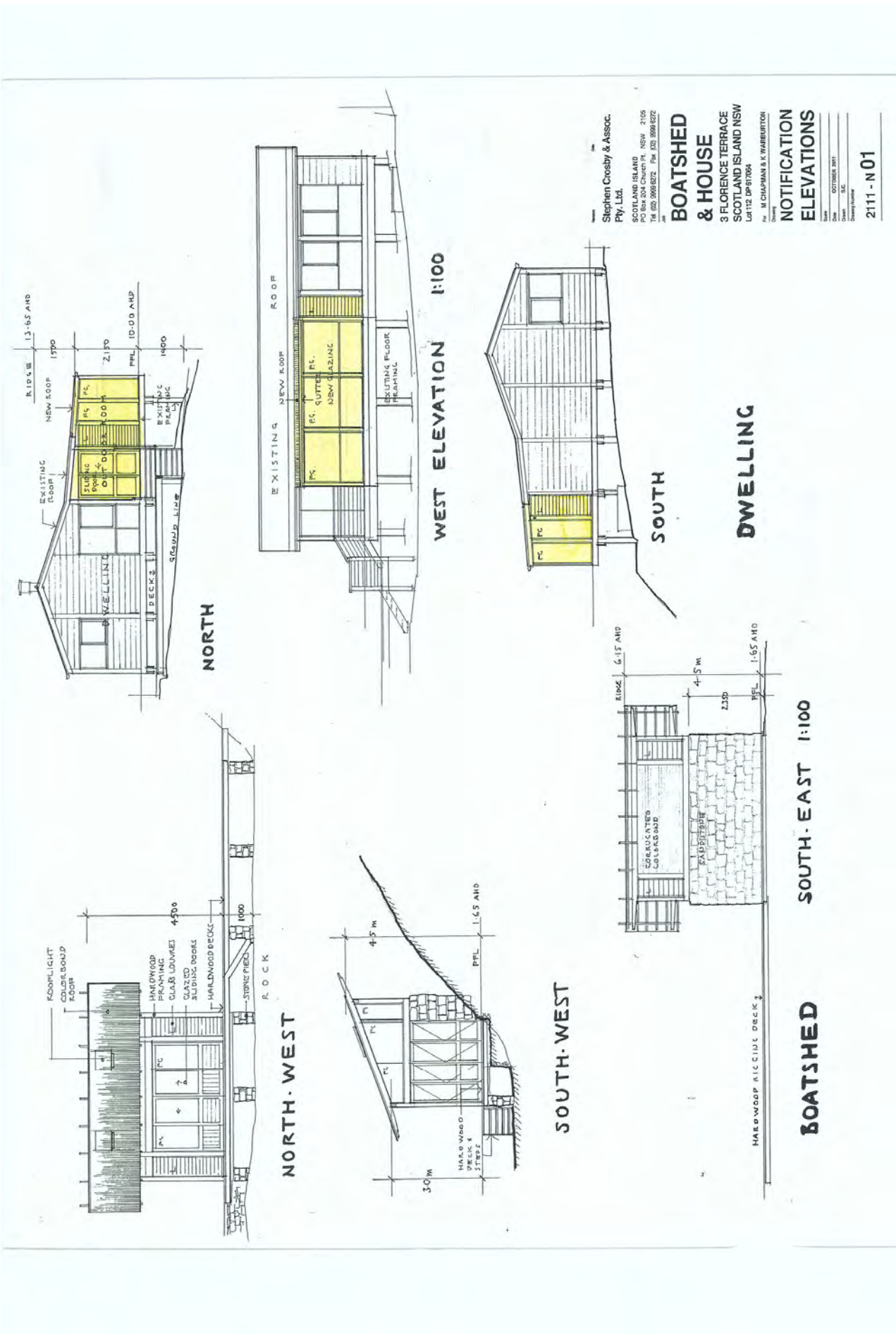
## LOCATION PLAN



## NOTIFICATION PLANS







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<b>C11.4</b>	<b>N0004/12 - 36 Delecta Avenue, Clareville - Alterations and Additions and Swimming Pool</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 18 June 2012

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**STRATEGY:** Land Use Development

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0004/12 for alterations and additions and a swimming pool to 36 Delecta Avenue, Clareville (Lot 6 DP13291).

### **1.0 BACKGROUND**

1.1 The Development Unit, at its meeting held on Thursday 17 May 2012, considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0004/12 for alterations and additions and a swimming pool to 36 Delecta Avenue, Clareville.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

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

2.2 This application involves a variation to the foreshore building line of greater than 10%.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

3.1 The Development Unit resolved to endorse the Assessing Officer's recommendation subject to the draft Conditions of Consent.

### **4.0 ISSUES**

- D1.8 Front building line
- D1.10 Foreshore building line

### **5.0 SUSTAINABILITY ASSESSMENT**

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

### **6.0 EXECUTIVE SUMMARY**

The application was considered by the Development Unit at its meeting held on 17 May 2012 and endorsed the Assessing Officer's recommendation for approval.

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## **RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0004/12 for alterations and additions and a swimming pool to 36 Delecta Avenue, Clareville (Lot 6 DP13291) be granted development consent subject to the conditions contained in the Draft Determination.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**



**SUBJECT: N0004/12 - 36 Delecta Avenue, Clareville (Lot 6 DP13291)  
Alterations and additions and swimming pool**

**Determination Level:** Development Unit

**Date:** 17 May 2012

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### **SUMMARY OF RECOMMENDATION**

#### **CONSENT WITH CONDITIONS**

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<b>REPORT PREPARED BY:</b>	Joshua Real
<b>APPLICATION SUBMITTED ON:</b>	06/01/2012
<b>APPLICATION SUBMITTED BY:</b>	HOUSED PTY LTD 17 / 51 OLD BARRENJOEY ROAD AVALON BEACH 2107
<b>OWNER(S):</b>	LEWIS, GARY LEON (OwnResOcc)

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### **1.0 DEVELOPMENT CONTROLS**

The site is zoned 2(a) Residential under the provisions of Pittwater Local Environmental Plan 1993. The proposed alterations and additions are permissible with consent. The following relevant local and state policies apply to this site:

- Pittwater Local Environmental Plan (LEP) 1993
- Pittwater 21 Development Control Plan (Amendment 6)
- Geotechnical Risk Management Policy for Pittwater 2009

### **2.0 NOTIFICATIONS**

- 5 property owners notified
- 0 submission/s received

### **3.0 ISSUES**

- D1.8 Front building line
- D1.10 Foreshore building line

#### 4.0 COMPLIANCE TABLE

T - Can the proposal satisfy the technical requirements of the control?

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings 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			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-

Control	Standard	Proposal	T	O	N
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		<i>No apparent issues.</i>	Y	Y	Y
B3.5 Acid Sulphate Soils		<i>No issues. Acid Sulphate Region 5 only.</i>	Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community		<i>For comment see B4.7</i>	Y	Y	Y
B4.16 Seagrass Conservation		<i>For comment see B4.7</i>	Y	Y	Y
B4.19 Estuarine Habitat		<i>For comment see B4.7</i>	Y	Y	Y
B4.20 Protection of Estuarine Water Quality		<i>For comment see B4.7</i>	Y	Y	Y
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
4.8 Integrated Development - Rivers, Streams and Foreshores			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-

Control	Standard	Proposal	T	O	N
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		The proposed development is a swimming pool	-	-	-
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			Y	Y	Y
C1.17 Swimming Pool Safety			Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves			-	-	-
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D1.1 Character as viewed from a public place			Y	Y	Y
D1.5 Building colours and materials			Y	Y	Y
D1.6 Height - General			Y	Y	Y
D1.8 Front building line	Front setback of 8.5m	Front building setback of 2.0m	N	Y	Y
D1.9 Side and rear building line					
D1.10 Foreshore building line		The proposed development is located forward of the foreshore building line. See SEPP1 for discussion	N	Y	Y
D1.11 Building envelope			Y	Y	Y
D1.14 Site coverage - Environmentally Sensitive Land	Maximum site coverage of 40% and minimum landscaped area of 60%	The proposed development results in a site coverage of 38% which complies with the control.	Y	Y	Y
D1.15 Fences - General		None proposed	-	-	-
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D1.20 Scenic Protection Category One Areas			Y	Y	Y
D15.9 Public foreshore access			Y	Y	Y
D15.11 Waterfront lighting			Y	Y	Y

Control	Standard	Proposal	T	O	N
D15.12 Development seaward of mean high water mark			Y	Y	Y
SEPP No 71 Coastal Protection			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			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 property is known as 36 Delecta Avenue and has a legal description of Lot 6, DP 13291. The site is regular in shape and is located on the northern side of Delecta Avenue with eastern boundary facing Pittwater. The site has a total site area of 1102sq m. Located on the site is a two storey residence and is surrounded by two storey residences.

## 6.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following: Construction of a new swimming pool Construction of a new deck extension.

## 7.0 BACKGROUND

Development application N0004/12 was notified to adjoining property owners in accordance with Councils notification policy. The application was referred to Council's engineering, natural resource officer for comment.

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

The applicant seeks to vary a development standard which requires the application of SEPP No. 1. Clause 6 of SEPP 1 states:

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The applicant has submitted a written objection to support why compliance with the development standard is unreasonable and unnecessary. Clause 7 of SEPP 1 states:

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

Council's assessment of the SEPP 1 Objection is as follows:

#### Development Standard to be Varied

Part IV 7(4) of Pittwater Local Environmental Plan (PLEP) 1993 which states: *"A building shall not be erected between the foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed."*

Extent of variation: The proposed new deck and swimming pool are located within the Foreshore Building Line (FBL) setback.

The justification of the variation provided by the applicant is as follows:

*"The proposed works within the foreshore building line are considered minor and are of a "landscape" nature. The majority of the proposed work is set to a maximum 1.0m height above natural ground level and relate to the ground floor level of the existing dwelling. The pool is set back 9000mm and the deck 11500mm from the foreshore line. Complying side setbacks have been retained. None of the proposed includes habitable area.*

*The pool and deck extension are unobtrusive when viewed from the waterway and will not adversely impact upon the neighbouring properties. The inclusion of decks and swimming pools within this zone is typical of many properties in the area and as such should be considered an acceptable variation to the development standard.*

#### Underlying Object or Purpose of the Standard

There are no specific objectives to Part IV 7 (4) of PLEP 1993. However, the fundamental objectives of the standard have been taken as the objectives stated in Control D1.10 Foreshore Building Line in Pittwater 21 DCP. These objectives are listed further below.

#### Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case

*Wehbe v Pittwater Council* [2007] NSWLEC 827 outlines a number of methods to establish if strict compliance with the development standard is unreasonable or unnecessary. The submitted SEPP 1 Objection seeks to establish that requiring compliance with the development standard in this instance is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding the non-compliance. *Wehbe v Pittwater Council* [2007] NSWLEC 827 provides the following guidance when applying this method of assessment:

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

The objectives outlined in Control D1.7 Foreshore Building Line in Pittwater 21 DCP are addressed as follows:

- The proposed works will allow for the existing dwelling to remain a maximum of two (2) storeys in any one place in a landscaped setting and sympathetic to the landform it is located on. The proposed works will allow for the existing dwelling to remain of minimal bulk and scale and maintain a height limit below the tree canopy. The desired future character of the Avalon locality is considered to be achieved.
-

It is considered that the addition of the proposed swimming pool and deck will not significantly increase the visual impact of the existing dwelling when viewed from Pittwater and would achieve an uncluttered setback. Furthermore, the proposal will not impede upon pedestrian access along the foreshore.

- The proposed development attempts to maintain and maximize the existing vegetation within the foreshore building line. The property in particular contains an iconic Norfolk Island Pine within the FBL which is to be retained.
- View sharing is maintained to the subject site and adjoining properties. Furthermore, it is considered that the proposed works will allow for the preservation of local views of the foreshore which will be enhanced by the requirement of a landscape plan as discussed previously.
- The proposed works together with the landscaping of the foreshore setback area will allow for the amenity of the foreshore areas to be protected and enhanced and will ensure that the proposed development compliments the public use of the Pittwater waterway.

In accordance with Clause 8 of SEPP 1, it is considered that the non-compliance with the FBL does not raise any matter of significance for State and regional planning. Furthermore, it is considered that there would be little public benefit in maintaining strict compliance with the FBL as prescribed in Pittwater LEP 1993 as the proposal is mindful of the surrounding natural elements including the foreshore of Pittwater, amenity to the public and private domain is considered to be reasonably maintained, the visual impact of the proposal is minimal when viewed from the waterway and foreshore access will remain available to the general public.

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

Furthermore, it is considered that strict compliance of the development standard in this instance would be inconsistent with the aims of SEPP 1 as it would not allow for the flexible application of planning controls where compliance with the control would be unreasonable or unnecessary and it would not encourage the attainment of orderly and economic development of the site.

In this regard, it is considered that the objection is well founded.

## **9.0 EXISTING USE RIGHTS**

Does the proposal rely on Existing Use Rights? No

## **10.0 DISCUSSION OF ISSUES**

- **B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community + C1.1 Landscaping.**

Pittwater Council's Natural Resources officer provided the following comments:

*The property contains a modified landscape typical of a domestic garden and contains palms and exotic trees. The proposed works involve alterations to the existing dwelling including a deck and the construction of a swimming pool. Excluding the pool, the majority of the works are within the existing building footprint. One (1) Norfolk Island Pine is in close proximity to the proposed pool and an arborist report has been submitted (Rain Tree Consulting December 2011) which examines the potential impacts of the development. A trench has been dug along the nearest line of the proposed pool and coping which has only uncovered one root. The report recommends that the tree can be retained and provides detailed tree protection measures, including positioning of the tree protection fencing, are to be adopted as specified in the report. The recommendations of the arborist report are supported and the report is therefore approved. There are no further natural resource issues.*

- **D1.8 Front building line**

The proposed swimming pool has a front setback of 2.0m which doesn't comply with the control. However the shape and dimensions of the site and the orientation of the house means that the front setback which fronts Delecta Avenue acts as both front setback and a side setback. Additionally the pool maintains existing side/front building setbacks and is considered to not contribute to the bulk and scale of the development. Therefore the non compliance is considered to be acceptable.

## **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.

The proposal is considered to be consistent with the relevant statutory and policy controls and outcomes. While there is a breach in regards to the pool located forward of the foreshore building line it is considered to be acceptable. The impacts of the alterations and additions have been addressed and considered to result in an acceptable impact subject to the recommended conditions. Accordingly, the application is recommended for approval.

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## **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 B0004/12 for alterations and additions and a swimming pool at the existing dwelling at 36 Delecta Avenue, Clareville subject to the conditions of consent.

Report prepared by

Joshua Real  
**PLANNER**



## DRAFT DETERMINATION

### CONSENT NO: N0004/12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

#### Applicants Name and Address:

HOUSED PTY LTD  
17 / 51 OLD BARRENJOEY ROAD  
AVALON BEACH 2107

Being the applicant in respect of Development Application No **N0004/12**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0004/12** for:

Alterations and additions and swimming pool

**At: 36 Delecta Avenue, Clareville (Lot 6 DP 13291)**

#### 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

- **Plans numbered 02 through 10 prepared by Housed Pty Ltd dated December 2011**
- **BASIX Certificate number A129317 Dated 22/12/2011**
- **Arborist Report prepared by Rain Tree Consulting dated December 2011**
- **Geotechnical report prepared by Jack Hodgson Consultants Pty Ltd.**
- **Landscape plan prepared by GoodManors dated 20/12/2011**

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

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

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

## CONDITIONS OF APPROVAL

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. The Estuarine Planning level is RL 2.60 metres AHD.
  - a. All structural elements below the Estuarine Planning level shall be of flood compatible materials.
  - b. All structures must be designed and constructed to achieve a low risk of damage and instability due to estuarine hazard.
  - c. All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Estuarine Planning level.
  - d. The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwater is not permitted below the Flood Planning level.
2. The minimum floor level shall be at or above the Estuarine Planning level.
3. The minimum floor level of an enclosed garage shall be at or above the Estuarine Planning level.
4. The internal driveway finish is:
  - a. to be a stable surface for all weather conditions
  - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  - b. Species listed from the Endangered Ecological Community
  - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)

8. 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](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
10. For the life of the development, swimming pool water must not be discharged directly into the natural waterway or Pittwater estuary.
11. At least two (2) canopy trees are to be provided in the front yard area and one (1) in the rear yard area, which at maturity will achieve a canopy height greater than 8.5 metres, to visually reduce the height, bulk and scale effect of the dwelling. Species selection is to incorporate locally native species. These canopy trees are to be retained over the life of the development and replaced if they should die or be destroyed or removed.
12. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
13. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
16. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
17. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
18. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of material is to be submitted with the Construction Certificate.  
(Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development).
19. The finished surface materials, including colours and texture of any building, shall match the detail and materials of the existing building.

20. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
21. This development consent does not authorise any retaining walls within the foreshore building line and does not authorise any landscaping works on the sandy beachfront to the west of the existing curved retaining wall.

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

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

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

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

3. 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.
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. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

6. 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.
7. Structural Engineering details relating to the approved works 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.
8. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. All excavations 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.
2. 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.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
5. 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.
6. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
7. 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.



8. 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:
  - o The builder's name, builder's telephone contact number both during work hours and after hours.
  - o That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - o 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.
  - o That no skip bins or materials are to be stored on Council's Road Reserve.
  - o That the contact number for Pittwater Council for permits is 9970 1111.
9. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.
10. Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report (Rain Tree Consulting December 2011) are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.
11. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

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

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

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

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Prior to the issue of an Occupation Certificate a certificate by a Registered Surveyor is to be provided to the Private Certifying Authority, stating that the finished floor level is at or above the EPL.

3. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
4. 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.
5. Documented evidence of a qualified arborist supervising the works in proximity to trees being retained and ensuring that all tree protection measures as specified in the supplied arborist report is required. This documentation is to be provided prior to the issue of the Occupation Certificate.
6. 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.
7. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

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

Nil

**G. Advice:**

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).



6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgment of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

D  
R

A

F

T

## LOCALITY MAP



# NOTIFICATION PLAN

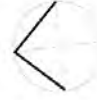
## NOTE:

CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WITH THE WORK SHOWN ON THIS DRAWING ONLY. DO NOT SCALE DRAWINGS. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR A DECISION BEFORE PRECEEDING WITH WORK. ALL WORK TO BE CONSTRUCTED TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND THE LIGHT WEIGHT TIMBER FRAMING CODE

## LEGEND

- 01 Existing deck extended.
- 02 New swimming pool with screens and decks to comply with AS 1926
- 03 proposed external timber shutters
- 04 Existing window opening reduced in height. New external timber batted screens to be incorporated into balustrade.
- 05 Existing window opening, with new external timber shutters.
- 06 Existing window opening modified to door height
- 07 New Replace flue

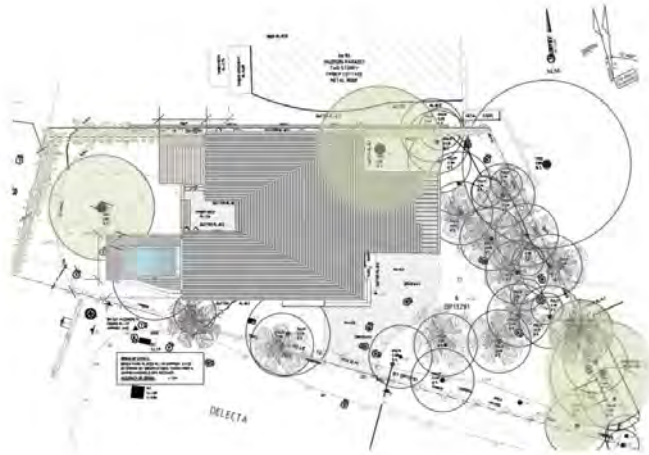
G + K LEWIS  
36 Delecta Avenue  
Clareville  
LOT 6 DP 13291



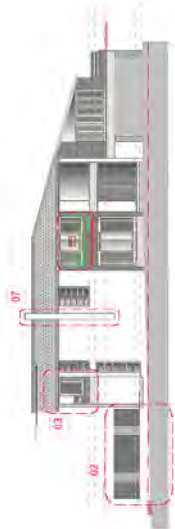
DEVELOPMENT APPLICATION  
Issue A

december 2011

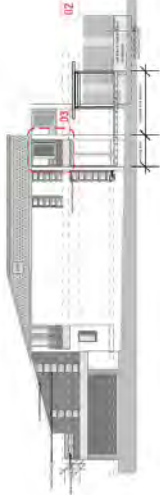
**HOUSED**  
BY NANA LESLIE  
m:085128186 e:nanaleslie@yahoo.com.au



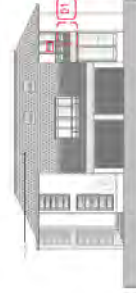
west elevation proposed



south elevation proposed



north elevation proposed



east elevation proposed

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<b>C11.5</b>	<b>N0463/11 - 8 Iluka Road, Palm Beach - Alterations and Additions to the Existing Dwelling</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 18 June 2012

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**STRATEGY:** Land Use Development

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0463/11 for alterations and additions to the existing dwelling at 8 Iluka Road, Palm Beach (Lot 49 DP 14682)

### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday 17 May 2012, considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0463/11 for alterations and additions to the existing dwelling at 8 Iluka Road, Palm Beach.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

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

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

- 3.1 The Development Unit resolved to endorse the assessing officer's recommendation subject to the draft Conditions of Consent with the deletion of conditions B7, B9, D1 and D2.

### **4.0 ISSUES**

- B1.4 Aboriginal Heritage Significance
- B3.5 Acid Sulphate Soils
- B4.15 Saltmarsh Endangered Ecological Community
- B4.16 Seagrass Conservation
- B4.19 Estuarine Habitat
- B4.20 Protection of Estuarine Water Quality
- C1.1 Landscaping

### **5.0 SUSTAINABILITY ASSESSMENT**

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

## **6.0 EXECUTIVE SUMMARY**

The application was considered by the Development Unit at its meeting held on 17 May 2012 and endorsed the Assessing Officer's recommendation for approval with the deletion of conditions B7, B9, D1 and D2.

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### **RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0463/11 for alterations and additions to the existing dwelling at 8 Iluka Road, Palm Beach (Lot 49 DP 14682) be granted development consent subject to the conditions contained in the Draft Determination and the additional deletion of conditions B7, B9, D1 and D2.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0463/11 - 8 Iluka Road, Palm Beach (Lot 49 DP 14682)  
Alterations and additions**

**Determination** Development Unit  
**Level:**

**Date:** 17 May 2012

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**SUMMARY OF RECOMMENDATION****CONSENT WITH CONDITIONS**

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<b>REPORT PREPARED BY:</b>	Joshua Real
<b>APPLICATION SUBMITTED ON:</b>	20/12/2011
<b>APPLICATION SUBMITTED BY:</b>	ALBERT HOGGETT ARCHITECTS PTY LTD 11/174 WILLOUGHBY ROAD CROWS NEST 2065
<b>OWNER(S):</b>	BELLOTTI, STEPHEN MAURICE (OwnResOcc)

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**1.0 DEVELOPMENT CONTROLS**

The site is zoned 2(a) Residential under the provisions of Pittwater Local Environmental Plan 1993. The proposed alterations and additions are permissible with consent. The following relevant local and state policies apply to this site:

- Pittwater Local Environmental Plan (LEP) 1993, and
- Pittwater 21 Development Control Plan (Amendment 6).

**2.0 NOTIFICATIONS**

- 5 property owners notified
- 1 submission/s received from the Palm Beach & Whale Beach Association

**3.0 ISSUES**

- B1.4 Aboriginal Heritage Significance
- B3.5 Acid Sulphate Soils
- B4.15 Saltmarsh Endangered Ecological Community
- B4.16 Seagrass Conservation
- B4.19 Estuarine Habitat
- B4.20 Protection of Estuarine Water Quality
- C1.1 Landscaping

#### 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					
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal					
B5.3 Greywater Reuse					
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		<i>No apparent issues.</i>	Y	Y	Y
B3.5 Acid Sulphate Soils		<i>Acid Sulphate Region 3, however no excavation involved.</i>	Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community		See natural resources comments in discussion	Y	Y	Y
B4.16 Seagrass Conservation		See natural resources comments in discussion	Y	Y	Y
B4.19 Estuarine Habitat		See natural resources comments in discussion	Y	Y	Y
B4.20 Protection of Estuarine Water Quality		See natural resources comments in discussion	Y	Y	Y
C1.1 Landscaping		See natural resources comments in discussion	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
4.8 Integrated Development - Rivers, Streams and Foreshores			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-



Control	Standard	Proposal	T	O	N
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety			Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves			-	-	-
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			-	-	-
D1.21 Masterplan - Careel Bay			-	-	-
D12.1 Character as viewed from a public place			Y	Y	Y
D12.3 Building colours and materials					
D12.4 Height	Maximum height of 8.5m	The proposed pergola has a height of 3m.	Y	Y	Y
D12.5 Front building line	Front building setback of 6.5m	The proposed development is located at the rear of the dwelling.	Y	Y	Y
D12.6 Side and rear building line	Side setbacks of 2.5m and 1.0m. Foreshore building line applies to the rear setback.	The proposed development has a side setback of 2.2m to the western boundary and 1.7m to the eastern boundary and therefore complies with the side setback requirement. Foreshore building line applies to the rear setback. See D12.7	Y	Y	Y
D12.7 Foreshore building line		A submission was received from the Palm Beach & Whale Beach Association in regards to the proposed roofed deck being located forward of the foreshore building line. See SEPP1 for further discussion.	N	Y	N
D12.8 Building envelope		The proposed development is within the building envelope of the site.	Y	Y	Y

Control	Standard	Proposal	T	O	N
D12.10 Site coverage - Environmentally Sensitive Land	Maximum site coverage of 40% and minimum landscaped area of 60%	The proposed development is located over existing hard surface areas and therefore there is no change to the site coverage of the site.	Y	Y	Y
D12.11 Fences - General		None proposed	-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas			-	-	-
D12.14 Scenic Protection Category One Areas			Y	Y	Y
D15.9 Public foreshore access			Y	Y	Y
D15.11 Waterfront lighting			Y	Y	Y
D15.12 Development seaward of mean high water mark			Y	Y	Y
D15.22 Masterplan - Careel Bay			Y	Y	Y
SEPP No 71 Coastal Protection			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		BASIX not required for decks and pergolas	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

\*Issues marked with an **x** are discussed later in the report.

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

## 5.0 SITE DETAILS

The property is known as 8 Iluka Road, Palm Beach and has a legal description of Lot 49, DP 14682. The site is regular in shape and is located on the south-western side of Iluka Road. The site has a total site area of 556.4 sq m. Located on the site is a two storey residence and is surrounded by two storey residences. The site has a rear setback to the Sandy Beach overlooking Pittwater.

## 6.0 PROPOSAL IN DETAIL

The applicant seeks consent to remove the paving at the rear of the existing dwelling and to erect a timber deck including a steel framed polycarbonate roof.

## 7.0 BACKGROUND

Development application N0463/11 was notified to adjoining property owners in accordance with Councils notification policy. The application was referred to Council's engineering, natural resource officer for comment.

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

The applicant seeks to vary a development standard which requires the application of SEPP No. 1. Clause 6 of SEPP 1 states:

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The applicant has submitted a written objection to support why compliance with the development standard is unreasonable and unnecessary. Clause 7 of SEPP 1 states:

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

Council's assessment of the SEPP 1 Objection is as follows:

### Development Standard to be Varied

Part IV 7(4) of Pittwater Local Environmental Plan (PLEP) 1993 which states: "A building shall not be erected between the foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed."

Extent of variation: The proposed roofed deck is located within the Foreshore Building Line (FBL) setback.

The justification of the variation provided by the applicant is as follows:

*"The only real visual impact in this proposal is the new roof over the timber deck. This area is already occupied by a paved courtyard area. There will be no change to the existing landscaped area and the new roof has been carefully integrated into the style of the existing house. The new roof is significantly below the eaves/gutter line of the existing two storey building and will not add to the height, bulk and scale of the existing house.*

*Notwithstanding the above non-compliance, it is considered that the proposal satisfies the underlying objectives of Clause 7 of the Model Provisions. There is no impact on views, privacy and sunlight of any of the adjoining residential properties. The house and the proposed roof and new timber deck are set well back from the Mean High Water Mark. The proposal will be hardly noticeable from the water not only because it will generally be in keeping with the setbacks of the surrounding residential properties but also the proposed external finishes and colour will be in sympathy with the built environment."*

### Underlying Object or Purpose of the Standard

There are no specific objectives to Part IV 7 (4) of PLEP 1993. However, the fundamental objectives of the standard have been taken as the objectives stated in Control D1.10 Foreshore Building Line in Pittwater 21 DCP. These objectives are listed further below.

### Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case

*Wehbe v Pittwater Council* [2007] NSWLEC 827 outlines a number of methods to establish if strict compliance with the development standard is unreasonable or unnecessary. The submitted SEPP 1 Objection seeks to establish that requiring compliance with the development standard in this instance is unreasonable and unnecessary because the objectives of the development standard are achieved notwithstanding the non-compliance. *Wehbe v Pittwater Council* [2007] NSWLEC 827 provides the following guidance when applying this method of assessment:

*The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved.*

*However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).*

It is considered that the proposed development meets the outcomes set out in Control D12.7 Foreshore Building Line. There will be no change to the existing landscaped area and the new roof has been carefully integrated into the style of the existing house. The new roof is significantly below the eaves/gutter line of the existing two storey building and will not add to the height, bulk and scale of the existing house. Notwithstanding the above non-compliance, it is considered that the proposal satisfies the underlying objectives of Clause 7 of the Model Provisions. There is no impact on views, privacy and sunlight of any of the adjoining residential properties. The house and the proposed roof and new timber deck are set well back from the Mean High Water Mark. The proposal will be hardly noticeable from the water not only because it will generally be in keeping with the setbacks of the surrounding residential properties but also the proposed external finishes and colour will be in sympathy with the built environment.

In accordance with Clause 8 of SEPP 1, it is considered that the non-compliance with the FBL does not raise any matter of significance for State and regional planning. Furthermore, it is considered that there would be little public benefit in maintaining strict compliance with the FBL as prescribed in Pittwater LEP 1993 as the proposal is mindful of the surrounding natural elements including the foreshore of Pittwater, amenity to the public and private domain is considered to be reasonably maintained, the visual impact of the proposal is minimal when viewed from the waterway and foreshore access will remain available to the general public.

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

Furthermore, it is considered that strict compliance of the development standard in this instance would be inconsistent with the aims of SEPP 1 as it would not allow for the flexible application of planning controls where compliance with the control would be unreasonable or unnecessary and it would not encourage the attainment of orderly and economic development of the site.

The submission from the Palm Beach & Whale Beach Association also raised concern that the deck, if approved, could be converted into a walled structure at a later date. The assessment should only take into consideration what has been proposed with this application as any further works would be subject to a further development application.

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## 9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

## 10.0 DISCUSSION OF ISSUES

- **Natural Resources**

Pittwater Councils Natural Resources officer provided the following comments:

*The property consists of a modified landscape typical of a suburban garden.*

*The proposed works include a new deck and roof. There is no significant vegetation on site or within close proximity to the proposed works and all works are contained within the existing building footprint. There are no further natural resource issues.*

## 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.

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

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## 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 N0463/11 for alterations and additions to the existing dwelling at 8 Iluka Road, Palm Beach subject to the conditions of consent.

Report prepared by

Joshua Real  
**PLANNER**

**DRAFT DETERMINATION**

**CONSENT NO: N0463/11  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

**Applicants Name and Address:**

ALBERT HOGGETT ARCHITECTS PTY LTD  
11/174 Willoughby Road  
Crows Nest NSW 2065

Being the applicant in respect of Development Application No **N0463/11**

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 **N0463/11** for:

**Alterations and additions**

**At: 8 Iluka Road, Palm Beach (Lot 49 DP 14682)**

**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

**Plans numbered DA-01 A and DA-02 A prepared by Albert Hoggett Architects dated 20/12/2011**

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

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

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

## CONDITIONS OF APPROVAL

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. in the case of work to be done by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

1. 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.
2. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
3. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
4. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
5. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
6. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
7. All external glazing is to have a maximum reflectivity index of 25%.
8. The finished surface materials, including colours and texture of any building, shall match the detail and materials of the existing building.
9. Timber log retaining walls are not permitted and are not to be included in the proposed development.



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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

### **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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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.
4. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
5. No skip bins or materials are to be stored on Council's Road Reserve.
6. 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:
  1. The builder's name, builder's telephone contact number both during work hours and after hours.
  2. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  3. 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.
  4. That no skip bins or materials are to be stored on Council's Road Reserve.
  5. That the contact number for Pittwater Council for permits is 9970 1111.
7. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

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

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

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

1. 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.

#### **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 lodgment 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](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

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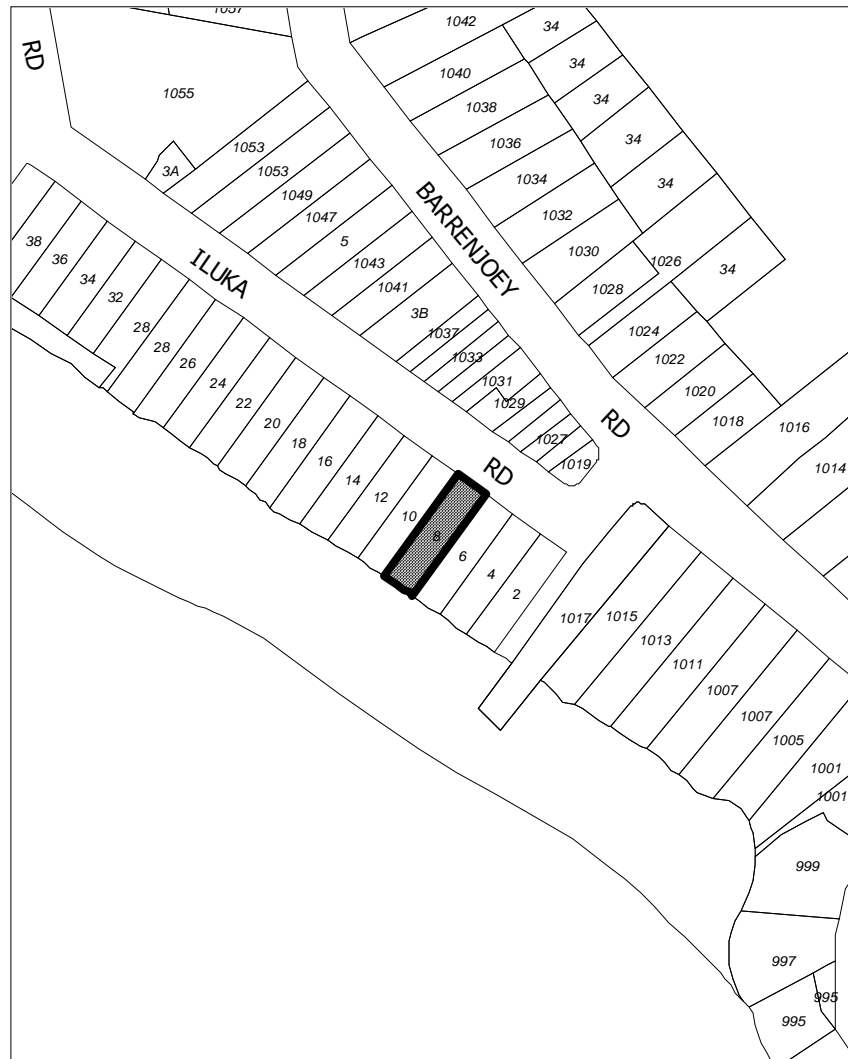
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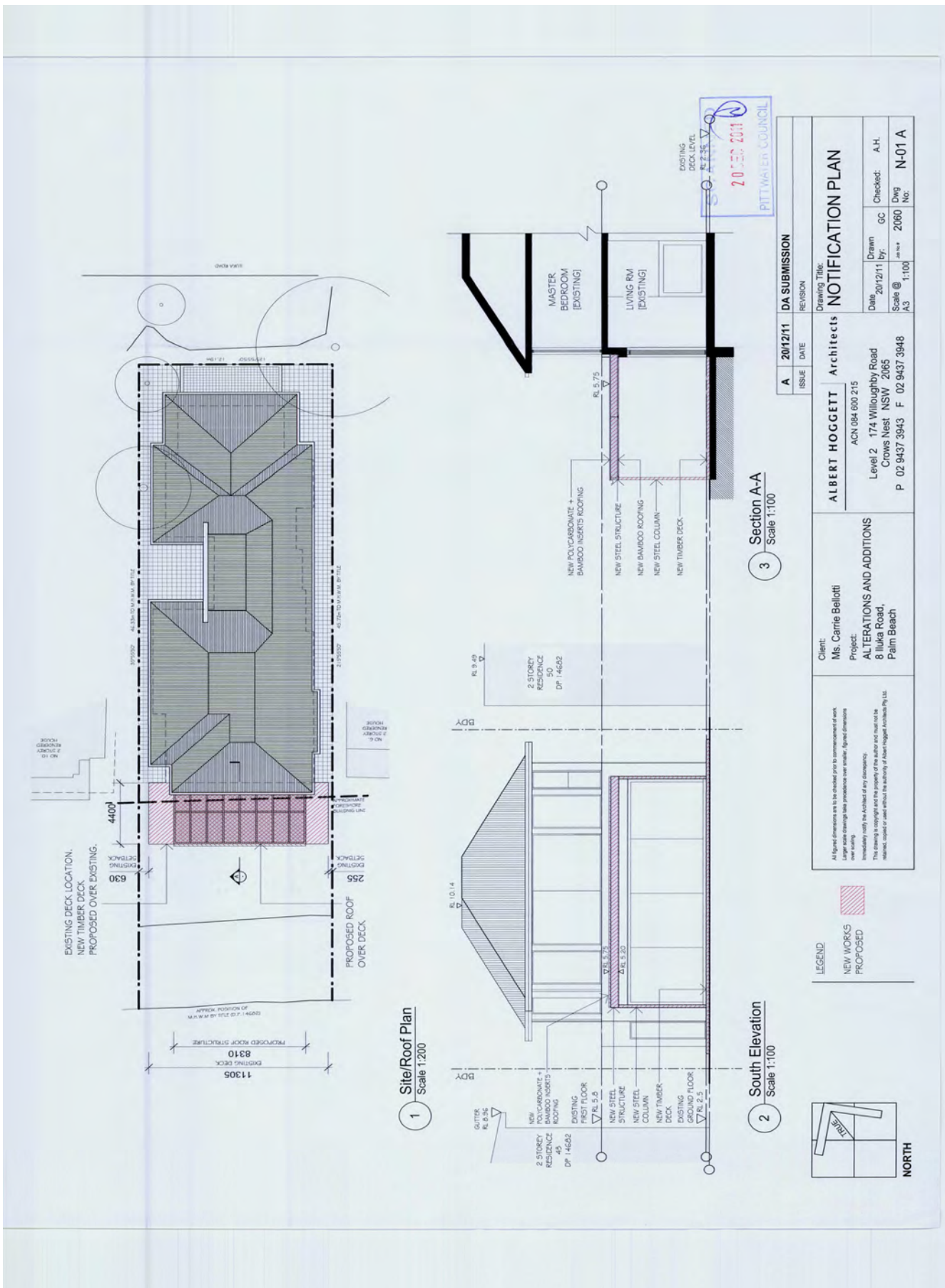
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## LOCALITY MAP



## NOTIFICATION PLAN



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## **C11.6 Sydney over the next 20 years - A Discussion Paper**

**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 18 June 2012

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**STRATEGY:** Land Use & Development

**ACTION:** Respond to reforms in planning process and advocate on behalf of Council

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### **PURPOSE OF REPORT**

The purpose of this report is to advise Council that the Department of Planning & Infrastructure (DP&I) are developing a new Metropolitan Strategy for Sydney and to seek Council endorsement for the attached submission (refer **Attachment 1**) to be forwarded to the DP&I for their consideration as part of this process.

### **1.0 BACKGROUND**

The DP&I are developing a new Metropolitan Strategy for Sydney. Councillors will be aware of the current Metropolitan Plan for Sydney 2036. This strategic document contains the housing and employment targets for the North East Subregion (which includes Pittwater, Warringah and Manly). The new Metropolitan Strategy is proposed to include new targets for our region.

To inform the preparation of this Strategy the DP&I have released a document titled '*Sydney over the next 20 years – A Discussion Paper*' (the Discussion Paper) to stimulate thought and conversation about what the people of Sydney want from their city over the next 20 years.

A report was presented to the Planning an Integrated Built Environment Committee on 21<sup>st</sup> May 2012, to advise the Committee regarding the release of this document and to facilitate the promotion of this document to the wider Pittwater community. At this meeting it was resolved as follows:

- 1 *That the content in this report be noted.*
- 2 *That a submission be prepared for consideration by Council at the PIBE Committee meeting on 18 June 2012.*

In accordance with the above decision of Council, a submission has been prepared and is provided at **Attachment 1**.

### **2.0 ISSUES**

#### **2.1 The Discussion Paper and the New Metropolitan Strategy**

As previously advised, the Discussion Paper states that the new Metropolitan Strategy will provide a framework for Sydney's growth and guide future planning and investment decisions for Sydney over the next 20 years. It will help the Government understand how to plan and set out priorities for housing, employment, transport, infrastructure, the environment, and open space.

The Discussion Paper states that the population will grow by 1.34 million people by 2031 and that Sydney will need 570,000 more homes and 600,000 more jobs. It is expected that housing and employment targets will be set out in the new metropolitan strategy for each of

the sub-regions in Sydney, however at this stage it is uncertain as to how these will differ from the current targets.

To address concerns raised regarding previous strategies and a lack of meaningful connection with other key State Government strategic documents, the Discussion Paper states that the new metropolitan strategy is being prepared concurrent to a number of other strategies including *NSW 2021* (the NSW State Plan), the *State Infrastructure Strategy* and the *Long Term Transport Master Plan*. If realised, this linkage will provide a welcome point of differentiation with previous Strategies.

The following general principles are supported:

- The principle of having a Metropolitan Strategy
- Housing targets so Council's can plan for future growth
- Employment targets so Council's can plan for future growth
- The creation of sub-regions
- The principle of higher densities near centres
- Measures to address affordable housing
- Strategic land release
- Creation of housing choice
- Proposed linkages with suite of Government Plans
- Proposed assigning of clear responsibility for every initiative and arrangements to measure and publically report on performance

The following general concerns/areas for improvement are identified:

- There doesn't appear to have been any meaningful review of the previous Metropolitan Strategy or the Metropolitan Plan. How is Sydney tracking against the goals that were outlined in these documents? Without any meaningful analysis we don't know what worked and what didn't work. This makes it difficult to embark on a process to prepare a new Metropolitan Strategy when we conceivably could be making the same mistakes as last time.
- Are we still pursuing a 'city of cities' approach? If not, why not?
- Previous strategies have provided reasonable analysis on the majority of policy issues however, for the issues to actually be addressed there needs to be action taken. Monitoring and reporting systems must be put in place to establish the effectiveness of action taken. The results of any review mechanisms must be made publically available. This has been variously committed to in previous Strategies however delivery has not matched expectations.
- Lack of any funding mechanism or certainty in relation to funding.
- To ensure "buy in" by all State Departments there needs to be Cabinet endorsement of the Metropolitan Strategy.
- Project Plans for specific actions should be prepared and made available to ensure delivery.
- Lack of vision. The Metropolitan Strategy for Sydney should clearly state the vision for the city.
- The Council of Australian Governments has adopted national criteria for capital city strategic planning systems. In order to secure funding from the Commonwealth Government, it is important to demonstrate a strong performance against these criteria.



- There is a gap between the idealistic motherhood statements and the practical reality of their implementation.
- References and access to the background studies undertaken, e.g. for the housing and employment figures, would help local government review and apply the findings at their finer grained local level. It would also help the community accept that these figures are evidence based and not just arbitrarily applied across Council areas.
- The Discussion Paper lacks balance. There is a heavy focus towards economic factors and to a lesser extent environmental issues with little mention of people and social considerations.
- Any forward looking strategic document for Sydney must include discussion regarding a second airport for the city.
- Barrenjoey Road is ignored as a strategic bus route despite key workers travelling from the Central Coast via ferry to Palm Beach.
- Mona Vale Road is identified as a strategic bus corridor however, from Terry Hills to Mona Vale, this road is predominantly single lane and undivided. The steep terrain dominates the road alignment resulting in multiple curves and steep grades. These factors contribute to a poor safety record over this stretch of road with numerous serious traffic accidents and tragically several fatalities. To improve safety and efficiency a divided dual lane carriageway is needed for the full length of Mona Vale Road.
- The North East subregion is served only by buses, with no other land based public transport options. A Bus Rapid Transit system is a must for this region.
- Having regard for the implications this Strategy will have on the future shape of Sydney, there is a concerning lack of engagement and discussion with the wider community. The majority of Sydney residents have no idea that this Strategy is being produced and that they have an opportunity to comment. There should be a high profile media campaign to increase awareness and undertake meaningful discussion with a wide cross section of the community.

## 2.2 Community Involvement

To increase community awareness and to encourage involvement, the following has been undertaken:

- Copies of the Discussion Paper have been made available in the Customer Service Centres in Mona Vale and Avalon for the community to view or take home.
- Letters have been sent to registered community groups in Pittwater advising them of the opportunity to comment on this important strategic document.
- A report regarding the Discussion Paper was presented to the PIBE Reference Group.
- A link has been provided on Council's website to direct residents to the DP&I Discussion Paper website.



## **2.3 Where To From Here?**

The Discussion Paper advises that it is the first step to developing a new metropolitan strategy for Sydney. The DP&I have advised that a Submissions Report will be issued following the exhibition period, and a draft strategy for consultation will be produced mid to late 2012. The final metropolitan strategy is expected by the end of 2012. Council will be kept informed of progress in the preparation of this document.

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## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

The DP&I developing a new Metropolitan Strategy for Sydney is an opportunity for Council and the community to advocate for what we want for Sydney over the next 20 years, including desired social outcomes.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

The DP&I developing a new Metropolitan Strategy for Sydney is an opportunity for Council and the community to advocate for what we want for Sydney over the next 20 years, including desired environmental outcomes.

### **3.3 Enhancing our Working & Learning (Economic)**

The DP&I developing a new Metropolitan Strategy for Sydney is an opportunity for Council and the community to advocate for what we want for Sydney over the next 20 years, including desired economic outcomes.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

The DP&I developing a new Metropolitan Strategy for Sydney is an opportunity for Council and the community to advocate for what we want for Sydney over the next 20 years.

### **3.5 Integrating our Built Environment (Infrastructure)**

The DP&I developing a new Metropolitan Strategy for Sydney is an opportunity for Council and the community to advocate for what we want for Sydney over the next 20 years, including infrastructure necessary to support Pittwater.

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## **4.0 EXECUTIVE SUMMARY**

4.1 The Department of Planning & Infrastructure (DP&I) is developing a new Metropolitan Strategy for Sydney. This will supersede the Metropolitan Strategy produced in 2005 and the Metropolitan Plan produced in 2010.

4.2 The DP&I has released a discussion paper (*Sydney over the next 20 years – A Discussion Paper*) (the Discussion Paper) to stimulate thought and conversation about what the people of Sydney want from the city over the next 20 years. The Discussion Paper states that the new Metropolitan Strategy has the potential to transform Sydney and will set the groundwork for meeting a vision for Sydney to 2031.

4.3 Pittwater's submission is provided at Attachment 1.

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## **RECOMMENDATION**

1. That the information in the report be noted.
2. That Council resolve to send the attached submission regarding 'Sydney over the next 20 years – A Discussion Paper' to the Department of Planning and Infrastructure.

Report prepared by  
Andrew Pigott – Principal Strategic Planner

Lindsay Dyce  
**MANAGER, PLANNING AND ASSESSMENT**

## **Sydney over the next 20 years – A Discussion Paper**

Council welcomes the opportunity to provide comment on the Discussion Paper.

This submission is structured to provide a brief overview of key elements that are supported as well as key areas for improvement, including expanded commentary regarding community engagement. This is then followed by specific discussion that reflects the format of the individual chapters within the Discussion Paper.

The following general principles are supported:

- The principle of having a Metropolitan Strategy
- Housing targets so Council's can plan for future growth
- Employment targets so Council's can plan for future growth
- The creation of sub-regions
- The principle of higher densities near centres
- Measures to address affordable housing
- Strategic land release
- Creation of housing choice
- Proposed linkages with suite of Government Plans
- Proposed assigning of clear responsibility for every initiative and arrangements to measure and publically report on performance

The following general concerns are raised in relation to the Discussion Paper:

- There doesn't appear to have been any meaningful review of the previous Metropolitan Strategy or the Metropolitan Plan. How is Sydney tracking against the goals that were outlined in these documents? Without any meaningful analysis we don't know what worked and what didn't work. This makes it difficult to embark on a process to prepare a new Metropolitan Strategy when we conceivably could be making the same mistakes as last time.
- The Discussion Paper lacks balance. There is a heavy focus towards economic factors and to a lesser extent environmental issues with little mention of people and social considerations.
- The Discussion Paper fails to discuss the need for, and the issues around providing a second airport for Sydney.
- Barrenjoey Road is ignored as a strategic transport corridor despite key workers travelling from the Central Coast via ferry to Palm Beach.
- Mona Vale Road is identified as a strategic transport corridor however, from Terry Hills to Mona Vale, this road is predominantly single lane and undivided. The steep terrain dominates the road alignment resulting in multiple curves and steep grades. These factors contribute to a poor safety record over this stretch of road with numerous serious traffic accidents and tragically several fatalities. To improve safety and efficiency a divided dual lane carriageway is needed for the full length of Mona Vale Road.
- Having regard for the implications the new Strategy will have on the future shape of Sydney, there is a concerning lack of engagement and discussion with the wider community. The majority of Sydney residents have no idea that this Strategy is being produced and that they have an opportunity to comment. There should be a high profile media campaign to increase awareness and undertake meaningful discussion with a wide cross section of the community.

The following general concerns /areas for improvement should be addressed in the new Metropolitan Strategy:

- A new Metropolitan Strategy should explain if we are still pursuing a 'city of cities' approach. If not, why not?
- Previous strategies have provided reasonable analysis on the majority of policy issues however, for the issues to actually be addressed there needs to be action taken. Monitoring and reporting systems must be put in place to establish the effectiveness of action taken. The results of any review mechanisms must be made publically available. This has been variously committed to in previous Strategies however delivery has not matched expectations.
- Unlike previous strategies and plans for Sydney, a new metropolitan strategy should provide funding mechanisms or certainty in relation to funding.
- To ensure "buy in" by all State Departments there needs to be Cabinet endorsement of the new Metropolitan Strategy.
- Project Plans for specific actions should be prepared and made available to ensure delivery.
- Previous strategies and plans for Sydney have lacked vision. The new Metropolitan Strategy for Sydney should clearly state the vision for the city.
- The Council of Australian Governments has adopted national criteria for capital city strategic planning systems. In order to secure funding from the Commonwealth Government, it is important for the new Metropolitan Strategy to demonstrate a strong performance against these criteria.
- In previous strategies and plans for Sydney there has been a gap between the idealistic motherhood statements and the practical reality of their implementation.
- References and access to the background studies undertaken, e.g. for the housing and employment figures, would help local government review and apply the findings at their finer grained local level. It would also help the community accept that these figures are evidence based and not just arbitrarily applied across Council areas.
- Any forward looking strategic document for Sydney must include discussion regarding a second airport for the city.
- The North East subregion is served only by buses, with no other land based public transport options. A Bus Rapid Transit system is a must for this region and should be identified in the new Metropolitan Strategy.

### **The Need for Community Engagement**

The NSW 2021 State Plan includes a goal to *"involve the community in decision making on government policy, services and projects"*. In trying to achieve this goal, Council recognises that the Department of Planning & Infrastructure has improved its efforts to consult with the community through the 'have your say' website, the Urban Conversations event and the drop in sessions. Notwithstanding the improvement, there is still a need to vastly increase the participation rate of the community in the early stages of planning for Sydney.

Reflecting on the Planning Review Issues Paper, much has been said around the need for greater community involvement in strategic planning. The Discussion Paper is the right time in the strategic planning process to really get the community involved in developing a vision for Sydney and to reflect community preferences in the drafting of the Metropolitan Strategy document.

The consultation strategy should be made clear at the outset of the consultation process. So far the consultation strategy for the Discussion Paper appears to be overly reliant on the community seeking out the Department of Planning & Infrastructure. If we want the community's participation we need to go to them. Anecdotally the level of community awareness that the future of Sydney is being planned appears very low. To date there are only eleven comments in the online forum. The Department should seek to have a greater voice in the media regarding the Metropolitan Strategy to generate increased awareness and participation.

The consultation process for the Planning Review has been reasonably well received and reported on in the media. In fact it was recently described as "a model of community participation, transparency and communication" by Harvey Grennan on 22 May 2012 (<http://www.smh.com.au/nsw/planning-review-is-a-hard-act-to-follow-20120521-1z14l.html#ixzz1wKPYYLwS>). Upon review the website for the Planning Review allows people to follow the entire process, and keep updated with any progress by signing up for email alerts.

The listening and scoping phase of the review kicked off with a forum held at Sydney Olympic Park addressed by the Minister and attended by 223 stakeholders. The release of the issues paper followed up with a second forum held in Sydney, also addressed by the Minister and attended by over 230 people.

The community sessions held during the Planning Review were held both during and after work hours, which enabled a broader range of people to attend. And while it is recognised that the online portal for the Discussion Paper allows for people who cannot attend drop in sessions to have a say, people need to be made aware that the website exists. The Planning Review panel invited the media to the community sessions, were available for interviews, and attempted to engage people through feeds on Facebook and Twitter. Similar to the Planning Review website, submissions received during the exhibition periods should be made publicly available through the website to facilitate community discussion. Having the submissions available online allows people to respond and offer opinions on the issues raised by others.

There is a need for a public conversation that will generate community awareness of the issues facing Sydney. A poor response rate cannot simply be accepted as a lack of community interest or acceptance of the discussion paper. An open and transparent consultation program with targets that require the Department to get responses from a minimum number of people should be enforced.

There is a need to report on the success and failures of this consultation and reflect on what can be done in the future to gain higher levels of engagement with the community. Achieving this is likely to require a much higher budget to be allocated for consultation.

Other local examples of effective community consultation include the City of Sydney's Sustainable Sydney 2030 plan which won an IAP2 Award for its community consultation program and the South Australian Strategic Plan which involved over 9,200 people.

The Grattan Institute's report titled '*Cities: Who Decides?*' (2010) discusses the City of Vancouver's *CityPlan* which directly involved over 20,000 members of the public, with an extra 80,000 individuals feeling they had contributed in some way by the end of the process, accounting for around 4 and 20% of the City population, respectively.

The Grattan Report concludes that when it comes to community involvement and consultation we are currently doing it all wrong. Some of the main findings of the Grattan Report were that residents of cities must be involved in decisions, and that this involvement is especially critical when making tough decisions. The report recommends that community engagement should start early, before decisions have been made, and engage a significant proportion of the population. This is why there should be much greater efforts to consult the community during the Discussion Paper phase of developing the Metropolitan Strategy and why there needs to be targets set for reaching a certain number of people during the community consultation.

## **1. HOUSING OUR GROWING POPULATION**

To have an open and transparent planning process, the methodology used to allocate housing targets to sub regions must be discussed and made publicly available. This will help to achieve the NSW 2021 State Plan goal of restoring confidence and integrity in the planning system. It will also help local councils communicate and defend the need for more housing when dealing with objections from communities.

In general Council agrees with the principle of setting targets, as a way to communicate and quantify future growth expectations for local communities and to allow local areas to properly plan for this growth. Housing targets should be based on empirical data and research on demographic trends specific to local regions, not a 'one size fits' all formula.

The revised Metropolitan Plan while issuing new targets, failed to report on, how the sub regions had performed in relation to the targets set in the 2005 Metropolitan Strategy. The Strategy should review how regions have performed and account for this in the setting of future targets.

### **Housing Location**

Pittwater Council agrees that most new housing should be provided in existing urban areas to contain the spread of the city's urban footprint and protect prime agricultural land and the natural environment. The areas chosen for new housing within existing urban areas should be subject to appropriate consideration of environmental and hazard constraints and be in precincts close to good public transport, services and infrastructure and have good access to areas of employment. Any growth in housing within existing urban areas must respect the character and built form of these established areas and be coupled with commensurate upgrades to infrastructure and services to meet the new levels of demand.

### **Affordable Housing**

The State Government should create incentives for the provision of affordable housing that do not conflict with the strategic plans of local council areas, or result in the most vulnerable portions of the community being located in poorly serviced areas away from good public transport and areas of employment.

Pittwater is characterised by high housing costs (both purchase and rental) with virtually no social housing. Recent data indicates house prices and rental levels continue to increase within Pittwater and in most cases are higher than Sydney as a whole. Whilst affordable housing is an issue for most of Sydney, places like Pittwater where land value is high achieving affordable housing outcomes is extremely difficult.

Using the assumption that 70% of the new housing may be in existing urban areas, there is a need for housing affordability to be dispersed throughout Sydney and not only concentrated in the urban fringes and greenfield areas. Accordingly, subject to appropriate regard for the established character of the local area, it is recommended that the Affordable Housing Taskforce consider expanding the current State Environmental Policy Affordable Housing (Revised Schemes) to high land value areas such as Pittwater to achieve affordable rental housing outcomes.

Secondary dwellings should continue to be recognised as a valuable source of affordable accommodation within existing urban areas.

### **Housing Size and Design**

There is a need to increase housing quality and choice within the multi-unit housing market. Most new homes in Sydney have been multi-unit dwellings, but while this market tends to be dominated by singles or couples with no children, there is a need to provide apartments to suit families who want to live in locations close to transport and employment.

In many parts of the community there is a negative attitude towards higher density living, with poorly designed developments helping this perception to persist. For this community perception to change, it is important that we ensure higher density housing provides high quality living environments.

## 2. PROVIDING JOBS AND ECONOMIC OPPORTUNITIES

In order for Sydney's economy to remain strong and competitive on a global scale, it must continue to be a desirable location for business and investment, and provide a setting for jobs that are both accessible to the workforce and well networked with both local and international markets.

The Metropolitan Strategy is the means to achieving this. The Metropolitan Strategy must provide the right environment for economic growth, including increased business confidence, investment opportunities and productivity, while supporting a diverse range of job opportunities.

### **Service and infrastructure provision**

Critical to achieving the right environment for economic growth is service and infrastructure provision. The link between the location of employment areas and the services and infrastructure that support such areas is clear. The Metropolitan Strategy must therefore make provision for sufficient services and infrastructure across Sydney, including, but not limited to, an improved public transport network; a safer and better connected road network; and improved access to and faster connection to the internet.

The Discussion Paper asks *'What important transport links should the Metropolitan Strategy identify for improvement to boost economic activity?'* Whilst there is no refuting that there are transport links in Sydney that are of high priority (for example, the north west rail link), the development of such transport links should not be the sole focus of Government to the detriment of other transport improvements across Sydney.

Within the Pittwater LGA, Mona Vale Road, Wakehurst Parkway and Pittwater Road are important transport links – Mona Vale Road, which is currently identified as a strategic bus corridor, is a key route for entering and exiting Pittwater and the Northern Beaches, and, in particular, linking residents to Macquarie Park/Ryde; Pittwater Road is the main thoroughfare connecting the North East subregional councils, as well as connecting the subregion to the Sydney CBD; and Wakehurst Parkway connects residents to Chatswood and, as Frenchs Forest has been identified as a 'potential specialised centre' in the Discussion Paper (and a 'specialised centre' in the *Metropolitan Plan for Sydney 2036*), it is likely to become even more vital as a transport link.

The main form of public transport on the Northern Beaches is buses, with no other land based public transport options. Pittwater Council supports the NSW Government in undertaking a Bus Rapid Transport (BRT) feasibility study for our region, investigating the feasibility of a network of 'high frequency services' linking the Northern Beaches to Chatswood, Macquarie Park/Ryde and the Sydney CBD. The high rate of private car use in Pittwater emphasises the need for greatly improved internal public transport, especially to meet the needs of workers, young people and the ageing population. Refer to the *Providing efficient transport networks* section of this submission for further information, including priorities, for transport within Pittwater.

As mentioned, the Metropolitan Strategy should address the need to ensure improved access to and faster connection to the internet. Supporting the National Broadband Network and ensuring it is provided across Sydney will not only make areas desirable for business and investment, it would also provide for employees to telecommute and subsequently reduce pressure on transport networks.

A commitment to and certainty for the timely delivery of all services and infrastructure should also be a priority of the new Metropolitan Strategy.

### **Employment close to where people live**

Another factor critical to achieving the right environment for economic growth is offering a range of employment opportunities close to where people live. The time it takes for people to travel to work has the potential to affect the vigour of Sydney's economy – this should be a key consideration in the production of the Metropolitan Strategy.

## **Employment lands**

With the anticipated population growth, there will be increased pressure to rezone existing employment land in Sydney for housing and commercial land uses. Should Sydney lose valuable employment land to other competing land uses, it will be lost permanently. As a critical service provision to local communities, Sydney must ensure that an adequate and appropriately located supply of employment land is maintained. The continuation of the Employment Lands Development Program (ELDP) to monitor supply and demand for employment lands and to plan for new employment lands, including infrastructure coordination, is supported and should be incorporated in the new Metropolitan Strategy.

Notwithstanding this, macro-economic trends will undeniably influence Metropolitan Sydney. Accordingly, the new Metropolitan Strategy must take into account Australia's current and future economic climate including the trend seeing manufacturing moving offshore, with an increased demand for land that supports professional services.

## **Should the Strategy focus office-based employment in particular areas of Sydney? If so, where?**

As there is likely to be an increased demand for land that supports professional services in Sydney, the Metropolitan Strategy needs to plan for an adequate and appropriately located supply of land for office-based employment. Provided adequate infrastructure (including public transport and access to internet) is available to support it, the Metropolitan Strategy should support office-based employment being accommodated in a number of areas within Metropolitan Sydney.

Whilst priority areas could be established for certain industries, and while the concept of business clustering or specialised centres is supported, the Metropolitan Strategy should aim to limit the extent that it is prescriptive and rather incorporate an element of flexibility so that industries can adjust to market changes.

## **Sydney as a "Green Economy" leader**

The production of a new Metropolitan Strategy provides Sydney an opportunity to become a leader in the "Green Economy". The Metropolitan Strategy should make the most of this opportunity including recognising that it can be the driver behind encouraging businesses to be more sustainable through their construction and operation e.g. Green Star rated buildings and/or more rigorous BASIX requirements.

## **How can the Strategy help provide Western Sydney with enough job opportunities across a range of sectors?**

Sydney's second airport should be the catalyst to stimulate growth in Western Sydney.

## **What have we learnt?**

The new Metropolitan Plan for Sydney should incorporate lessons learnt from the Metropolitan Strategy 2005 and the Metropolitan Plan 2010, including what worked and what didn't. As an example, where job targets are set in the new Metropolitan Strategy, evidence-based justification should be provided, in the interest of being open and transparent, to increase the acceptance of such targets in the community.

In order for the Metropolitan Strategy to accurately guide future planning and investment decisions, the array of studies that have been undertaken at the local level (e.g. local planning strategies) should be utilised. Additionally, studies should be commissioned to properly understand the demand for jobs and economic opportunities within Sydney.



### 3. PROVIDING EFFICIENT TRANSPORT NETWORKS

In relation to transport Pittwater Council supports the positions and assertions put forward by SHOROC in their submission on the *NSW Long Term Transport Masterplan Discussion Paper*. As the Metropolitan Strategy is intended to be integrated with the *NSW Long Term Transport Masterplan*, all submissions made in relation to the latter should be used to inform any discussion of transport in the Metropolitan Strategy.

Pittwater Council agrees with the statements put forward in the *Discussion Paper*, in relation to the need for an integrated approach to transport and development across Sydney, and with the first priority being the delivery of strong public transport connections between areas supporting housing growth with areas of employment. Beyond this first priority there should be a long term goal of achieving these strong public transport connections across the entire Sydney region, supported by strategies to increase the walkability of urban environments.

#### **Sydney Metro**

Public transport has the ability to be a powerful force for promoting positive social, economic and environmental outcomes in Sydney. Transport is fundamental to how people experience Sydney, whether you are a resident or a visitor, the ease in which you get from place to place makes a large impact on daily life. The key priority for achieving long term transport efficiency in Sydney should be the provision of a high frequency and high capacity public transport network, with competitive fares and an integrated electronic ticketing system, that make public transport the easiest, safest, most comfortable and cheapest travel option for most journeys. This needs to be supported by a strategy for promoting walkable urban environments, as every public transport trip starts and ends with walking.

A world class public transport system would help facilitate equal levels of access to facilities, services, environments, education and social networks for people who choose not to, or cannot access private transport, including young people, older people, tourists, persons with a disability and low income households. The Grattan Institute report *The Cities We Need* (2010) describes the growth of cities without sufficient regard to transport infrastructure as resulting in situations where people spend hours sitting on congested roads, or on long commutes, leaving little time for activities that increase wellbeing. The *State of Australian Cities 2010* report (Infrastructure Australia) describes a lack of walkable urban environments, increased dependency on car use, and concerns about safety, leading to a decrease in opportunities for incidental exercise to and from public transport, which they say can add up to about 2 km of walking per day for an average Brisbane commuter. The combination of walkable urban environments with an efficient public transport system would be highly beneficial the health and wellbeing of the community.

A recent report by the Heart Foundation titled *Good for Busine\$\$* found that there were positive economic benefits for local economies associated with good public transport and good walking environments. While most walking environments are the responsibility of local councils, a Metropolitan Strategy for Sydney should support improved walking environments, recognise their importance, and ensure that State infrastructure is designed to achieve the same goals. Access to good public transport also improves congestion and reduces the vulnerability of the community to fluctuations in oil prices, which tend to disproportionately affect the poorest citizens of Australian cities.

The National Transport Commission's *Exploring the opportunities for reform discussion paper* (2011), found that most of the air pollution in Australian urban centres comes from passenger vehicle emissions and that in addition to impacts on local air quality, vehicle emissions are also a significant contributor to global warming.

#### **Transport Beyond Sydney**

Sydney is Australia's largest city, a global city, and as such, transport that takes us beyond Sydney and links us to the surrounding regions, the rest of the country and the world should be discussed in any Metropolitan Strategy for Sydney.

Access to efficient air services for passenger travel and freight is essential to ensuring Sydney's place as an international commercial and financial centre and Australia's foremost tourist destination. Sydney airport is Australia's busiest airport (36.3 million passengers in 2010-11) with a growth rate in passenger numbers of 15.6 percent over the past five years (ACCC, 2012). In March 2012 a *Joint Study on aviation capacity for the Sydney region*, was reported to the Australian Department of Infrastructure and Transport and the NSW Government. The *Study* found the existing airport in Sydney will be unable to meet the long term growth in demand, even with significant upgrades. The *Study* also found that by 2030 we will need an additional airport to supplement the capacity of Sydney airport, and to achieve this, governments need determine the location and commence investment in another airport site within the next five years.

Any Metropolitan Strategy for Sydney must address the issue of a second Sydney airport, with the *Study* noting that not acting to implement a long-term strategy for meeting air transport demand will have adverse productivity and economic costs for Sydney, New South Wales and Australia. In planning for a second Sydney airport, it is necessary to ensure it is broadly accessible by the Sydney population. A second Sydney airport would have the potential to deliver a large boost in employment and therefore, in accordance with comments in the *Discussion Paper* which state that jobs should be accessible to the workforce, any second airport should ideally be located within 30 minutes of a significant portion of Sydney residents.

Council supports the ongoing investigations into high speed rail for improved connections interstate and to regional cities such as Newcastle. A Metropolitan Strategy should consider how links with the regions can be strengthened through improved transport connections including high speed rail.

### **Issues for Pittwater**

Pittwater aspires to the SHOROC vision for increased, faster, more frequent and more reliable public transport, with improved transport to, from and across the region. But currently the Northern Beaches region has some of the slowest major roads in Sydney, with a heavy reliance on private vehicle patronage because of our slow and unreliable public transport system. Figure 16 of the NSW Long Term Transport Masterplan Discussion Paper identified the Pittwater/Spit/Military Rd corridor from Mona Vale to the City as one of the most highly constrained corridors in Sydney.

NSW Bureau of Transport Statistics data shows that 84% of Pittwater residents rely on private vehicles to travel to work, and 82% of people who work in our LGA also travel to Pittwater by car. This is well above the 72% average across the GMA. In their Strategic Assessment of the Frenchs Forest Specialised Centre, AECOM found, that for residents of the Northern Beaches, there is little incentive for commuters travelling anywhere outside the CBD to use modes of transport other than their cars, with trips to work by private vehicle ranging from 70 to 90% of all commuter trips.

The main form of public transport on the Northern Beaches is buses, with no other land based public transport options. Pittwater supports the NSW Government in undertaking a Bus Rapid Transport (BRT) feasibility study for our region, investigating the feasibility of a network of 'high frequency services' linking the Northern Beaches to Chatswood, Ryde and the City. The high rate of private car use in Pittwater emphasises the need for greatly improved internal public transport, especially to meet the needs of workers, young people and the ageing population.

The poor quality of public transport to Pittwater particularly affects young people and older people who tend to rely more on public transport and consider affordable public transport more of a concern in Pittwater due to the geographic location. Higher Education options such as university can be impacted by the limited transport options for young people living on the Northern Beaches, especially from the Pittwater area. Social and recreation purposes have also been highlighted by the community as an important consideration for getting around Pittwater and surrounding areas. The lack of public transport limits the ability of local young people to access social and recreation facilities and maintain social networks locally and further afield, and presents similar issues for the elderly and less able who may be vulnerable to social exclusion due to their limited access to public and other transport options.

Late night transport has been an ongoing concern across the Northern Beaches, as late night bus services are sparse, with large areas of the Northern Beaches having little to no access to late night bus services.

Mona Vale Road has been identified as a Strategic Transport Corridor (on page 18 of the *Discussion Paper*), which is supported, however it should be noted that the portion of Mona Vale Road between Terry Hills and Mona Vale is predominantly single lane and undivided. Steep terrain dominates the road alignment resulting in multiple curves and steep grades. These factors contribute to a poor safety record over this stretch of road with numerous serious traffic accidents and tragically several fatalities. To improve safety and efficiency it is recommended that the NSW Government fund a divided dual lane carriageway for the full length of Mona Vale Road.

Barrenjoey Road is a transport corridor for key workers traveling from the Central Coast via ferry to Palm Beach, which is not recognised on page 18 of the *Discussion Paper*. It is recommended that Barrenjoey Road be identified as a strategic transport corridor.

#### **Transport priorities for Pittwater**

- A Bus Rapid Transit (BRT) system from Mona Vale along the Pittwater Road corridor using a peak hour co-located median bus lane to the city or to a new modal interchange at Neutral Bay.
- Public transport service improvements to decrease travel times, increase late night services and improve accessibility.
- Mona Vale Road upgrade to a divided dual-lane carriageway for its full length to improve safety and efficiency, and accommodate growth.
- Flood-free vehicle access from North Narrabeen along Wakehurst Parkway to the planned site of the new Northern Beaches Hospital.
- Transport upgrades around the site of the new hospital, including grade separation at the intersections of Wakehurst Parkway and Warringah Road, and Warringah Road and Forest Way.
- Barrenjoey Road be identified as a strategic transport corridor.

#### **4. PROVIDING THE INFRASTRUCTURE WE NEED**

The proposal to “deliver places” rather than by sector (e.g. health) is supported. The perfect opportunity to realise this is with the Northern Beaches Area Health Services commitment to deliver the Northern Beaches Hospital at Frenches Forest, complimented by upgrades to Mona Vale Hospital. At present the Government has committed to delivering the hospital however the surrounding road network, particularly the intersection of Warringah Road and Wakehurst Parkway is at capacity. Further, Wakehurst Parkway floods frequently, restricting access to the hospital for the residents of Pittwater. There has, to date, been no commitment from Transport NSW to improve the surrounding road network. This example directly contradicts the place-based approach.

As outlined above, a missing piece of Sydney’s infrastructure puzzle is a second airport. If Sydney is to truly become a global city with links to the rest of the world, a second airport is a must. Any Metro Strategy for Sydney that doesn’t plan for this crucial infrastructure is fundamentally flawed.

With a significant proportion of increased growth in employment and housing in existing urban areas augmentation of existing infrastructure will be required e.g. sewerage, gas, electricity, water. The capacity of these existing systems and plans to upgrade them should be outlined.

Pittwater Council has a number of important corridors that should be identified by the Strategy and protected for future infrastructure. The North East subregion (including Pittwater) is served only by buses, with no other land based public transport options. Pittwater also has a very high rate of private car use. In particular Mona Vale Road, Pittwater Road and Barrenjoey Road are identified as important strategic corridors for future infrastructure in Pittwater LGA.

Although the Discussion Paper mentions improving infrastructure planning and achieving better value for money, there are other reforms that could be implemented to introduce accountability and encourage project completion. The introduction of project plans for specific actions and detailed infrastructure plans for all growth areas would be welcomed.

## 5. PROVIDING EQUITABLE ACCESS TO A GREAT LIFESTYLE

### Assumptions

The discussion paper states; 'Most new housing still needs to be in the existing urban areas to contain the spread of the city's urban footprint and to locate people close to jobs, public transport and existing services.' Based on this statement, this submission assumes that 70% of the new housing may be in existing urban areas; furthermore this submission will be based on the following figures:

70% of expected increase in population = 910,000

70% of expected additional dwellings in existing urban areas = 400,000

To ensure these additional people in existing urban areas have access to reasonable levels of social infrastructure, the State Infrastructure Plan not only needs to concentrate on the greenfield sites but also the already existing urban areas that will absorb the expected increase. This submission highlights specific considerations when planning for social infrastructure as well as responding to key points within the discussion paper.

### Social Infrastructure

Social infrastructure is made up of a number of components, each contributing to the overall sustainability of the community; it encompasses organisations, facilities and the people who deliver services to the community. Social infrastructure builds communities through access to support, social interaction, enhancement of health and wellbeing, education and training, employment, and involvement in arts and culture (Pittwater draft Social Plan 2012-2016). Whilst the Discussion Paper touches on types of social infrastructure it was felt this did not capture the full picture. The diagram below (Local Government Association of South Australia) best depicts the interconnecting elements that make up social infrastructure as a whole.

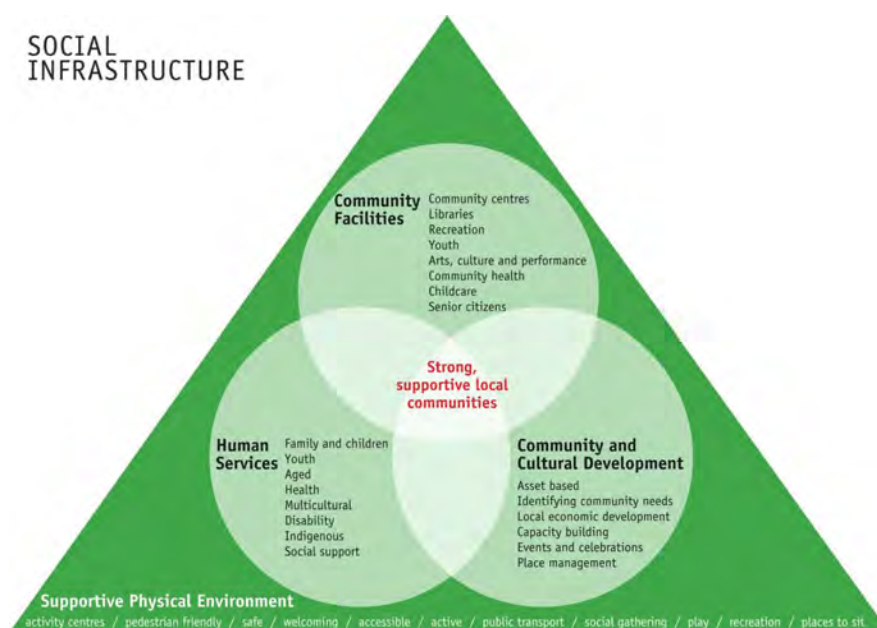


Diagram Reference: Implementation Guide, February 2012. Planning for Social Infrastructure and Community Services for Urban Growth Areas. Local Government Association of South Australia

## Planning for Social Infrastructure

With Sydney estimated to grow by 1.3 million people over the next 20 years, the need for adequate social infrastructure is paramount. Increasing house prices, distribution and funding of services and greater access all need to be considered within a new Sydney Metropolitan and Infrastructure Plans.

A planning methodology which includes regions, towns, cities or suburbs (as stated in the discussion paper) does not appear in any strategic direction plans from the NSW State Government. It is unclear what threshold indicators are used for planning social infrastructure such as schools to determine the provision for new infrastructure or augmenting existing infrastructure particularly in urban areas.

The South Eastern Queensland Regional Plan 2005 – 2026, Implementation Guideline No. 5 Social infrastructure planning sets out a method of planning which could be adapted to planning for Sydney over the next 20 years. Whilst the thresholds and benchmarks set out within this document provide a useful guide they obviously can not be used as a blanket standard across all areas. Area specific needs analysis and demographic projections need to provide a more accurate picture for Sydney.

Utilising some common thresholds for service provision, the following table highlights the possible future infrastructure requirements for existing urban areas.

**Additional social / recreational infrastructure required for existing urban areas** (assumes additional 910,000 people)

Facility	Threshold	Required
Passive open space	1 ha per 1,000 people	9,100 ha of land
Active open space	1.2 ha per 1,000 people	10,920 ha of land
Indoor sports facilities (including pools)	60,000 – 100,000+ persons	9-13 Indoor Sports Centres
Pre-schools	4,000 – 6,000	182 pre-schools
Youth Centres	10,000 – 30,000 people	45 Youth centres
Performing arts / cultural centres	50,000 - 120,000 people	10 Performing arts/ Cultural centres
Libraries	10,000 – 33,000 people	40 Libraries
Community Centres	15,000 – 20,000 people	52 Community Centres
School classrooms	Unknown	Unknown

(Note: This assumes there is little or no capacity in the existing infrastructure to meet the demands of the additional population)

The current projection of a 1.3 million increase in population warrants the development of an integrated approach to the provision of infrastructure defining the roles of the Local, State and Federal authorities for future delivery and implementation. Some local governments across Australia are using a hierarchy approach to planning for social infrastructure (categories will depend on entire geographic area being considered) with the common approach including local, district (sub regional), regional and city wide.

It is recommended that the development of a social infrastructure planning guide, based on a hierarchy of provision (local, subregional, regional) specifically including indicative population thresholds be introduced.

## **6. PROTECTING OUR ENVIRONMENT AND BUILDING RESILIENCE TO NATURAL HAZARDS**

Finding an appropriate balance between urban development and protecting the natural environment is crucial to a desirable and sustainable Sydney.

### **What can the Metropolitan Strategy do to protect the natural environment?**

As stated in the Discussion Paper, *'Our harbour, ocean, rivers and bushland are key factors...to our culture, lifestyle and economy...'* and *'Sydney's natural environment shapes the city's foundations.'* The Metropolitan Strategy can recognise and promote that the natural environment is crucial to supporting Sydney and that a balance between the urban development that we require and the natural environment that is the basis of the city, is required over the next 20 years.

### **How can the Strategy protect the environment while also meeting the housing and economic needs of a growing population?**

In addition to finding the balance between the urban development that we require and the natural environment that is the basis of the city, the Metropolitan Strategy needs to identify, either via existing sources or through new studies, particular areas that are of high environmental value and ensure the preservation of such areas.

### **How can the Metropolitan Strategy provide more support for environmentally sustainable development?**

The Metropolitan Strategy can promote and encourage (or even require) environmentally sustainable development e.g. Green Star rated buildings.

### **How can the Strategy improve the approach to planning and development in areas that could be at risk from natural hazards?**

In order for the Metropolitan Strategy to accurately guide future planning and investment decisions, it must be informed by studies undertaken on the risks of natural hazards across the city.

## 7. PROTECTING PRODUCTIVE RURAL AND RESOURCE LANDS

Given that Sydney's residents significantly rely on its rural and resource lands to supply much of the food eaten and the material used for shelter and transport; to recharge ground water supplies; to influence the identity and livelihood of many; and to contribute to energy security and affordability, the importance of such land is obvious and its protection is critical.

The value of rural and resource land in Sydney needs to be recognised and understood in order to strike the right balance between it and the land required to provide housing, jobs and other conflicting land uses. It seems that just as *'Sydney's natural environment shapes the city's foundations'* so too does the rural and resource land on which Sydney relies. Without such foundations, Sydney's current and future population could not function sustainably.

Further, identifying the rural landscape areas that have important heritage and cultural values and protecting such areas through the Metropolitan Strategy is supported.



## **8. CONNECTING WITH THE REGIONS**

The Discussion Paper introduces the idea that Sydney has the potential to strengthen already established connections with different regions across NSW to the benefit of the entire State. The concern is that there is a noticeable gap between the idealistic motherhood objectives and the practical reality of their implementation.

This section of the Discussion Paper follows the trend throughout the document for a heavy focus on economic factors. Social factors are only briefly considered and environmental factors appear not to have been considered.

The Strategy should take advantage of new technology as the Discussion Paper suggests. A high speed rail network could be used to relieve pressure on the State's transport infrastructure, in particular the road network both in terms of moving passengers and freight between regions faster by rail rather than by car or truck. At the least, corridors for a future rail corridor should be identified. If implemented effectively, both a high speed rail network and a national broadband network would improve movement and increase efficiency of people and information which would strengthen the State economy and possibly even provide some solutions to pressures on the environment from increased road traffic.

Pittwater provides for a direct transport connection between two significant regions for the NSW economy, Sydney and the Central Coast. This connection is in the form of the ferry which runs between Palm Beach and the Central Coast. With "nearly a quarter of workers who live on the Central Coast commuting to metropolitan Sydney for work" the ability to be able to offer commuters another option for travel, without the associated infrastructure implications of land based transport options (i.e. road and rail), could be invaluable for the State economy. Given that key workers travel between the Central Coast and Palm Beach via ferry it is therefore imperative that Barrenjoey Road be identified as a strategic transport corridor.

## 9. DELIVERING THE STRATEGY

The previous Metropolitan Strategies for Sydney have generally been well researched and contained sound planning content. However, the fundamental failing of these documents has been in the area of monitoring and delivery. A report published in April 2012 titled 'Review of Capital City Strategic Planning Systems' by the COAG Reform Council identified as follows:

*"The NSW Government has reporting measures against outcomes and strategic directions in its State Plan, NSW 2021, but no corresponding arrangements at the Metropolitan Level. An outcomes focus is a good start as it ensures the focus of government is ultimately on the key real-world effects governments seek through their efforts. It remains important to have a clear rationale that links government efforts to these outcomes and mechanisms to drive the activities. Ideally, this is supported by clear public commitments, in advance, to the actions and timelines for implementation. This is not currently the case in NSW."*

It is understood that the DP&I are aware of these issues and one of the key justifications provided for the preparation of a new Metropolitan Strategy is to align key Government Strategic documents to ensure delivery occurs. There is an acknowledgement that once in place the Metropolitan Strategy "will require a strong, well-monitored delivery program that is subject to regular public reporting". In order to achieve this, the following is crucial:

- Each action must have clear accountabilities for delivery in terms of the agency responsible with clearly agreed timeframes.
- Performance measures (KPIs) must be identified in the Strategy to test the progress and success of each action.
- Annual monitoring and reporting against the established KPIs is a must. These reports should be published in hardcopy and online.
- The monitoring and reporting strategy should be clearly defined and this procedure should reside within the Strategy.

The future liveability and health of our city requires strong leadership, it is the challenge for the DP&I and NSW Government to provide this.

Council looks forward to working with the DP&I to deliver this crucial Strategy for Sydney.

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<b>C11.7</b>	<b>Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 16 May 2012</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 18 June 2012

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**STRATEGY:** Business Management

**ACTION:** Maintain and Service Council's Range of Committees

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## **PURPOSE OF REPORT**

To present to Council for consideration, the Planning an Integrated Built Environment Reference Group Minutes of 16 May 2012.

## **1.0 BACKGROUND**

- 1.1 The Planning an Integrated Built Environment Reference Group was established by Council to consider matters involving goals and initiatives contained in the key direction of Council's Strategic Plan – Integrating Our Built Environment.
- 1.2 The strategic objectives within the associated key direction are:
- Asset Management Coordination Strategy
  - Energy Efficiency Strategy
  - Land Use & Development Strategy
  - Town & Village Strategy
  - Transport & Traffic Strategy
- 1.3 To fulfil its role, the Planning an Integrated Built Environment Reference Group provides:
- a link between Council and the community which enhances communication about the strategic direction of Council initiatives,
  - input from Council and the community (historical, social and environmental) when considering possible solutions,
  - consideration of implications from strategic initiatives and their likely impact on the local community; and feedback to Council on behalf of the community.

## **2.0 ISSUES**

### **2.1 PIBE4.1 – Pittwater Open Space and Recreation Strategy**

#### **Reference Points:**

1. The Reference group was encouraged to complete and submit a copy of the survey.
2. That the Pittwater Open Space and Recreation Strategy be an agenda item at the next Planning an Integrated Built Environment meeting and update the group on the outcomes of the survey.

## **2.2 PIBE4.2 - End of Term Report**

### **Reference Points:**

1. Over the last four years Reference Groups have been working in collaboration with Council to contribute to advancing progress towards the Community Strategic Plan Goals. This should be acknowledged and celebrated within the End of Term Report.
2. The attached document will be used as a basis to hold a discussion regarding the End of Term Report.
3. Reference Group members will be given an opportunity to be involved in the Community Strategic Plan review and a presentation will be given to Reference Groups in August 2012.

## **2.3 PIBE4.3 - Warriewood Valley Strategic Review Update and Discussion**

### **Reference Point:**

That the Planning an Integrated Built Environment Reference Group note the report.

## **2.4 PIBE4.4 - Elanora Heights Masterplan**

### **Reference Point:**

That the process and time frame for the Elanora Heights Masterplan be supported.

## **2.5 PIBE4.5 - Pittwater Standard Instrument LEP**

### **Reference Points:**

1. That the report be noted and the preparation of the draft Pittwater Standard Instrument Local Environmental Plan continue to progress.
2. That the PIBE Reference Group be kept updated regarding the progress of the Pittwater Standard Instrument Local Environmental Plan.

## **2.6 PIBE4.6 - Sydney over the next 20 years - A Discussion Paper**

### **Reference Points:**

1. That the report be noted.
2. That members of the Planning an Integrated Built Environment Reference Group disseminate the information regarding the Discussion Paper to their various contacts in the Pittwater community.

## **2.7 PIBE4.7 - Draft Delivery Program & Budget 2012 PIBE Ref Group**

### **Reference Points:**

1. This report provides an update on the process of the Delivery Program and Budget for 2012-2016.
2. That the information provided in the report be noted.

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## **3.0 SUSTAINABILITY ASSESSMENT**

This report does not require a sustainability assessment.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 To present to Council the outcome of discussion papers on Strategic issues and to present Reference Points of the Planning an Integrated Built Environment Reference Group contained in the minutes of the meeting of 16 May 2012.

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## **RECOMMENDATION**

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 16 May 2012 be noted.

Report prepared by

Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY**

# **Minutes**

## **Planning an Integrated Built Environment Reference Group**

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

**16 May 2012**

Commencing at 4:01pm

**Attendance:****Members of the Committee:**

Cr Bob Dunbar, Chairperson

**Community Group Representatives:**

Avalon Preservation Association, Mr Peter Mayman  
Bayview - Church Point Residents Association, Mr Stephen Richmond  
Clareville and Bilgola Plateau Residents Association, Mr Ray Mills  
Clareville and Bilgola Plateau Residents Association, Mr Geoff Sheppard  
Climate Action Pittwater, Ms Linda Haefeli  
Friends of Narrabeen Lagoon Catchment Committee, Ms Jacqui Marlow  
Ingleside Residents Landcare Group Inc., Mr David Palmer  
Newport Residents Association, Ms Susan Young  
Palm Beach & Whale Beach Association, Ms Merinda Rose  
Pittwater Resident Representative, Ms Julia Alston  
Pittwater Resident Representative, Ms Natasha Connolly  
Pittwater Resident Representative, Ms Selena Griffith  
Pittwater Resident Representative, Mr James Owen  
Scotland Island Residents Association, Mr Greg Roberts

**Council Advisors:**

Mr Lindsay Dyce, Manager Planning and Assessment  
Ms Monique Tite, Senior Strategic Planner  
Ms Jenny Cronan, Special Projects Officer, Reserves Recreation - Landscape  
Mr Les Munn, Manager Reserves, Recreation and Building Services  
Ms Simonne Johnston, Corporate Planner  
Ms Liza Cordoba, Principle Planning Officer (Urban Land Release)  
Mr Andreas Olsen, Planner – Strategic  
Ms Kelly Wilkinson, Senior Strategic Planner  
Ms Sherryn McPherson, Administration Officer/Minute Secretary

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at  
[www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

## PLANNING AN INTEGRATED BUILT ENVIRONMENT

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<b>6.0</b>	<b>Next Meeting</b>	

**The Director, Environment Planning & Community  
has approved the inclusion of  
all reports in this minutes.**



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## **1.0 Apologies**

1. Apologies were received from:

Ms Selena Webber, Newport Residents Association,  
Mr Steve Evans, Director Environment Planning & Community, and  
Mr Andrew Pigott, Principal Strategic Planner.

and leave of absence was granted from the Planning an Integrated Built Environment Reference Group Meeting held on 16 November 2011.

2. The Reference Group members accepted the apologies.
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## **2.0 Declarations of Pecuniary Interest - Nil**

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## **3.0 Confirmation of Minutes**

### **REFERENCE GROUP RECOMMENDATION**

That the Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 15 February 2012 be confirmed as a true and accurate record of that meeting.

(Mr Geoff Sheppard / Mr Peter Mayman)

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## **4.0 Discussion Topics**

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### **PIBE4.1 Pittwater Open Space and Recreation Strategy**

#### **Proceedings in Brief**

Mr Les Munn, Manager Reserves, Recreational and Building Services and Ms Jenny Cronan, Special Projects Officer, Reserves Recreation, Landscape addressed the meeting on this item.

A slideshow was also presented to the Reference Group as attached to the Minutes (refer Attachment 1).

The draft Pittwater Open Space and Recreation Strategy is an important project. The key goal will be to develop strategies that protect and enhance the natural environment while developing a diverse range of recreational opportunities for people of all ages and abilities.

The Pittwater area contains about 589 hectares of open space, including 447 hectares of natural areas of which 303 hectares are bushland. These figures need to be adjusted to include land acquired by Council at Warriewood Escarpment. The parks and reserves that form the open space network are generally categorised into 'district', 'regional' or 'local' parks, depending on their scale and level of use. However, Pittwater has such a fragile natural environment, therefore we will be categorising the open space network into 'landscape settings' including Ocean Beaches, Foreshore Reserves and Waterways, Indoor Recreation Facilities, Bushland, Headlands and Wetlands, Large Developed Parks, Small Pocket Parks, Sportsgrounds, Structured Sports and Recreational Area, Walking and Cycling Tracks and Village Green or Space Within a Shopping Centre. We have commenced with sportsgrounds because they require a large amount of land and their management is extremely complex. Sportsfields are well used with nearly 10,000 people belonging to clubs who use the fields. The Sportsgroups have completed a survey and we will be meeting with them on 30 May 2012.

**Matters arising from the discussion:**

- Q:** Fields in the Pittwater area are in high demand. Is it possible to utilise the school playing fields by applying to the Department of Education to use the fields out of school hours?
- A:** Council currently utilises fields at Pittwater High School and Narrabeen Sports High. Council is in the process of constructing a synthetic field and a second turf field at Narrabeen High. Some years ago, the Narrabeen Public School had problems with asbestos found in the playground of the school which needed to be removed. The school was closed and temporarily relocated to the western playing field at NSHS. Once the rectification works were completed and Narrabeen Public School was able to move back to their site, the ground at the High School was rehabilitated by contractors working for the Education Department. This was never done properly with poor subsoils being used to relevel the ground which caused an on going problem with turf growth and drainage.
- Q:** In regards to the golfing community, who owns the land and do we need so many in the area as the land is extremely valuable?
- A:** Avalon is Council owned land, Palm Beach is Crown land managed by Council and Mona Vale Golf Course is also Crown land managed by Council. The golf driving range at Narrabeen is Council owned land. All courses are leased by Council to the operators. The golf courses at Elanora and Bayview are in private ownership. A major component of the Strategy is the assessment of all Council managed conservation and recreational areas and their use, including the golf courses. We need to ensure that the community are able to enjoy the type of facilities that they require currently and in the future. Land use changes over time in accordance with demographics.
- Q:** Warringah Council in the future will be adding in Table Tennis as a feature into some of their parks which has been highly supported by the community, can Pittwater incorporate Table Tennis into our parks as well? We are aware this option was explored in the past but was not implemented due to OH&S issues.
- A:** This is an option that will be explored. A local resident, is intending to manufacturer table tennis tables locally, and would like to trial one of his tables at one of Pittwater's reserves. The tables are made out of industrial hemp which creates a great bounce. The tables in Europe are made of concrete.

- Q:** Is there a possibility of building an Indoor pool in the area?
- A:** Council has explored options for an Olympic size pool however, studies suggest that it would cost approx. \$20 million to build and 1 million dollars each year to maintain. If a pool was to be built it would also need to incorporate additional facilities so there is action happening all the time. This means a larger footprint is required. Council also needs to be aware of the impact this may have on other local businesses.
- Q:** Has there been any progress on an outdoor theatre?
- A:** During the development of the Dunbar Park Plan of Management last year, an outdoor performance area was considered, but there was opposition from the local community which Council has taken into consideration. The Plan of Management was adopted; however the proposed performance area requires further acoustic reports. Council is currently completing works to the scout hall and shade sails are being constructed over the playground.
- Q:** Morning walkers are noticing the loss of shade as there used to be more trees along Pittwater Road but due to a combination of reasons and the loss of canopy trees. We need to ensure our area remains amenable to suit all seasons.
- A:** All feedback is valuable to Council and this is the type of response we are hoping to receive through the survey. Once the survey results have been collated, the responses will be discussed with the broader community, including issues relating to walking tracks and shade.
- Q:** Will there be any loss of bushland to build new playing fields?
- A:** No, no bushland will be removed to build playing fields

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### **REFERENCE GROUP RECOMMENDATION**

3. The Reference group was encouraged to complete and submit a copy of the survey.
  4. That the Pittwater Open Space and Recreation Strategy be an agenda item at the next Planning an Integrated Built Environment meeting and update the group on the outcomes of the survey.
- 

## **PIBE4.2 End of Term Report**

### **Proceedings in Brief**

Simone Johnston addressed the meeting on this item.

The End of Term report is a high level report to update the Community on Council's progress in implementing the Community Strategic Plan every 4 years. The End of Term report is to be tabled at the final meeting of the outgoing Council which will occur on 8 September 2012.

The Reference Group input assists Council in advancing and progressing towards the Community Strategic Plans Goals. The End of Term report will highlight the major achievements and will provide Reference Groups the opportunity to identify any achievements to be included.

The Reference Group members were encouraged to read the report and supply any comments to the Minute secretary.

The PowerPoint Presentation provided to the Reference Group has been attached to the minutes (refer **Attachment 2**).

### **Matters Arising from the Discussion**

- Q:** Will the End of Term detail what has not been achieved within the time period allocated?
- A:** Yes, the report will list what has been completed, what is still in progress and what items are yet to commence (noting it is a plan to 2020).
- Q:** What is the deadline for comments on the report?
- A:** Please submit all comments prior to 30 June 2012.
- Q:** Can we put together a flow chart on how all these different plans are coming together? We have so many Plans in the pipeline at the moment for e.g. State, Regional and Strategic Plan, it is all getting a little confusing. It would be good to see how these are all coming together in a simplistic format. Perhaps in a spreadsheet with headings including; Objective, Achieved and a small explanation marked with a tick we did or did not complete.
- A:** The request is taken on notice and will be provided to the Reference Group at the next meeting with the results also being included in the final report.

The Community Survey and the Strategic Plan review will also be included on the Agenda for the next meeting and all Reference Group members feedback will be valuable.

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### **REFERENCE GROUP RECOMMENDATION**

1. Over the last four years Reference Groups have been working in collaboration with Council to contribute to advancing progress towards the Community Strategic Plan Goals. This should be acknowledged and celebrated within the End of Term Report.
2. The attached document will be used as a basis to hold a discussion regarding the End of Term Report.
3. Reference Group members will be given an opportunity to be involved in the Community Strategic Plan review and a presentation will be given to Reference Groups in August 2012.

(Mr Stephen Richmond / Mr David Palmer)

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## **PIBE4.3      Warriewood Valley Strategic Review Update and Discussion**

### **Proceedings in Brief**

Ms Liza Cordoba addressed the meeting on this item.

Warriewood Valley Strategic Review update brochure was distributed in the Reference Group meeting from Planning and Infrastructure and a copy is attached to the Minutes (refer **Attachment 3**).

Based on the outcome of the study, Council and the Department have prepared the Draft Warriewood Valley Strategic Review report and options on how the remaining undeveloped land in the Valley may be developed. The Draft report was on public exhibition and submissions are encouraged to be submitted up until 18 May 2012.

Flood Evacuation response policies are currently being examined by the Department in consultation with NSW State Emergency Service with some areas identified for increased residential density can not continue or be rezoned until flood evacuation issues are resolved. Council can provide flood free access utilizing main roads in Warriewood Valley, however we are now looking at flood free access with no vehicle or human being wet proving safe in the 100 year flood. The whole of NSW is effected by these contemporary standards. This will effect the whole of Pittwater not just Warriewood Valley.

Currently the density of housing in Warriewood Valley ranges from 10 dwellings per hectare to 25 dwellings per hectare. Taking into account all the independent consultant studies, the Draft Report recommends that most developable sites in Warriewood Valley can support densities of 32 to 36 dwellings per hectare. These densities will result in housing that is similar in form and scale to that already exist in the valley. The rezoning of some sectors is dependent on the resolution of the flood evacuation issues.

Independent consultants have been commissioned to undertake studies for the Strategic Review and their key findings are in the Urban Design, Hydrology, Transport and Economic Feasibility Studies. We need to have these findings out on exhibition knowing that the flood-evacuation issues are yet to be resolved so the community is able to have access to these findings.

**Q:**      Pittwater can meet the dwelling target without any changes in zoning, is there pressure to increase the densities?

**A:**      The is no pressure from the State Government but there is pressure to increase housing in the area to accommodate for the needs of the Community and deliver housing targets.

Part 3a was 'live' when Council commenced this process. At the time, Meriton already had obtained approval for 14-18 Boondah Road and also had two (2) applications in with the State Government. The General Manager had discussions with the Director General at the time and if we conducted a Strategic Review, the DG agreed that the applications would be held until the Strategic Review was completed.

The Meriton approval was under the Part 3a legislation, which is now revoked by the State Government. Meriton will need to lodge a new Development Application with Council and adhere with the Council's development controls.

The Land and Environment Court would also need to consider the application on its merit, taking account Council's development control. The Part 3a process did not have to take into consideration local planning provisions.

Land excluded from the Strategic Planning Process means that this land was not tested for increased density, which is the scope of the strategic review. The excluded land has development potential, but it less than 25 dwellings per hectare because the environmental constraints of that land indicates it is not able to 25 dwellings per hectare or over. Rezoning applications is still available and landowners will need to demonstrate how they can accommodate for dwellings on that site.

**Q:** In the consultants report, where is sustainability? Hydrology is mentioned but they have not mentioned what the requirements for sustainability are.

**A:** The scope of each individual consultant brief examined the impacts of increasing the density across the valley. Each study needs to be read as a whole, then the draft Strategic Report. The land capability and hydrology assisted Council in identifying which land could be tested for increased density. Environment and social sustainability was also reviewed by the Urban design consultant in recommending the development outcomes. The economic sustainability of the land release was considered by the Economic Consultant. Urban design looked at the principles of sustainability and how do these urban forms address the amenity of residents.

**Q:** How can we address this topic and make it more evident within the review and how we can segment blocks more effectively to make the best use of sustainability elements and can Council incorporate a Sustainability Checklist defining where they have been addressed in the Masterplan?

**A:** The Strategic Review is very different to Sustainability principles checklist, it is a review on the increase of housing. In regard to the Newsletter, the examples are showing housing forms that exist and displays the density of what already exists in the valley, not demonstrating examples of sustainable housing.

Reference group members are encouraged to submit a submission in regards to the Review that is up on exhibition. The document is up on public exhibition until Friday 18 May 2012. It has been advised if submissions have been submitted, 2 weeks is allowed for extra information to be provided.

**Q:** Why do we have to increase density if we are already meeting targets? We need to focus more on meeting infrastructure requirements in the area.

**A:** The economic feasible consultant finding, the development of Warriewood Valley is for small housing / terrace houses that are bordering on medium density. For that housing form to be feasible, we have to have 30 dwellings per hectare in Warriewood Valley. By increasing it to 32 per hectare, more developments will be occurring which will provide developer contributions that will enable infrastructure to be delivered.

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## **REFERENCE GROUP RECOMMENDATION**

1. That the Planning an Integrated Built Environment Reference Group note the report.

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## **PIBE4.4 Elanora Heights Masterplan**

### **Proceedings in Brief**

Mr Andreas Olsen addressed the meeting on this item.

As reported to the PIBE Reference Group on 15 February 2011, it was proposed that the master planning process be separated into two separate documents, being Landscape Public Domain Strategy and Private Domain Masterplan with associated DCP changes, ESD initiatives and zoning amendments. The reason for this was to allow for the public domain landscape works to begin as soon as possible. However, the recent decline in Section 94 Contributions has limited Council's ability to undertake any such works within the current financial year. As a result, in the interest of presenting a complete picture to the Council and the community, it was decided to consolidate the outcomes of the Landscape Public Domain Strategy and the Private Domain Masterplan into one single document.

The project management group (PMG), together with the consultants GM Urban, met to discuss the submissions received during the exhibition period. The submissions, along with the traffic study commissioned, helped to inform the strategic direction for the master planning project.

GM Urban developed a draft Masterplan for Elanora Heights Village Centre including a landscape masterplan and suggested design principles and controls. This draft Masterplan is broadly based on Option 2 (exhibited option). Also informing the strategic direction of the Draft Elanora Heights Masterplan was the advice received from property consultant, Hill PDA, on 8 December 2011. The advice examines the demand for retail and commercial floor space in Elanora Heights Village Centre.

31 submissions were received during the exhibition period and the GM Urban prepared a summary of submissions (Appendix C of the Draft Elanora Heights Masterplan). The submissions received were summarized in the categories of General Issues, Traffic Issues and Traffic, Landscape and Public Domain Issues and Built Form Issues.

Accordingly, the Draft Elanora Heights Masterplan was placed on public exhibition between 21 April and 21 May. Residents in Elanora Heights were notified in writing and an advertisement was placed in the Manly Daily on Saturday 21 May 2012. The proposed time frame, going forward, includes the following key components:

- Evaluation of community response and preparation of the final 'Elanora Heights Masterplan' – May/June 2012
- Report to Council to adopt the final 'Elanora Heights Masterplan' – June/July 2012

### **Matters arising from the Discussion**

Q: What is the time frame for works to commence?

A: Works are allocated in the 2012 – 2013 Budget for the public works upgrade.

\$150,000 was allocated in this year's budget but has been rolled over into next year due to the recent decline in Section 94 Contributions, which have limited Council's ability to undertake any such works within the current financial year.

The public domain work is expected to begin in first half of the next financial year and will take place in 2 stages. Stage one will include an upgrade between St Andrews Gate and Powderworks. Stage two will run from St Andrews Gate down to the Community Centre along Kalang Road.

- Q:** In regards to the developers funds, what proportion of developers funds go to the development and to general revenue?
- A:** All funds received from the developers must go to allocated projects as specified in the S94 plans. The money is separately accounted for and spent on a range of issues such as libraries, village centres, open space etc. The money collected for the village centres will be pooled and spent on one centre at a time as they come up. This is more equitable than having insufficient funds collected for each centre.
- Q:** The State Government s94 contributions are to be reduced, is this correct?
- A:** It is currently restricted to under \$20,000 with an exception for the Warriewood Valley. The Warriewood Valley has s94 contribution per dwellings capped at \$62,100.
- Q:** How do we seek developers to complete the plan? How do we attract developers.
- A:** We are proactively gathering funds and working on the early stages of the Masterplan to provide an upgrade to the local environment. As part of the process, we are changing building controls in that area to assist in attracting developers. The 11m height limit (maximum 3 storeys), for example, is an incentive to potential developers and land owners. Any redevelopments will be driven by the market and Council do not actively attempt to attract developers.
- Q:** How will we ensure that we don't impact on Kurrawong Reserve? The Plan shows a massive building incorporating stairs which will impact on areas of natural beauty and does not incorporate what the community has asked for.
- A:** As part of the master planning process the opportunity to make Kywong Reserve more utilised by the residents was considered an option and included for comments. While some people in the community supported the opportunity there was a substantial amount of concern regarding the potential loss of the reserve's current function as an informal wildlife corridor. As a result, the draft Masterplan only proposes to establish a second entry point to the reserve through the 3 lots that are proposed to be rezoned in the south western area. Any activity, as proposed in the Masterplan, will be passive recreation with minimal impact on existing wildlife.

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#### **REFERENCE GROUP RECOMMENDATION**

That the process and time frame for the Elanora Heights Masterplan be supported.



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## **PIBE4.5      Pittwater Standard Instrument LEP**

### **Proceedings in Brief**

Monique Tite addressed the meeting on this item.

On Tuesday 1 May 2012, Council staff met with the Department of Planning and Infrastructure (DP&I) for a pre S64 meeting to discuss the progress of Council's Standard Instrument LEP. In general the DP&I were satisfied with the contents of the Standard Instrument and the progress made to date.

The DP&I have confirmed that they are satisfied with Council's intention that the new Pittwater Standard Instrument LEP will generally be a conversion of the current Pittwater LEP 1993, insofar as the structure and wording of the new template allows i.e. like zones for like zones and like permissibility for like permissibility. However it was recognized that as the current LEP content is over twenty years old and there will be circumstances where the outdated nature of some existing clauses, zones and land uses, renders them inappropriate or unable to be converted. When this occurs and changes are necessary, every endeavor will be made to clearly identify any changes and communicate them in an open and transparent manner.

### **Matters Arising from the Discussion**

- Q:** The Department of Planning & Infrastructure has a proposal on exhibition to allow some LEP amendments, in the future to be approved by Council with little intervention, beyond a "Gateway Determination". What does that mean and what is a Gateway Determination?
- A:** When you amend an LEP, you need a planning proposal in order to amend the LEP. Council makes a resolution to amend the LEP and then forwards it onto the Department of Planning for their permission. If the planning proposal is feasible, the Department will issue a Gateway Determination providing the requirements and conditions for how the LEP should progress. At the moment any new LEP or amendment to an LEP has to go back to the Department for final approval, but in the future Council may be able to make final decisions on small LEP amendments.
- Q:** Does the Department of Planning make the final approval for the new LEP and has the s65 certificate been replaced with the Gateway Determination?
- A:** The proposed changes to allow Council's to make a decision on an LEP amendment would not cover the new LEP. Council is required to follow a specific process and then submit to the Department of Planning for final approval. A Gateway determination is the new terminology. The LEP is progressing under the old legislation, as the process started when the legislation was different. Therefore we will be getting a s65 certificate and not a Gateway determination for the new LEP.

The State Government wants to retain its control over the planning instruments, and therefore will only give councils the power to approve small amendments.

The proposed changes by the State Government also incorporate reviews to Council decisions to refuse rezoning applications. These reviews would be undertaken by the Joint Regional Planning Panel (JRPP) if an application is not determined within a certain timeframe or the Council do not progress it.

It should also be noted that if the new LEP misses going to Council before the July deadline, it will need to go to the new Council. We will also be putting this on exhibition twice as it takes time to get this document correct and we do not want the LEP to be made invalid, as was the case with the Ku-ring-gai Town Centres LEP.

---

### REFERENCE GROUP RECOMMENDATION

1. That the report be noted and the preparation of the draft Pittwater Standard Instrument Local Environmental Plan continue to progress.
2. That the PIBE Reference Group be kept updated regarding the progress of the Pittwater Standard Instrument Local Environmental Plan.

---

### **PIBE4.6      Sydney over the next 20 years - A Discussion Paper**

**Date:** 16 May 2012

#### **Proceedings in Brief**

Kelly Wilkinson addressed the meeting on this item.

The Department of Planning & Infrastructure (DP&I) are developing a new metropolitan strategy for Sydney. The metropolitan strategy will provide a framework for Sydney's growth over the next 20 years, to assist the DP&I plan for things like housing, employment, transport, infrastructure, the environment, and open space. In particular, we are expecting that the new metropolitan strategy will set out new housing and employment targets for each of the sub-regions in Sydney.

As the first step in the process of preparing a new metropolitan strategy for Sydney, the DP&I have released a discussion paper (*Sydney over the next 20 years – A Discussion Paper*) (the Discussion Paper) to stimulate thought and initiate conversation about what the people of Sydney want for their city. Warriewood Valley Strategic Review update brochure was distributed in the Reference Group meeting from Planning and Infrastructure and a copy is attached to the Minutes (refer **Attachment 4**). The DP&I is inviting comment on the Discussion Paper until 29 June 2012.

The new metropolitan strategy for Sydney will be the overarching planning document that feeds into other planning documents such as sub-regional strategies, local planning strategies and Local Environmental Plans. It is therefore vital that the community get involved and have a say about what they want for Pittwater, the North East sub-region and Sydney over the next 20 years.

The Discussion Paper is available for viewing at [www.nsw.gov.au/haveyoursay](http://www.nsw.gov.au/haveyoursay).

Comments are to be sent directly to the DP&I either online, via email to [metrostrategy@planning.nsw.gov.au](mailto:metrostrategy@planning.nsw.gov.au) or by post to the Metro Strategy Team, PO Box 39, Sydney 2011.

Further, several “drop-in sessions” are being held across Sydney whereby the public can meet directly with a planner from the DP&I to provide comments/discuss ideas and/or visions etc. for the future of Sydney. The closest drop-in session is at Dee Why Library on Monday 18 June, 3pm-6pm.

Council staff have reviewed the Discussion Paper and will be preparing a submission to the DP&I.

The DP&I have advised that following community consultation, a submissions report will be produced, followed by a draft metropolitan strategy mid-late 2012, and a final metropolitan strategy by the end of 2012.

### **Matters arising from the discussion**

Q: Didn't we just review a draft metropolitan strategy for Sydney?

A: The Metropolitan Plan was finalised in 2010, however since then the State government has changed and the DP&I have advised that a priority of the new government is to prepare a new metropolitan strategy for Sydney. The new metropolitan strategy will replace the Metropolitan Plan 2010.

Q: The Draft North East Sub-regional Strategy allocates a target of 4,600 dwellings to Pittwater – will the new target be imposed by the DP&I or by the three councils?

A: Previously, the DP&I have determined the housing target for the North East sub-region through the metropolitan strategy for Sydney. Pittwater, Warringah and Manly Councils then came to an agreement as to how the housing target would be distributed between the local areas. We are anticipating that the same process will be applied once the new metropolitan strategy is finalised.

Q: Will the housing target be increased?

A: At this stage we are uncertain. Population figures will influence the determination of housing targets.

Q: Will Ingleside be included in our housing target?

A: Previously Ingleside was not included in the housing target for Pittwater so it is anticipated that this will remain the case, however at this stage we are uncertain.

---

### **REFERENCE GROUP RECOMMENDATION**

1. That the report be noted.
2. That members of the Planning an Integrated Built Environment Reference Group disseminate the information regarding the Discussion Paper to their various contacts in the Pittwater community.

---

## **PIBE4.7      Draft Delivery Program & Budget 2012 PIBE Ref Group**

### **Proceedings in Brief**

Simone Johnston addressed the meeting on this item.

The Planning an Integrated Built Environment identified 4 reference points during the year which were all considered as inclusions in the Draft Delivery Program (refer **Attachment 5**). The Reference Points are:

- **Ref Point 1** = Council to consider improving facilities for securing bikes and bike lane pathways:
  - *Walks & Rides Masterplan is going up to Council on 21 May 2012.*
- **Ref Point 2** = Council lobby state government to provide integrate electronic ticket system and to encourage use of public transport:
  - *Workshop with RMS to discuss range of issues end May.*
- **Ref Point 3** = Council encourage clubs and pubs to provide courtesy bus system to alleviate late night transport issues:
  - *Action in 2011/2012 to investigate mini buses in village centres.*
- **Ref Point 4** = Council to raise issues with RTA about road kill and public transport options to be considered in plans to widen Mona Vale Road:
  - *Upgrade plans have just come off exhibition & it will also form part of Ingleside land release actions Year 1-4.*

Submissions on the Draft Delivery Plan and Budget will need to be submitted prior to the 30 May 2012.

---

### **REFERENCE GROUP RECOMMENDATION**

3. This report provides an update on the process of the Delivery Program and Budget for 2012-2016.
4. That the information provided in the report be noted.

---

## **PIBE4.8 Sustainability Principles and Checklist Marketing Program and Content Update**

### **Proceedings in Brief**

Mr Greg Roberts addressed the meeting on this item.

A copy of the Draft Marketing “Sustainable Building Checklist” – Pittwater Sustainability Principles for Residential Design was distributed to Reference Group Members.

The Reference Group was encouraged to read the document and provide feed back to Greg Roberts via email; [greg.b.roberts@gmail.com.au](mailto:greg.b.roberts@gmail.com.au) or telephone 9979 5228, alternatively via the Minute Secretary.

---

### **REFERENCE GROUP RECOMMENDATION**

That the Draft Marketing “Sustainable Building Checklist” – Pittwater Sustainability Principles for Residential Design be noted.

---

## **5.0 Emerging Business - Nil**

---

## **6.0 Next Meeting**

### **REFERENCE GROUP RECOMMENDATION**

That the next meeting of the Planning an Integrated Built Environment Reference Group Meeting will be held on 15 August 2012 at the Coastal Environment Centre commencing at 4.00pm

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 6.00pm  
ON WEDNESDAY, 16 MAY 2012.**

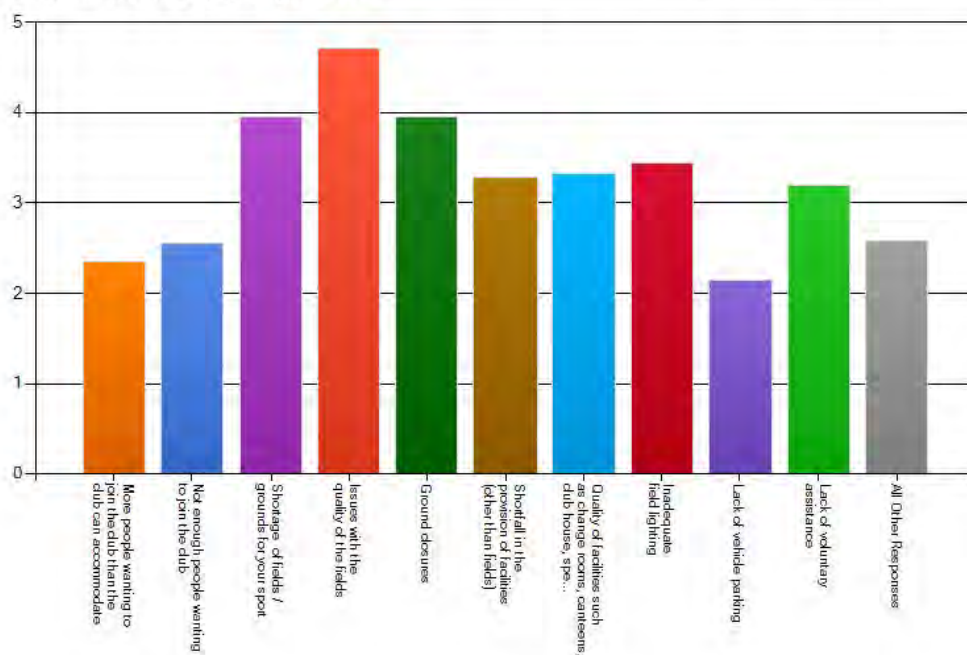
## Draft Pittwater Open Space & Recreation Strategy



### Sportsfields

Boondah - East and West	8ha		
Careel Bay/ Hitchcock Park	9	<b>Code membership</b>	
Kitchener Park	7	Soccer	2,999
Lake Park Oval Reserve	3	Touch Football	1,901
N. Narrabeen Reserve	24	Rugby League	1,314
Porter Reserve	1.6	Rugby (Union)	1,061
Warriewood Valley	2.8	Netball	916
Total approx.	55.4	Oz-tag	703
		Baseball	296
		Softball	222
		AFL	156
		Cricket	119
		Hockey	30
		Equestrian	26
<b>Fields</b>	<b>31.5ha</b>		<b>9,743</b>
19 full sized fields			
(incl. equestrian area)			
Three ¾ sized fields			
Ten mini fields			

What are the key issues currently facing your club? Please rank in importance where relevant, where 1 = low importance and 5 = high importance.



### Survey. Part 1 - Respondent profile

16 May – 55 people completed the survey

29 males, 24 females

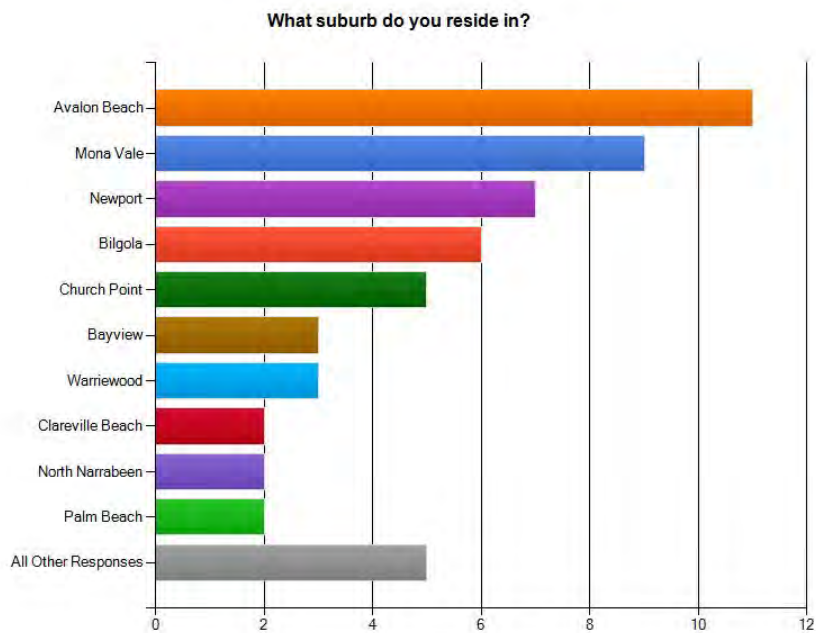
16-25 years – 5

25-35 years – 6

36-50 years -21

51-65 years -15

66 years or over - 8



**Part 2 – Participation - Q 4 most popular (with club Y-23, n-27)**

Cafes outdoor dining 32

Walking 30

Swimming 29

Cinema 28

Bushwalking 24

Surf 22

Park visits for passive recreation 20

Nature appreciation 20

Voluntary community work 20

Playground visits 18

Boating activities 18

Markets 16

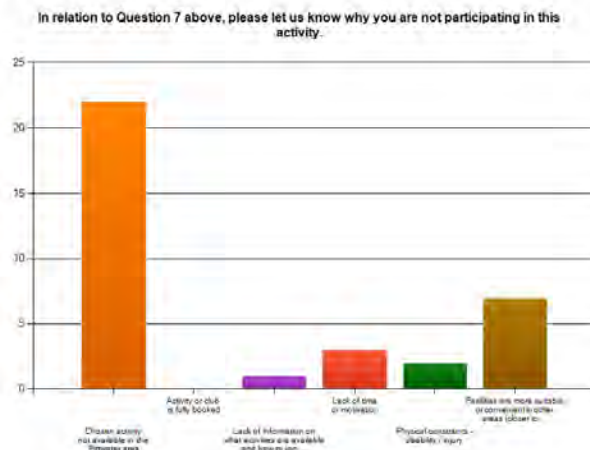
Dog walking 14



Q7 Are there any activities you would like to participate in, but are not? - y-29 n-13.

### Activities wanted

Indoor / outdoor olympic pool (16), Sport (7), Cultural - theatre and concerts/ open air poetry readings, outdoor cinema, political speakers, singing in classical choir (4)



## Part 3 – Open space network

### Preferred landscape settings

Most preferred - Coastal beaches (24)

Second - Bushland (12), Small neighbourhood parks (7)

Third – Waterways (14), Walking tracks (7) Large parklands (6),

Fourth – Indoor rec (7), Structured sports area (7), Village green (6)

Fifth – Sportsgrounds (4)

### What motivates you to visit landscape setting

Coastal beaches – swimming (29), relaxing (26)

Bushland – walk, jog (34)

Waterways – swimming, boating (21)

Indoor rec. centre – competitive sport (15)

Structured sports area – competitive sport (14)

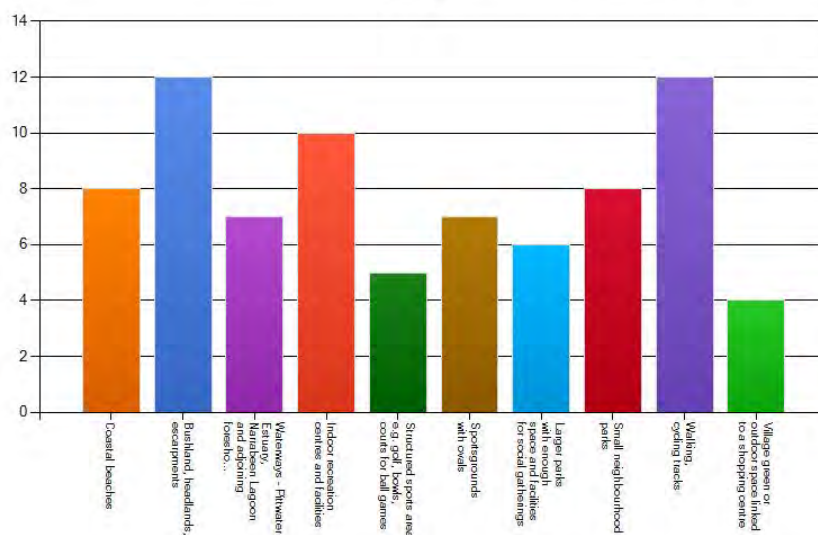
Sportsgrounds – competitive sport (12)

Large parklands – social (21)

Waking tracks – walk, jog (27)

Village green – relaxation (16)

Do you think any of the landscape settings could be further enhanced? If so, please tick the setting, and comment in the space below on how the setting could be improved aesthetically &/or functionally. If you would like to provide comments on more than one setting, please provide the name/s of the additional setting/s.



## Improvements

- Sportsfields – availability, ground condition, facilities, lights.
- Indoor /outdoor olympic pool and associated facilities
- Calisthenics, outdoor gyms
- Measures to lessen the impact of sportsfield use on local residents.
- Cultural facilities - theatre, concerts, classical choir, cinema
- Foreshore reserves walking tracks and picnic facilities – particularly at Church Point
- More playgrounds – lacking at Church Point
- Restore bushland – provide more walking tracks
- More cycling tracks
- Improved amenity in parks – replace tired infrastructure and landscape attractively.

## Examples - aesthetic

- Natural areas – Tasmania and NZ
- Pittwater does not need enhancement – just keep it natural
- Australian Botanic Garden, Mount Annan– how it incorporates native fauna and flora with passive recreation.
- Bondi Beach, Coogee Beach, Clovelly Beach, Tamarama Beach – wide open green spaces and areas for social gatherings. Suitable for Apex Park.
- Paley Park, New York – small city park with high quality landscape setting suitable for our town centres
- Adelaide, Perth, NZ, Singapore – clean, green spaces



Paley Park NY



Mt Annan - Cumberland Plain Woodland



### Examples - tracks

Narooma – cycleway along the beach front, shelters

Lorne, Merimbula, Darling Harbour – coastal boardwalks with village maritime character rather than a suburban feel. Seating - refer to Bradley's Head.

Broadbeach QLD – beach frontage – walking, riding, skating, gym organised activities, walk to restaurants

Mt Buller Victoria – mountain bike trails Warriewood escarpment

Northern Virginia – W & OD Trail suitable for walking and biking



Narooma



Northern Virginia - narrow park - 45 miles long built on old railway track

### Examples activities

Melbourne Museum - playground

Europe – regular market days, good landscaping. Local commuter transport.

Europe - table tennis in parks

USA, Brookvale, Bondi – adult fitness park for body weight training- chin-up bars, parallel bars. Narrabeen Lagoon equipment is not suitable for serious trainers. I train with 23 other people several times a week at Brookvale.

Vancouver – Stanley Park

Vincentia Shoalhaven Rec and Leisure Centre – indoor pool gym crèche.

Improved picnic facilities especially toilets. Good toilets in Japan



Carlton Gardens Playground –  
Taylor Cullity Lethlean with Mary  
Jeavons

- Contemporary
- Labyrinth - walls

Paris - table tennis



Stanley Park – giant trees/ highly developed city  
park – 404 ha nature plus activities





# Community Strategic Plan End of Term Report

May 2012



## Background


- Community Strategic Plan is a 10 year community document
  - Aim:
    - Integrate and streamline statutory planning and reporting
    - Strengthen councils' strategic focus
    - Ensure accountability and responsiveness to local communities
  - It is reviewed every 4 years
- 



## Reference Group Input

- Advancing progress towards Community Strategic Plan goals
  - End of Term Report will highlight major achievements
  - Reference Groups opportunity to identify any achievements to include
  - Eg Sustainability Design Guideline & Checklist
  - Feedback through Minute Secretary
- 

## End of Term Report Legislation

- Reports on the progress of the Community Strategic Plan over last 4 years
  - It is a high level report to report on Council's progress in implementing the Community Strategic Plan
  - Audience is the community
  - End of Term Report to be Tabled at final meeting of outgoing council
  - Aims to inform incoming Council in the review of the Community Strategic Plan
- 





**Planning &  
Infrastructure**



**PITTWATER  
COUNCIL**

March 2012

News for Warriewood Valley Residents and Landowners



## Warriewood Valley Strategic Review Update

### Background

In January 2011 the Planning Assessment Commission (PAC), an independent planning review committee established by the NSW Government, approved the development at 14-18 Boondah Road Warriewood. In doing so, the PAC recommended a comprehensive strategic study to review Council's dwelling density and height control for Warriewood Valley, as well as the current transport network and infrastructure demands in the Valley and surrounding area.

In March 2011 Pittwater Council commenced the Warriewood Valley Strategic Review in partnership with the Department of Planning & Infrastructure.

The aim of the Strategic Review is to establish a forward path for all undeveloped land in the Valley, including the area known as the Southern Buffer.

### What's happened so far?

A Project Control Group (PCG) comprising senior officers from the Department and Council was formed to oversee the Strategic Review. An independent probity advisor was also engaged to advise the PCG on probity issues, and help to ensure the integrity of the review and address conflicts of interest.

Between September and October 2011 independent consultants with expert knowledge in the areas of transport, hydrology, urban design and economic feasibility undertook studies and reported their findings to the PCG.

Based on the outcomes of these studies, Council and Department staff have prepared the Draft Warriewood Valley Strategic Review Report, and options on how the remaining undeveloped land in the Valley may be developed. This draft report is now on public exhibition until 18 May 2012.

### What happens next...

Flood evacuation response policies are currently being examined by the Department in consultation with the NSW State Emergency Service. Some areas identified for increased residential density will not be rezoned until flood evacuation issues are resolved.

### Key Review Findings

The independent consultants commissioned to undertake studies for the Strategic Review have recommended the following:

**Urban Design Study** – proposes different densities and housing types for the undeveloped residential sectors and also puts forward a concept plan for the Southern Buffer.

**Hydrology Study** - details the extent of flooding over Warriewood Valley and discusses flood evacuation options and acceptance of the findings of the SES. It recommends earthworks across various sites to create building platforms and help ensure flood-free development.

**Transport Study** – based on various development scenarios it was found that most key roads would continue to operate at acceptable levels during peak periods. Some intersections may require work to improve traffic flow for some development scenarios.

**Economic Feasibility Study** – recommends that for small-lot housing and townhouses, the density should be a minimum of 30 dwellings per hectare to ensure economic viability. The Study also found that a single level shopping centre would be the most viable option for the Southern Buffer.

**See the back cover for details on how you can have your say!**





# Review of Housing in Warriewood Valley

The Strategic Review has explored opportunities to provide more housing, both in terms of raw numbers and more diverse housing forms.

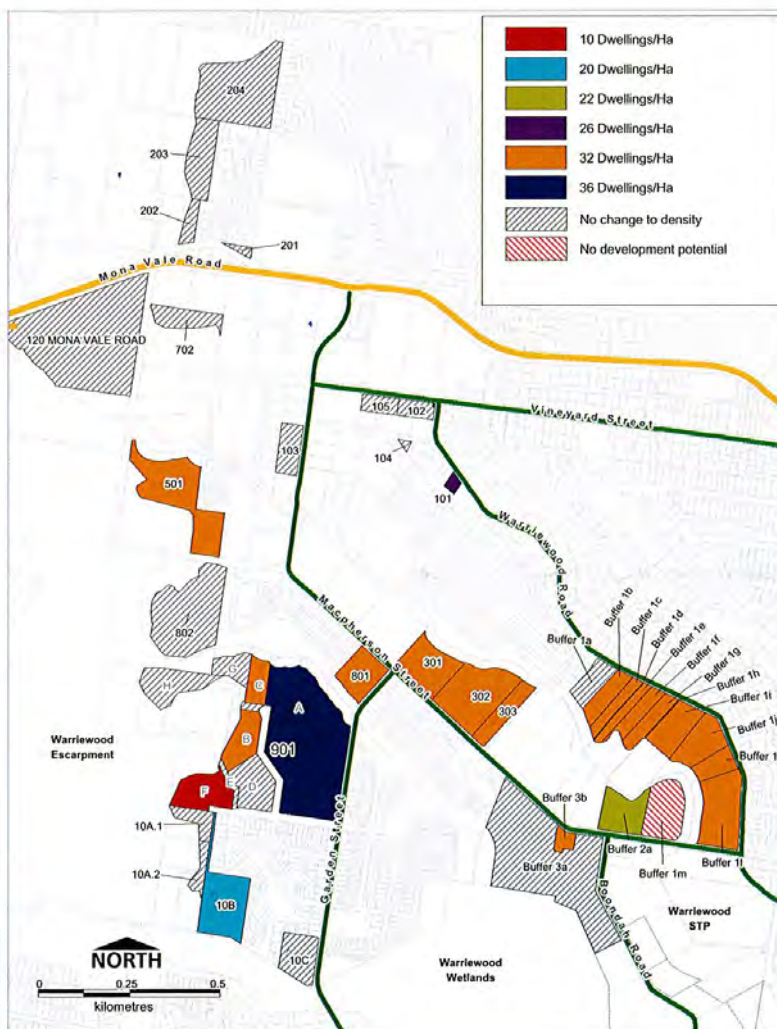
Currently the density of housing in Warriewood Valley ranges from 10 dwellings per hectare to 25 dwellings per hectare. Based on this density range, housing types vary from detached dwellings, attached terraces and townhouses to low-rise apartment buildings.

The Draft Strategic Review Report, taking into account all the independent consultant studies, recommends that most developable sites in Warriewood Valley can support densities of up to 36 dwellings per hectare. Generally, these densities will result in housing that is similar in form and scale to that already existing in the Valley. The rezoning of some sectors is dependent on the resolution of flood evacuation issues.

Not all sectors tested were recommended for an increase in density and therefore will retain their present density.

## Recommended Housing Densities

The map below illustrates the housing densities recommended by the Draft Strategic Review Report. The images below are provided to give an indication of the types of housing that may be built.



[www.pittwater.nsw.gov.au/warriewoodreview](http://www.pittwater.nsw.gov.au/warriewoodreview)



## Future Direction for the Southern Buffer

The area known as the Southern Buffer is located at the junction of Pittwater and Jacksons Road, bordering Warriewood Wetlands and the Warriewood Sewage Treatment Plant.

Prior to the Strategic Review, the Southern Buffer was the last remaining sector in Warriewood Valley to be fully investigated for development.

Significant flooding issues, identified by the Hydrology Study, limit the development potential of the Southern Buffer. Considerable earthworks would be required across the entire site to allow development to occur. For optimal development potential and flood evacuation requirements, two development

sites, one in the north-west and one in the south-east of the site, have been identified.

The concept plan developed for the Southern Buffer proposes a range of land uses, to establish the area as a hub of leisure and lifestyle activities.

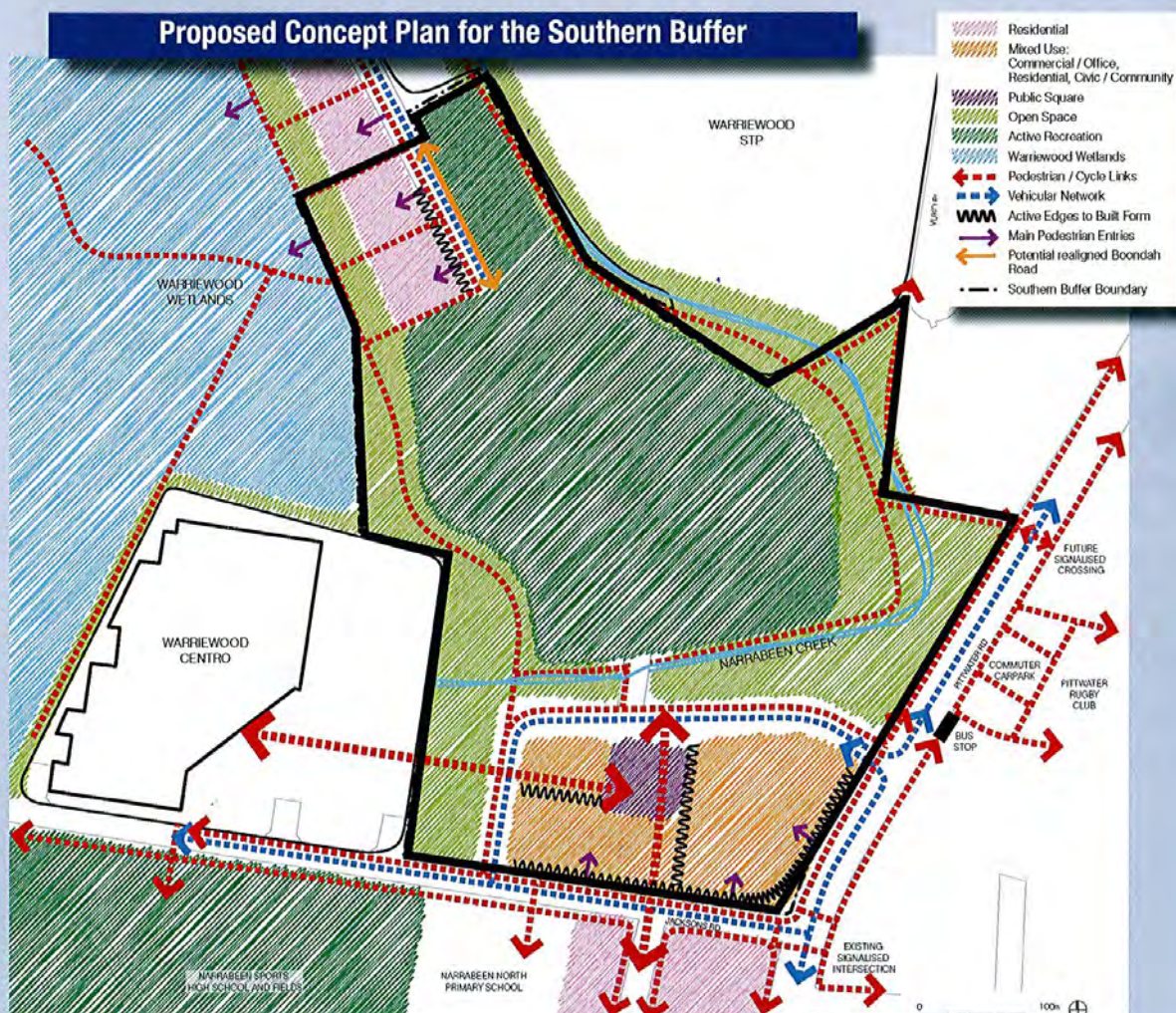
Residential development is proposed for the north-west development site.

A new mixed-use centre is envisaged in the south-east development site to provide a focal point for the Warriewood Valley community, helping foster a village atmosphere. The centre could contain retail, commercial and civic uses, restaurants and cafes and a public square.

Existing community centres located along Boondah Road may be replicated within the new mixed use centre, resulting in no net loss of civic space.

Boondah Road would be realigned to enhance existing open space, with a series of pedestrian and cycle links also proposed.

The concept plan provides a forward path for landowners to prepare and advance a rezoning application for the site. Ultimately, realising the development potential of the Southern Buffer will rely on a collaborative approach from landowners.



[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



# How to have your say...

## Briefing Session

### Invitation

Come to a **briefing session** where staff will provide an overview of the review process & its findings

**Date:** 3 April 2012

**Venue:** Pittwater RSL Club Auditorium  
82 Mona Vale Road, Mona Vale.

**Time:** 6pm

**RSVP (essential): by 30 March 2012**  
phone - 9970 1224  
email - [rsvp@pittwater.nsw.gov.au](mailto:rsvp@pittwater.nsw.gov.au)  
online - [www.pittwater.nsw.gov.au/rsvp](http://www.pittwater.nsw.gov.au/rsvp)

## Contact us...



[www.pittwater.nsw.gov.au/warriewoodreview](http://www.pittwater.nsw.gov.au/warriewoodreview)



[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



[warriewoodreview@pittwater.nsw.gov.au](mailto:warriewoodreview@pittwater.nsw.gov.au)



PO Box 882, Mona Vale 1660



9970 1318 - Tia Stagni - Planner (Land Release)

## Public Exhibition

The Draft Warriewood Valley Strategic Review Report is on public exhibition between **Saturday 24 March and Friday 18 May 2012.**

You can view the Report online at:

- [www.pittwater.nsw.gov.au/warriewoodreview](http://www.pittwater.nsw.gov.au/warriewoodreview) OR
- [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Copies are available at:

- Council's Mona Vale & Avalon Customer Service Centres & Libraries
- The Department's Information Centre, 23-33 Bridge Street, Sydney

## Make a submission

You can make a submission in a number of ways:

- ▶ **in writing:** Address your letter to:  
General Manager - Pittwater Council  
Warriewood Valley Strategic Review  
PO Box 882, Mona Vale NSW 1660
- ▶ **email:** [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)
- ▶ **comment form:** Complete the comment form available on our website or at Council's customer service centres.
- ▶ **online:** Plot your suggestion on our interactive community mapping tool and read what others have to say.

[www.pittwater.nsw.gov.au/warriewoodreview](http://www.pittwater.nsw.gov.au/warriewoodreview)

The closing date for submissions is **Friday 18 May 2012.**

All submissions received by Council and the Department during the public exhibition process will be considered by the Review Team for incorporation into the final Strategic Review Report.

In the interests of transparency, submissions received in writing and as online submissions will be made available to the general public on request. However, no personal details will be passed on to any third party.

A summary of issues raised by all submissions will be reported to the community after the close of the public exhibition period.



Planning & Infrastructure



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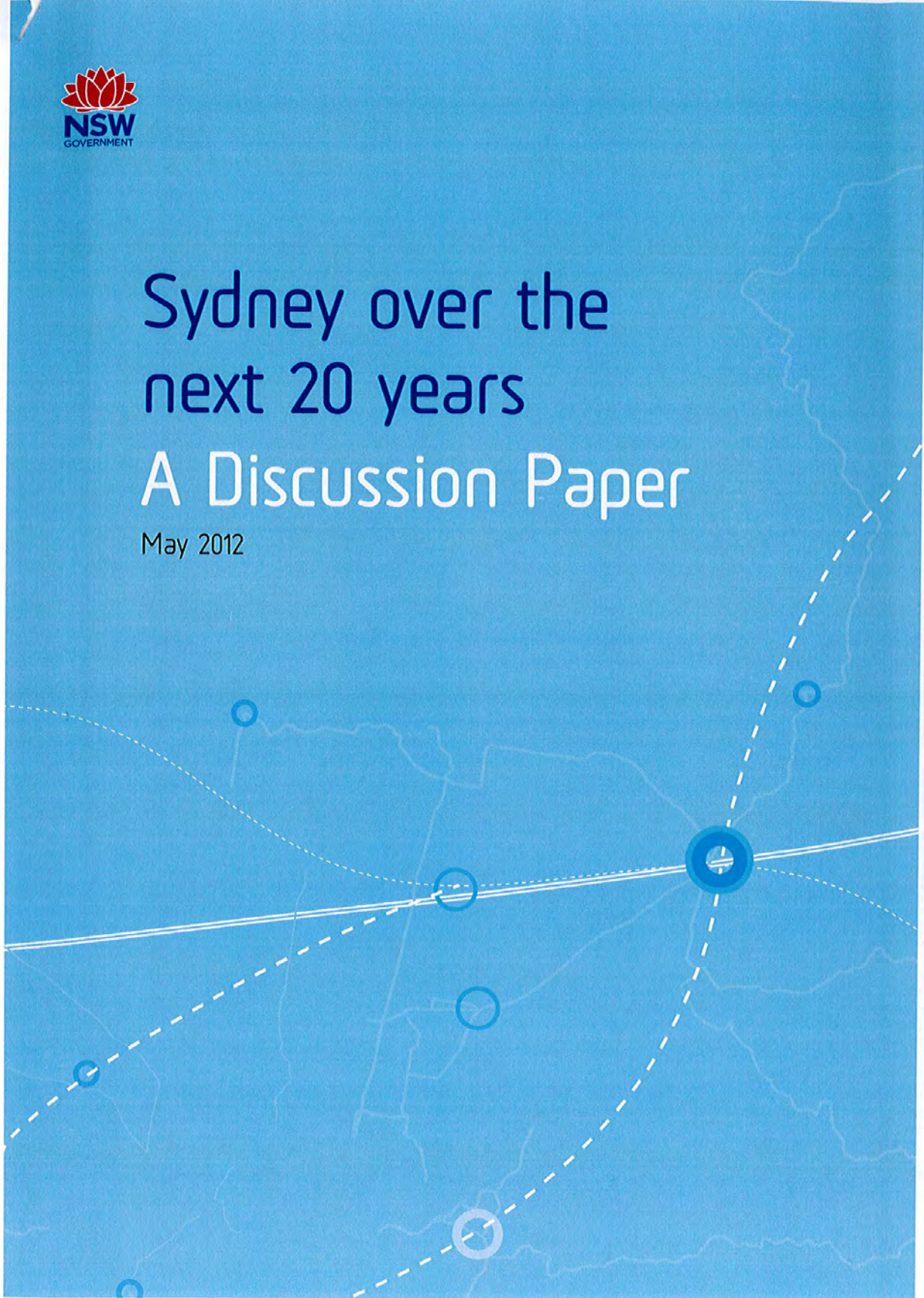
*Pittwater Council and the Department of Planning & Infrastructure - working in partnership on the Warriewood Valley Strategic Review.*





# Sydney over the next 20 years A Discussion Paper

May 2012







## Sydney over the next 20 years. A Discussion Paper

May 2012

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## Get involved

This Discussion Paper is the first step in the development of a new Metropolitan Strategy for Sydney. The Discussion Paper will be followed by a draft Strategy for consultation, and a final Strategy by the end of 2012.

The new Strategy has the potential to transform Sydney. Your involvement will set the groundwork to meet a vision for how Sydney will be in the next 20 years.

As you read through this Discussion Paper, think about the suburbs where you live, work or do business in Sydney and whether these places should be the focus for future change and growth. Think about what you and your family need from the city now, and what you will need from it in 20 years.

Our aim is to get your views about your priorities for your area and for Sydney as a whole over the next 20 years.

To have your say, visit the online forum at [www.nsw.gov.au/haveyoursay](http://www.nsw.gov.au/haveyoursay) and select **Metropolitan Strategy 2012**.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email:  
[metrostrategy@planning.nsw.gov.au](mailto:metrostrategy@planning.nsw.gov.au)
- Post: Metropolitan Strategy Team  
PO BOX 39  
SYDNEY 2001

All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.

Sydney over the next 20 years. A Discussion Paper

1



# Foreword



**Sydney is one of the world's great global cities. Its four million residents enjoy a stunning natural environment, vibrant culture and lifestyle and an economy which represents nearly 25 per cent of Australia's gross domestic product.**

At the same time, it needs to be recognised that Sydney has many challenges – both now and into the future. Sydney's population is expected to rise by more than 1.3 million by 2031 and this additional population will require 570,000 more homes and 600,000 more jobs. Our population estimates for 2031 are now far higher than anticipated just seven years ago in the 2005 Metropolitan Strategy.

Sydney needs a fresh start and a fresh approach to meet these challenges. Over the past decade there was insufficient provision of housing and the infrastructure needed to meet our growth challenges. And that's resulted in housing affordability and transport problems across the metropolitan area.

The NSW Government is releasing this discussion paper as the first step in putting in place the strategy for how Sydney will grow to 2031 and beyond.

For the first time, we're preparing a new Metropolitan Strategy concurrently with a number of other strategies with the same 20-year horizon – in particular the Long-Term Transport Master Plan and the State Infrastructure Strategy. We will finalise these documents together to provide a solid platform and certainty to drive great outcomes for our great city.

Sydney's residents deserve to have improved access to all the opportunities that the city can offer, whether these are housing, infrastructure, environmental, economic or lifestyle benefits. To do this, we need to better coordinate housing and infrastructure and provide a wider range of employment opportunities right across the metropolitan area. We need to work more closely with our partners in local government to deliver these key outcomes.

Furthermore, we're reviewing the State's planning system and will examine giving legislative backing to our key strategic planning policy settings. We'll also be developing a clear mechanism to ensure the strategy is properly delivered – something which hasn't happened in the past. This will provide increased certainty to everyone who lives, works or invests in our city.

I welcome all Sydneysiders having their say about this important initiative. Your comments and input will help us define the key principles to underpin our new plan for Sydney and how these principles should be delivered.

**Brad Hazzard**  
Minister for Planning & Infrastructure



This Discussion Paper offers a range of new approaches to stimulate debate about what we all want from Sydney. It is the first step in the development of a Metropolitan Strategy for Sydney.



Rather than make assumptions on what people require from their city, this Discussion Paper will allow us to directly connect our decisions to the needs and desires of Sydneysiders.

# Making NSW number one

This Discussion Paper draws on the objectives set out in *NSW 2021: A plan to make NSW number one (NSW 2021)*.

This Discussion Paper offers a range of new approaches to stimulate debate about what we all want from Sydney. It is the first step in the development of a Metropolitan Strategy for Sydney.

Integrated land use, transport and infrastructure planning will help us achieve specific goals of *NSW 2021*: to improve housing affordability and availability, invest in critical infrastructure and build liveable centres. This means planning for cities and towns that are great places to live, work and visit.

This Discussion Paper is the first step. It invites you to think about your priorities now and for the future. It aims to generate feedback on whether current plans and policies are appropriate, deliverable and supported by the community; are they right for Sydney, or should they be changed or strengthened?

## A new approach

The Government is fulfilling a new agenda to

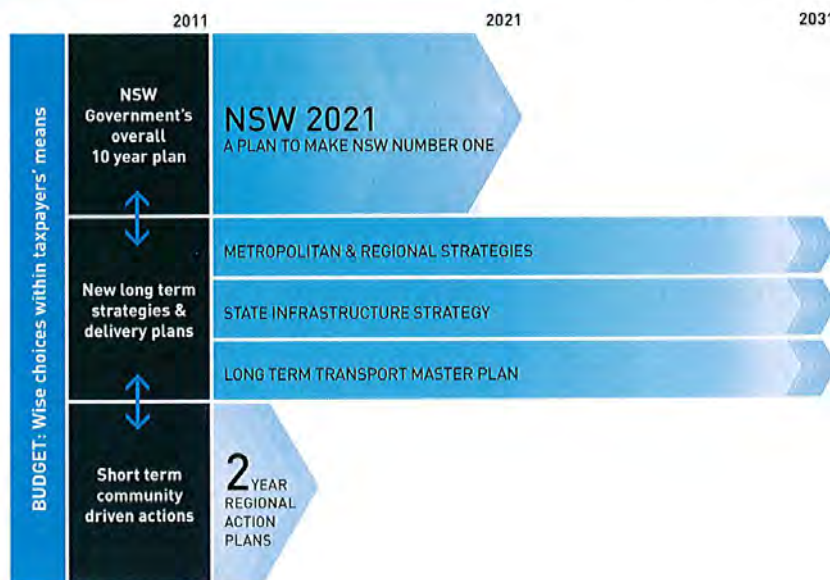
deliver integrated strategic planning in relation to land use, transport and infrastructure investment, backed up by rigorous financial management. This will ensure that we can deliver on commitments to rebuild our State and make NSW number one again.

During 2012, the NSW Government is developing new plans for the long-term future of our State, and at the same time we are also delivering immediate improvements for local communities. The plans will be linked to *NSW 2021*, to ensure a coordinated and community-driven approach.

The communities that make up Sydney are unique, with different priorities. Feedback from each community will underpin the development of long and short term plans.


Our progress in implementing the plans will be reported back to the community with clear and honest explanations about how we are performing.

**NSW 2021** is the 10-year plan to rebuild the



4 Sydney over the next 20 years. A Discussion Paper





economy, provide quality services, renovate infrastructure, restore Government accountability and strengthen our local environment and communities. During 2012, the Government is giving the community the opportunity to identify immediate actions that will deliver improvements in their local areas across 17 regions over the next two years.

The **Metropolitan Strategy** is the 20-year plan to build liveable places across Sydney. It will guide future planning and investment decisions covering housing, economic development and jobs, open space and the transport we need to connect our homes, jobs, education and recreation facilities.

The **State Infrastructure Strategy** is the 20-year strategy to identify and prioritise the delivery of critical public infrastructure that drives productivity and economic growth. The Strategy will present the NSW Government with clear and strategic options for delivering infrastructure and market reform in a way that provides best value for taxpayers.

The **Long Term Transport Master Plan** is the 20-year plan to return quality services through a world class transport system for NSW. It includes objectives for transport and identifies the priorities needed to create a transport system that meets a range of needs.

The Plans will inform the **Budget** priorities so that we can make the right choice to provide value for money. To sustain our State's finances and maintain our AAA credit rating we need to determine the community's priorities amongst competing requests for funding.

## Why Sydney needs a Metropolitan Strategy

Sydney is changing. Like any global city, it must provide equitable access to the kind of things that its residents, workers and visitors need every day.

For a city of this size, the distribution of housing, jobs, infrastructure and transport networks can't be left to chance. It requires a vision for how the city can be improved now, and how it can effectively manage the growth, change and opportunities for the future. This vision provides a clear framework

for where the Government should get involved, where it can influence markets, and where markets can or should take the lead. The aim is to set a planning framework that facilitates investment and delivers affordable outcomes that meet market demand.

The new Metropolitan Strategy will provide this vision, based on extensive consultation with all stakeholders and strong alignment with *NSW 2021*, the *Long Term Transport Master Plan* and the *State Infrastructure Strategy*.

A Metropolitan Strategy can influence the supply of the right types of houses in places where people want to live. It will provide the settings to serve the businesses and industries that deliver Sydney's jobs and economic strength. It will improve the transport networks that people and businesses rely on every day and it can help us plan for the infrastructure that affects the quality of people's lives, the efficient functioning of places and the State's economic competitiveness.

More than just link jobs, housing and places with the right infrastructure and effective transport, the Metropolitan Strategy can help to make Sydney a city where residents, workers and visitors are given a 'fair go'. It can help to provide equal access to the social, recreational and economic opportunities Sydney offers and can strike a balance between a growing city and protecting the natural environment that shapes the city's foundations. The Metropolitan Strategy can allow us to still provide fresh food from within our own boundaries and can improve our connections with the rest of the State.

## More needs to be done

However, just having the Metropolitan Strategy is not enough – more needs to be done to deliver the houses, jobs and infrastructure people need. In recent years, not enough new homes have been built in Sydney to keep pace with community demand. There has been a failure to deliver the transport connections and infrastructure Sydney needs. Without a common purpose between State, local and Federal governments, and without strong structures to ensure transparency and accountability in the way plans are implemented, Sydney's strategies and plans have not always translated into action on the ground. Our new approach will remove these impediments and see immediate improvements for Sydney.

# Making NSW number one

## Planning for the future

Here's some of the important things we know about Sydney. We need to think about these trends when setting the vision for Sydney for the next 20 years.

<b>4.26m:</b> Sydney's population 2010	<b>1.71m:</b> Homes in Sydney in 2010	<b>2.16m:</b> Jobs in Sydney 2010
<b>5.62m:</b> Sydney's population 2031	<b>2.28m:</b> Homes in Sydney in 2031	<b>2.76m:</b> Jobs in Sydney 2031
<b>By 2031, Sydney will have 1.4m more people, need 570,000 more homes and 600,000 more jobs</b>		
<b>12%:</b> the percentage of the population over 65 in 2010	<b>45%:</b> the percentage of low and moderate income households suffering rental stress in Sydney	<b>7.21ha:</b> Sydney's ecological footprint, as measured per person
<b>16%:</b> the percentage of the population over 65 in 2031		
<b>1m:</b> the increase in cars on our roads since 1996	<b>24%:</b> the proportion of us who take public transport to work	<b>6.7%:</b> the increase, each year, in container volumes at Port Botany <sup>i</sup>
<b>80%:</b> the percentage of foreign and domestic banks whose Australian headquarters operate from Sydney	<b>60%:</b> the percentage of Asia Pacific regional headquarters of multinationals in Australia that operate from Sydney	<b>2.6m:</b> the number of international visitors to Sydney each year
		<b>3.1%:</b> the rate of increase in visitor numbers each year <sup>ii</sup>
<b>54 mega tonnes:</b> the amount of carbon dioxide produced from Sydney's energy consumption alone <sup>iii</sup>	<b>40%:</b> the proportion of NSW's perishable vegetables produced in Sydney <sup>iv</sup>	<b>\$1.5bn:</b> the contribution the Sydney region's food industries make to the State's total value of agriculture



## The principles that guide our planning

Planning for Sydney is being shaped by a number of principles. Have a think about these principles as you read through the Discussion Paper - are they important to you?

The principles include:

- linking land use planning to transport and infrastructure
- strengthening the economic and employment opportunities that come from growth
- protecting the natural environment and our Aboriginal and cultural heritage
- providing housing across the city that suits different needs and budgets
- providing access to a range of jobs across the city, particularly to balance growth in Western Sydney
- supporting the Regional Cities of Parramatta, Penrith and Liverpool and other centres with appropriate services and infrastructure
- making it easier to access public transport from all parts of Sydney
- providing access to economic and recreational opportunities, regardless of where people live
- building new places and improving existing places through a high standard of design, energy efficiency and excellent public spaces
- building new places and improving existing places to promote healthy, active lifestyles and to create safe, inclusive and comfortable neighbourhoods
- adapting to a changing climate.

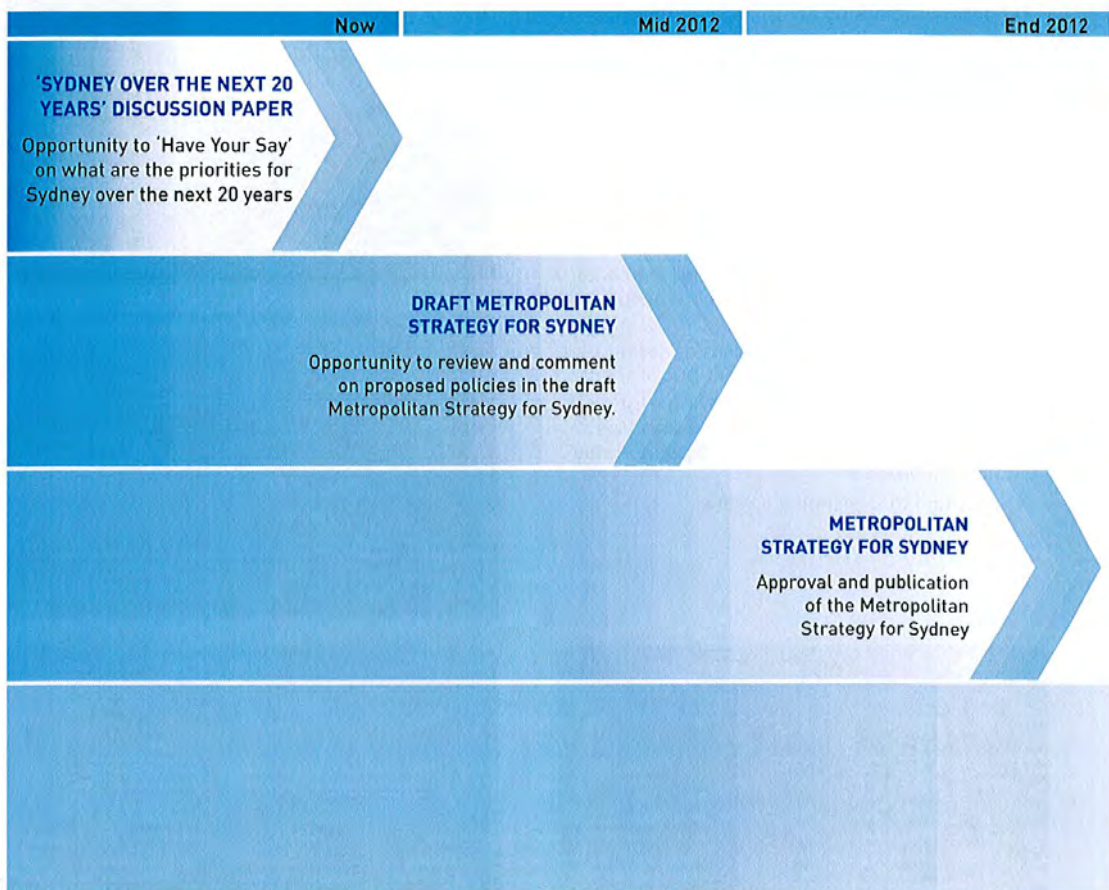


Sydney over the next 20 years. A Discussion Paper

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# What we need from you


## Timetable for delivering the Metropolitan Strategy



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Sydney over the next 20 years. A Discussion Paper





This Discussion Paper is the first step in the development of the new Metropolitan Strategy for Sydney. The Discussion Paper will be followed by a draft Strategy for consultation, and a final Strategy by the end of 2012.

The new Strategy will plan to 2031. It will look at how land use factors interact with transport networks and the delivery of infrastructure, setting the groundwork for a sustainable and effective global city.

As you read through this Discussion Paper, think about the places where you live, work, socialise or do business in Sydney and whether these places should be the focus for future change and growth. Think about what you and your family need from Sydney now, and what you will need from it in 20 years.

Our aim is to get your views about your priorities for your local area and for Sydney as a whole over the next 20 years.

2013-2031

**IMPLEMENTATION OF  
METROPOLITAN STRATEGY,  
INCLUDING SUBREGIONAL STRATEGIES**

Ongoing implementation and delivery of the Metropolitan Strategy, including Subregional Strategies as a part of an ongoing delivery program

To have your say, visit the online forum at [www.nsw.gov.au/haveyoursay](http://www.nsw.gov.au/haveyoursay) and select Metropolitan Strategy 2012.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email:  
[metrostrategy@planning.nsw.gov.au](mailto:metrostrategy@planning.nsw.gov.au)
- Post: Metropolitan Strategy Team  
PO BOX 39  
SYDNEY 2001

All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.

Sydney over the next 20 years. A Discussion Paper

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# Shaping Sydney

For over 60 years, metropolitan plans have influenced how Sydney has grown and enhanced the wellbeing of its people. These plans have guided investments in housing, employment and transport.

The pattern of Sydney's growth and the location and concentration of jobs and housing affects the way we live, travel and work. The network of connections among Sydney's employment centres, suppliers and markets is vital for its productivity and success as a global city.

## SYDNEY IN 2012: A REGION OF MANY TOWNS AND CITIES

Sydney's recent metropolitan planning has focused on the strengths of Sydney's centres. The clustering of activity in centres helps reduce urban sprawl, locates similar businesses together for productivity benefits, and gives people the opportunity to live closer to jobs and services.

Centres of all sizes are the building blocks of Sydney. They include large economic centres with tall buildings, frequent train services and major bus interchanges, lots of shops, schools and community facilities, entertainment and dining precincts and diverse employment opportunities. This concentration of activities helps to make large centres attractive and viable locations for higher density housing.

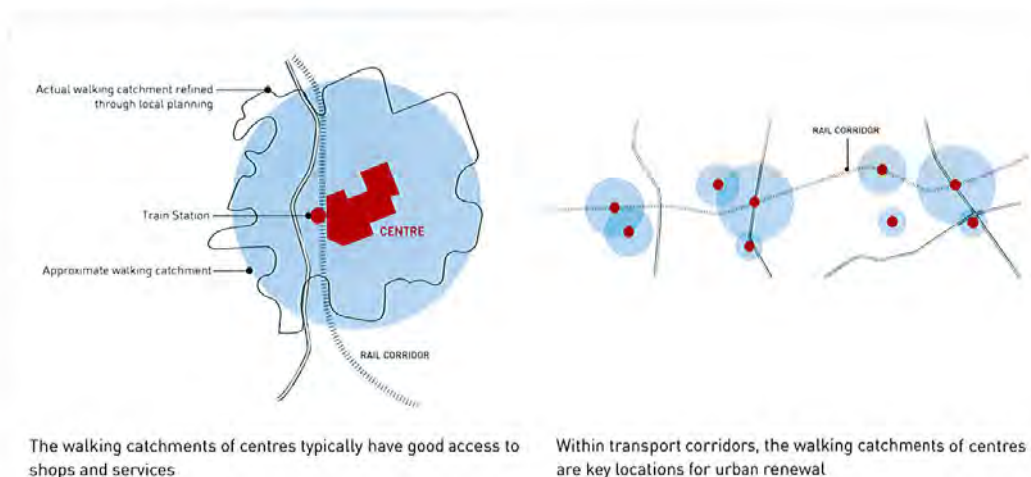
Sydney's centres also include smaller neighbourhood centres, the smallest of which have just a few shops and a local bus service.

Centres such as Parramatta, Liverpool, Penrith and Chatswood are identified as places that will support additional housing and employment. These places are identified as Strategic Centres - there are over 20 identified in Sydney - and have been a focus for development and infrastructure.

The Government is also committed to transforming areas of the city - from Barangaroo, Redfern and Green Square in the inner city, to the new communities in the North West and South West Growth Centres.

In some areas, new centres may need to be planned to provide appropriate shops, jobs and services to new communities, or to service areas where an existing centre has no room to grow.

This Discussion Paper asks you to think about whether our centres are the right places for new housing, jobs and transport.





## PROVIDING A STRONG 'GLOBAL' CITY AND A LIVEABLE 'LOCAL' CITY

This Discussion Paper looks at the elements that make Sydney an internationally competitive city - elements that also contribute to people's quality of life.

People working in a global city are more likely to earn higher wages and have access to more opportunities for high value work across all industry sectors. The success of our advanced consumer service industries and the extent of their global connectedness helps define us on global benchmarks as an 'Alpha +' city, just behind New York and London, and on par with cities like Singapore, Chicago, Tokyo and Paris."

In addition to better job prospects, our lifestyle, culture, education and even our recreation opportunities benefit from exposure to a global marketplace. Sydney hosts international exhibitions, offers places for the best educators and researchers and offers exposure to creative influences that spur home grown innovation. This benefits all of us who live and work here.

Sydney must remain a leading economic hub - not just in Australia, but in the Asia Pacific. Our challenge is to provide a strong 'global' Sydney while striving for a liveable 'local' city. There are trade-offs to consider.

A strong global city targets investment to high profile economic opportunities linked to our access to global trade, investment and tourism. This might mean the Government prioritises investment in:

- gateway infrastructure, including ports and airports
- freight and logistics infrastructure

- convention space and tourism infrastructure
- major universities
- accommodating finance, business services and export industry needs over residential development
- the look and feel of our CBD
- commuter passenger transport.

A liveable 'local' city focuses on the wellbeing of the city, its residents, and workers across all industry sectors. It values the social networks and natural environment throughout the city and the economic strengths that support employment and activity in centres. This might mean the Government prioritises investment in:

- the centres that are easy to get to
- strong transport links between centres
- public domain improvements, recreation opportunities and improvements to local centres and services
- economic development across industry sectors
- high quality residential development in many settings.

To strike this balance, we need to focus on the different components that make up Sydney. This Discussion Paper looks at each of these components - housing, jobs, transport, infrastructure, lifestyle aspects, our environment, our rural and resource lands and how we connect with the rest of NSW - and presents some new approaches that could ensure these components work together to achieve equal opportunities across the entire Sydney region.



# Shaping Sydney

## Housing our growing population

Sydney needs to provide its residents with the right types of houses in the places where people want to live.

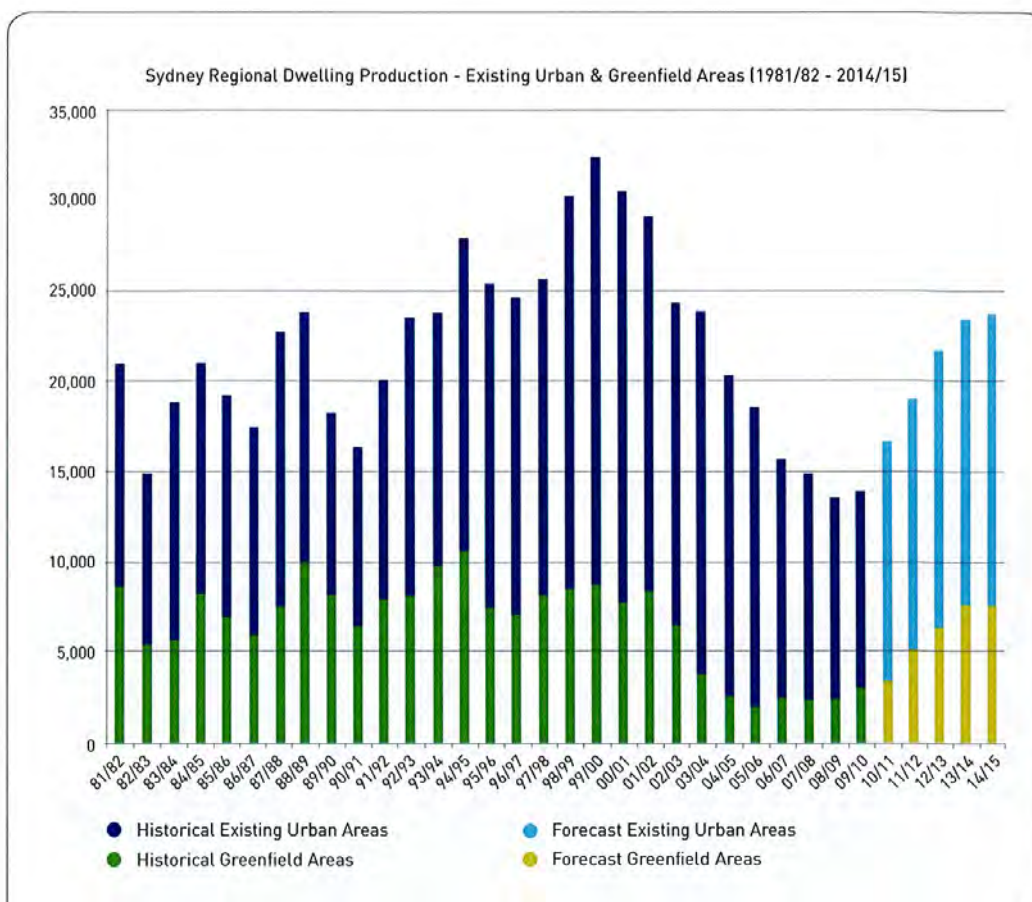
This meets a basic human need: knowing we can live in the same place for a certain period of time helps us to secure stable employment, develop relationships, make connections in a community and send our children to the same school for an extended period.

One of the most effective ways to help people make connections within their community and to where they need to go for work, pleasure or school is to encourage development of new housing precincts close to transport and infrastructure.

### HOUSING DEMAND

Our population is growing and changing and household sizes have been falling. These factors influence the amount and type of housing needed for Sydney. We'll need 570,000 additional dwellings by 2031, taking the total number of dwellings in the metropolitan region to 2.28 million.

Housing production in the Sydney region is currently at an historical low.<sup>12</sup> The Government therefore needs to focus on increasing the supply of housing in both existing and greenfield areas.





Historically, most of Sydney's new houses have been built in existing urban areas rather than on the city's fringe. Over the last 20 years, most new homes have been multi-unit dwellings. In recent years the share of new dwellings being built in the existing urban area and the proportion of new dwellings that are multi-unit types have both gone above 80 per cent - a marked difference to other Australian cities.

Despite this, research suggests there is unmet demand for semi-detached dwellings (terraces and townhouses) and apartments (or residential flat buildings) in Sydney's middle and outer suburbs.<sup>xxx</sup> Compared to residential flat buildings, this type of housing is less expensive to build<sup>xxx</sup> and performs better on environmental measures than detached housing on the fringe. It requires less site amalgamation and fits into the character of most suburban streets.<sup>x</sup>

To meet this demand, the NSW Government and local councils need to provide the right conditions for new housing in existing urban areas. This involves identifying the right areas for more housing, providing the necessary infrastructure, providing the community facilities, good design and amenity to complement this development and having a planning system that enables new houses to be built in these areas. This could be possible in smaller centres like Malabar and Kingsgrove, larger centres like Granville and Eastwood or Regional Cities such as Liverpool and Penrith.

#### HOUSING LOCATIONS

The Government needs to address the impediments to the delivery of new housing in greenfield areas. In the last five years, land for more than 62,000 dwellings has been rezoned in greenfield areas, providing record levels of land supply for housing. While we can't influence global financial pressures which affect construction, we can take steps to reduce red tape, unreasonable costs, difficulties with infrastructure provision and other barriers that slow the construction of housing. We need to better understand why this increase in land supply has not led to increased production and investigate which locations in greenfield areas (and existing urban areas for that matter) are most viable for development.

Initiatives to make more greenfield land available will see an increase in the supply of new housing to longer-term averages. Most new housing still needs to be in existing urban areas to contain the spread of the city's urban footprint and to locate people close to jobs, public transport and existing services.

#### HOUSING AFFORDABILITY

Making housing affordable for lower and middle income Australians can improve social cohesion and economic growth and reduce inflationary pressures.<sup>x</sup> As older areas are gentrified, affordable housing can be pushed out, contributing to a socially divided Sydney with some concentrations of disadvantage. Competitively priced housing across the city will help sustain a diverse workforce and provide better opportunities for low income earners.

Sydney's high cost of land - the highest in Australia - contributes to households in Sydney facing the greatest housing affordability pressures<sup>xi</sup> - around 45 per cent of low and moderate income households in Sydney suffer rental stress.<sup>xii</sup>

#### HOUSING SIZE AND DESIGN

In 2008-09, the typical detached home in NSW was nearly 263m<sup>2</sup> - higher than the national average of 245.3m<sup>2</sup> and large by international standards.<sup>xxxiii</sup> This increases the amount of energy and water we use and increases the rate at which land is used for additional housing.

The design quality of our built environment - particularly residential flat buildings and public spaces - can impact our quality of life. High quality design makes a home a more pleasant and welcoming place to live. Principles of liveable design (such as level entrances and wider doorways) mean people with reduced mobility can comfortably enter and live in a greater number of dwellings. New or renewed housing stock must be more energy and water efficient and produce less waste.

#### OUR CURRENT FOCUS

NSW 2021 includes targets to improve housing affordability and availability by facilitating the delivery of 25,000 new dwellings in the metropolitan region each year and maintaining the number of available greenfield 'zoned and trunk serviced' lots above 50,000.

The Affordable Housing Taskforce is developing planning policies to deliver affordable housing, and a special Cabinet Taskforce on Housing Supply is looking at ways to remove constraints on well-planned and serviced housing in greenfield areas, and how we can influence the transition between the release and zoning of land and the construction of new housing.

# Shaping Sydney

To meet the *NSW 2021* targets, we are already:

- accelerating delivery to market of 10,000 blocks by Landcom over four years
- setting dwelling targets and working with local government to reflect these targets in Local Environmental Plans (LEPs) and relevant planning proposals
- assessing whether LEPs provide sufficient capacity for additional housing in the right locations
- providing five and 10 year forecasts of dwelling production to infrastructure funders and providers and aligning delivery of water, roads, electricity and sewer infrastructure with new housing in greenfield areas
- aiming to locate 80 per cent of new dwellings within the walking catchments of centres well served by public transport
- reviewing potential housing opportunities on landowner nominated sites
- reviewing planning policies to improve the design of higher density housing
- identifying underutilised land in walking distance of shops and public transport for energy efficient multi-dwelling housing
- reviewing the NSW planning system to facilitate a streamlined development system
- improving development in centres through the Centres Design Guidelines
- expanding the Electronic Housing Code and other improvements to reduce processing times, holding costs and unnecessary delays.



What can the Metropolitan Strategy do to provide more housing in the right places?

## A NEW APPROACH: HOUSING

The Metropolitan Strategy will guide how new housing is delivered to meet the needs of a growing and changing population.

1. Should the Strategy continue to focus greenfield housing on the South West and North West Growth Centres or should additional effort be applied elsewhere on Sydney's fringe?
2. Should the Strategy place more emphasis on development in existing areas? If so, where are the best places?
3. Should housing targets continue to be applied to all local government areas in Sydney?
4. How can the Strategy ensure that council plans support the delivery of housing?
5. Should the Strategy identify a role for the NSW Government to facilitate housing development in existing areas? If so, what should that role involve?
6. How can the Strategy ensure a sufficient supply of affordable housing for our future needs?

## WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?



## Providing jobs and economic opportunities

Like any global city, Sydney must support the range of industries that deliver jobs and economic strength.

With an economy comparable in size to Singapore, Sydney must provide the settings for jobs that are both accessible to the workforce and well networked with the markets.

Sydney is expected to show the highest rate of economic growth among NSW regions with an annual average rate of growth of Gross Regional Product (GRP) (2011-32) of 2.8 per cent.<sup>xv</sup>

### SYDNEY'S INDUSTRIES

Sydney is home to hubs of excellence in finance, property, law, business administration, health, education, retail and professional services. Financial and insurance services accounted for over 20 per cent of Sydney's GRP in 2009-10. Sydney CBD has the highest concentration of jobs in this sector.<sup>xv</sup>

Professional, scientific and technical services are Sydney's second largest sector, contributing \$24 billion or 11 per cent of Sydney's GRP.<sup>xvi</sup> By 2032, moderate shifts in the relative contribution of key industries are anticipated, with health care, social assistance and other services becoming more prominent.<sup>xvii</sup>

Manufacturing was Sydney's third largest sector in terms of GRP in 2009-10 and employment in 2011.<sup>xviii</sup> Several factors place pressure on this sector, including competition from economies such as China and India as they move to higher-value manufacturing and services.

### ECONOMIC INFRASTRUCTURE

Sydney's economic infrastructure is found throughout the city. Universities and TAFEs, major hospitals, research facilities, Port Botany and Sydney Airport are essential to Sydney's status as a global city. These assets are supported by major business parks, such as Macquarie Park and Norwest Business Park, that have provided employment in new areas of Sydney over the past decade.

### ECONOMIC OPPORTUNITIES

Our economic productivity is linked to competitive advantages in our skilled labour force. We need to attract and retain this skilled labour by keeping pace with technological advances, building upon our economic infrastructure and changing the way our industries do business.<sup>xix</sup>

We must also make the most of green economy opportunities as we adapt to using less carbon. Sectors such as emissions trading, sustainable building and infrastructure, renewable energy sectors, research and development clusters and specialised manufacturing could, by 2020, achieve a market value between \$6.8-10.9 billion annually.<sup>xx</sup> These opportunities could also generate a need to expand business park capacity.

The demand created by the ageing population can create markets and opportunities as well as challenges in terms of available workforce, economic costs and productivity impacts.

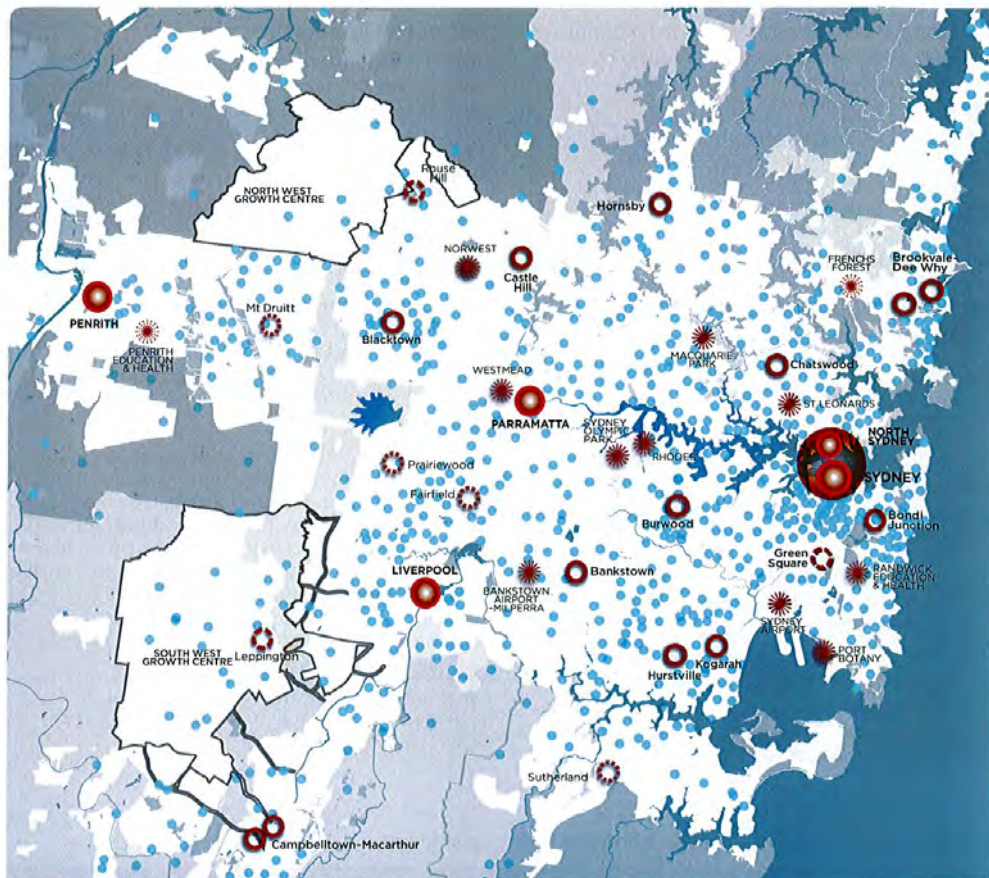
Distribution of industrial lands by subregion by hectare and as a percentage.

Subregions	Employment Lands (Ha)	
East	633.30	4.7%
Inner North	188.00	1.4%
Inner West	345.60	2.5%
North	186.40	1.4%
North East	242.20	1.8%
North West	4,697.90	34.7%
South	1,102.60	8.1%
South West	2,203.10	16.3%
Sydney City	154.10	1.1%
West Central	3,800.90	28.0%
<b>Total</b>	<b>13,554.10</b>	<b>100%</b>

Source: NSW Department of Planning January 2011 ELDP (UNPUBLISHED).

# Shaping Sydney

## Centres in Sydney



### Centre Types

#### Strategic Centres

The NSW Government has a strategic interest in the strength of these centres and leads their planning in conjunction with local government

#### Global Sydney



#### Regional Cities



#### Specialised Centres



#### Potential Specialised Centres



#### Major Centres



#### Planned Major Centres



#### Potential Major Centres



#### Local Centres

Planning of these centres is led by local government in conjunction with the NSW Government





As the NSW economy strengthens, Sydney must provide cost effective industrial land and office and retail space to keep business costs low and to boost competitiveness in local, national and international markets. We must support strong growth in Western Sydney with policies to achieve an appropriate scale and mix of job opportunities for Western Sydney.

*In early 2011, there were 13,554 hectares of zoned industrial land in the Sydney region, with 3,422 hectares undeveloped and 892 hectares undeveloped and without water and sewer connections. The 13,554 hectares represents a jump of over 200 hectares from the previous 12 months, thanks mainly to the release of new industrial land in Marsden Park in Sydney's north west.*

#### OUR CURRENT FOCUS

The NSW 2021 objective to rebuild the economy requires policy settings that will build business confidence and attract investment. This includes the growth of certain industry sectors through Industry Action Plans for professional services, manufacturing, digital economy, international education and research, and tourism and events.

Across the economy we're also tackling measures to promote business confidence and investment by prioritising infrastructure investment through Infrastructure NSW and setting a sound basis for planning for housing growth via our Metropolitan and Subregional Strategies.

From a land use planning perspective, we will continue to focus on clustered economic activity in Sydney's Strategic Centres.



**What can the Metropolitan Strategy do to provide the right environment for industry growth while supporting a range of job opportunities?**

#### A NEW APPROACH: JOBS AND ECONOMIC OPPORTUNITIES

The Metropolitan Strategy will support jobs and economic opportunities and improve economic productivity and diversity.

1. How can the Strategy help Sydney's economy become more productive and more sustainable?
2. How can the Strategy help provide Western Sydney with enough job opportunities across a range of sectors?
3. How can the Strategy ensure investment in services and infrastructure improves productivity and job diversity?
4. How should the Strategy support clusters of commercial and industrial activity in emerging sectors such as sustainable energy?
5. Should the Strategy focus office-based employment in particular areas of Sydney? If so, where?
6. Which areas should the Strategy focus on for new industrial land?
7. Should the Strategy preserve more land around key infrastructure assets – such as Sydney Airport, Port Botany, major health facilities and universities – for economic activities?
8. What important transport links should the Strategy identify for improvement to boost economic activity?

#### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?



# Shaping Sydney

## Providing efficient transport networks

The best cities in the world are cities that are easy to get around. These are cities with transport networks that people and businesses can rely on every day. Sydney must develop more efficient, more extensive and more usable transport networks if it is to remain one of the world's great cities.

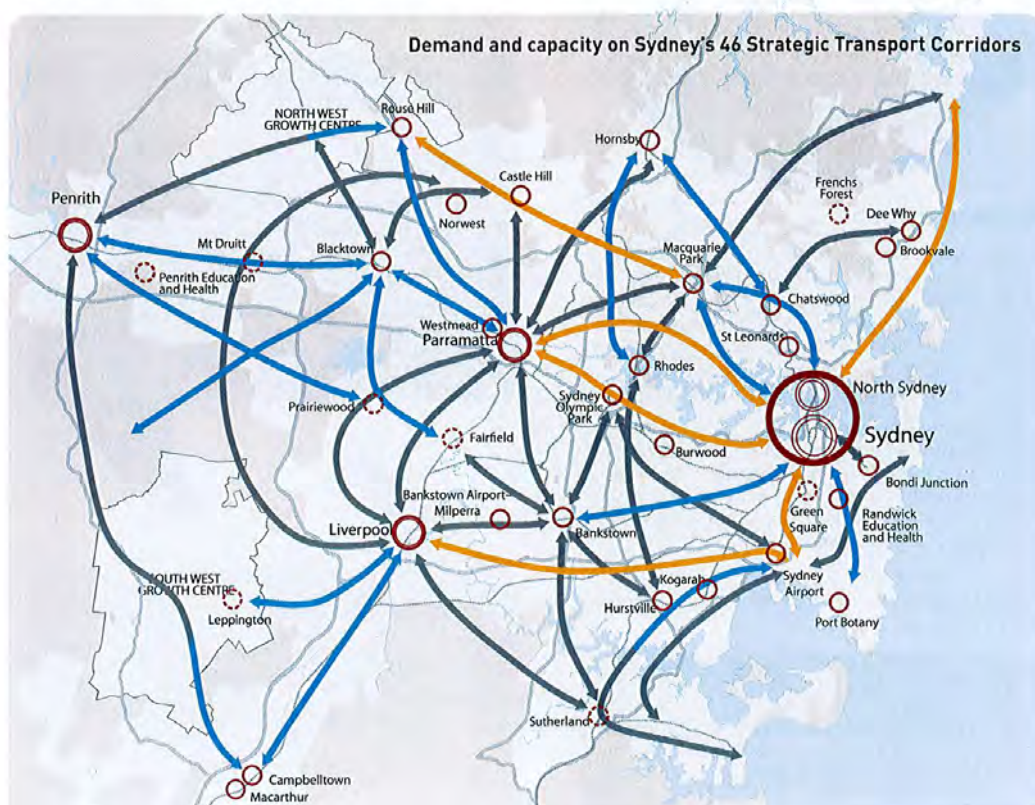
### SUPPORTING GROWTH IN DIFFERENT AREAS

Sydney will experience growth in new areas like the North West and South West Growth Centres and in established neighbourhoods. The transport system needs to support this growth, now and over the next 20 years.

This means strengthening our multi-centred city; it is not practical or equitable to expect everyone to have to travel to a single CBD. We need to take advantage of the areas that are better connected by rail or bus and plan for more housing, jobs and activities in these locations. For example, boosting employment in a place like Parramatta can ease peak hour pressure and improve access to jobs

near where people live. This also means supporting employment centres outside the Sydney CBD with strong transport connections.

Strong transport connections will be delivered if we look carefully at land use patterns and transport capacity. Recent work in Sydney has identified 46 strategic transport corridors that link the city's key centres. This work analysed current and future demand and capacity of these corridors. This provided the basis to understand Sydney's transport challenges and to develop an integrated transport network strategy that meets the demands of a growing city.





### TRANSPORT SUPPORTING OUR ECONOMY

Business movements are essential to Sydney's economic growth and productivity. An inefficient transport network will increase the cost of moving freight, and congestion has a wider economic cost: the costs of congestion were estimated to be \$3.5 billion in 2005 in Sydney, and, if unchecked, this could rise to \$7.8 billion by 2020.<sup>xxi</sup>

Sydney Airport and Port Botany, as two of Australia's main economic gateways, need better transport connections for passengers and freight, especially in the face of growing demand.

### LOCAL, SUSTAINABLE IMPROVEMENTS

Improvements can also be delivered at a local level, including walking and cycling paths to support healthy, safe and active communities and offer a viable alternative to car travel for shorter trips. Our planning needs to promote walking and cycling by making them easier and safer options.

### OUR CURRENT FOCUS

We are delivering important transport projects across Sydney, including:

- the North West Rail Link
- the South West Rail Link
- widening the M5 and M2 motorways
- extending the light rail network and looking into light rail extensions in the Sydney CBD to the University of NSW and the University of Sydney
- upgrading train stations and ferry wharves
- constructing the Southern Sydney Freight Line and improving the Northern Sydney Freight Corridor.



**What can the Metropolitan Strategy and NSW's other strategies do to integrate transport and land use planning?**

#### Transport Corridors

- Corridors with high constraints
- Corridors with medium constraints
- Other corridors

#### Urban Centres

- Global Sydney
- Regional cities
- Existing major and specialised centres
- Proposed or planned major and specialised centres

CityRail Network

Major metropolitan roads

### A NEW APPROACH: TRANSPORT

The NSW Long Term Transport Master Plan and the Metropolitan Strategy are being developed concurrently so that the two plans work together to improve land use and transport planning – including freight movements – for Sydney.

1. How can the Strategy ensure movement around Sydney is as **efficient** as possible?
2. Should the Strategy focus on developing new transport corridors that link areas in Sydney and help spread urban growth around the metropolitan area?
3. How can the Strategy encourage more people to use public transport?
4. Should the Strategy encourage more people to walk and cycle? If so, how?
5. How should the strategy best integrate with the Transport Master Plan to support future transport investment, address congestion and facilitate access to major economic focal points such as East Botany and Mascot?
6. How can the Strategy improve freight movements in Sydney?
7. What key priorities should guide the Strategy to provide a better transport network between Sydney and regional NSW, cities in other States and cities in our global region?

### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

# Shaping Sydney

## Providing the infrastructure we need



A global city can only support economies and be a great place to live when adequate infrastructure is provided. For Sydney, this means planning for national, state and local infrastructure that takes advantage of the way the city is expected to grow and change.

### THE TYPES OF INFRASTRUCTURE

The infrastructure needed to support a growing city includes:

- economic infrastructure, such as roads, railways, Port Botany, Sydney Airport, dams and reservoirs, water headworks, treatment and reticulation facilities, telecommunications and post facilities and power generation facilities
- social infrastructure, such as schools and other educational facilities; hospitals, clinics and other health facilities; housing; recreational and sporting facilities; parks and public meeting places; arts and cultural facilities; entertainment venues; law and order facilities; and cemeteries.

### PLANNING FOR INFRASTRUCTURE

Sydney needs sound planning to efficiently deliver and maintain infrastructure for a growing population. This means delivering the right infrastructure in the right location at the right time. This can be achieved by better integrating infrastructure planning and delivery with land use planning to help us identify, prioritise, coordinate and deliver infrastructure.

We will continue to work with the Australian Government to deliver and improve national and international infrastructure, Port Botany and Sydney Airport.

The establishment of Infrastructure NSW in 2011 is helping to improve the way we plan, prioritise, fund and deliver infrastructure.



### OUR CURRENT FOCUS

NSW 2021 aims to renovate and build infrastructure to achieve economic growth.

The aims of NSW 2021 will be supported when infrastructure is delivered for places (regions, towns, cities or suburbs) rather than by sector (for example, water, transport or health) or funding source (State, local, Commonwealth or private sector). A place-based approach provides a better basis to coordinate housing, employment and economic growth outcomes.

We are currently:

- providing new infrastructure or augmenting existing infrastructure to meet demand as development occurs
- using various tools to improve infrastructure planning and achieve better value for money for infrastructure projects, including cost benefit analyses and the Better Value Infrastructure Plan for the Council of Australian Governments (COAG) to consider reform options across the infrastructure delivery chain
- delivering existing commitments, such as the North West Rail Link and South West Rail Link; Sydney International Convention, Exhibition and Entertainment Precinct; Northern Beaches Hospital; and the light rail program.



What can the Metropolitan Strategy do to influence the timing, location and nature of investment in infrastructure, and the arrangement of supporting land uses?

### A NEW APPROACH: INFRASTRUCTURE

The Metropolitan Strategy will improve the planning and timely provision of infrastructure in Sydney. This is key to Sydney's successful economic growth as Australia's global city and to community wellbeing.

1. What processes should be included in the Strategy to ensure essential infrastructure is in place at the right time?
2. How can the Strategy support key economic infrastructure such as the port and airport, transport corridors and freight routes in a more proactive way?
3. Which important corridors should the Strategy identify and protect for future infrastructure?
4. Should the Strategy guide greater involvement from the private sector in infrastructure provision? If so, how?
5. Should the Strategy consider new funding mechanisms for major infrastructure? If so, what could these mechanisms be?
6. If the Strategy identified a need for detailed infrastructure plans for all growth areas, how would this help to secure timing and delivery commitment by service providers?
7. Who should be identified in the Strategy for bearing the cost of new infrastructure in growth areas?
8. What will be the likely impact on the Strategy of potential technological change (such as the NBN) over the life of the plan?

### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

# Shaping Sydney

## Providing equitable access to a great lifestyle



Sydney needs to be a city where everyone - its residents, workers and visitors - is given a 'fair go', with equal access to the social, recreational and economic opportunities the city offers. This makes the city a more vibrant and exciting place to live.

### SOCIAL INCLUSION

We need to provide quality affordable housing close to transport options, open space and community facilities and services. Older people should be able to choose to stay in their local neighbourhood as they age and participate in their local community and we need to plan for the needs of children and young people.

Access to these things improves our individual mental and physical health and wellbeing<sup>xxx</sup> and contributes to Sydney's liveability.

Due to the way Sydney has grown, some of us have greater access to social, economic and recreational opportunities than others. Current concentrations of disadvantage in Sydney<sup>xxiii</sup> are characterised by early school leaving, low work skills and incomes, relatively poor health, high unemployment and higher levels of criminal convictions. The 2006 ABS Socio-Economic Index for Areas rankings showed eight of the 10 most disadvantaged areas of Sydney are in Western Sydney.<sup>xxiv</sup> This occurs in areas with both private and public housing.

Sydney is Australia's largest Aboriginal population centre and will continue to be so, with projected population increases in western and south western Sydney. Some Aboriginal people in Sydney experience significant disadvantages in health, life expectancy and access to services and employment.<sup>xxv</sup>

### ACCESS TO OPPORTUNITIES

The design of our city also influences access to opportunities. People with reduced mobility can feel excluded because of the design of some buildings and public places.<sup>xxvi</sup> Many of our older homes were designed without considering how our

needs and abilities change as we age, and about a third of older people say they have modified their home to suit their new circumstances, with 40 per cent believing they'll have to do this in the future.<sup>xxvii</sup>

As demand for social and cultural venues and facilities increases across the city, differences and supply shortages will become more apparent if we don't take action. Places like Parramatta, Campbelltown, Leichhardt, Penrith and Cabramatta have already developed strong cultural identities supported by cultural facilities and activities.

Parks, community and sporting facilities and open space need to be incorporated early into our planning and their delivery requires a long-term commitment from government. Our national parks and reserves allow the community to enjoy cultural and recreational pursuits in many parks, rivers and beaches across the city.

The Western Sydney Parklands, a 27 kilometre corridor stretching from Quakers Hills to Leppington, is a good example of long-term planning and commitment. Since 1968, successive governments have acquired land, built facilities and managed the Parklands for recreational, social and cultural opportunities.

### PROTECTING HERITAGE

We also need to protect our many important Aboriginal sites and rich colonial, modern and contemporary urban heritage in a way that balances the need to protect the local character of our suburbs and neighbourhoods with the development needed for our growing population.



### OUR CURRENT FOCUS

*NSW 2021* aims to strengthen local communities and increase participation in arts and cultural activities in Sydney. Through *NSW 2021*, we are:

- increasing opportunities for people to look after their neighbourhoods, get involved in their communities and participate in cultural, sporting and recreation activities
- providing new housing in areas with adequate transport, services and facilities to encourage social inclusion at the earliest possible time
- developing guidelines that assist local councils design and plan for healthy, safe, culturally vibrant and inclusive places
- auditing the local infrastructure backlog in Sydney's local government areas to establish priorities for open space and recreation investments
- funding programs that help to protect and enhance open space
- providing a framework for local government to plan, fund and deliver open space
- partnering with a greater number of Aboriginal communities to improve local outcomes, and supporting opportunities to strengthen Aboriginal culture, country and identity
- delivering important cultural events throughout Sydney, such as the Sydney Festival in Parramatta.



What can the Metropolitan Strategy do to provide greater access to a diversity of lifestyle opportunities across Sydney?

### A NEW APPROACH: PLANNING FOR SOCIAL INCLUSION

A safe and healthy living environment where there are opportunities to relax, enjoy sport, meet friends and neighbours and feel part of a community are important issues for the future of Sydney. The new *Metropolitan Strategy* offers an opportunity to coordinate action in specific places to create better places and improve social inclusion.

1. What social planning actions in specific places could the Strategy concentrate on?
2. Which priority locations should the Strategy focus on to improve access to open space and social and cultural opportunities?
3. Could the Strategy deal with the issue of social inclusion by setting targets and standards for levels of service, or are there other ways?
4. How can the Strategy ensure an adequate supply of adaptable and accessible housing for older people?
5. How can the Strategy better support heritage conservation and promote cultural opportunities across Sydney?

### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?



# Shaping Sydney

## Protecting our environment and building resilience to natural hazards

Sydney's natural environment shapes the city's foundations. Continuing to protect and enhance the environment is critical to the long-term health of the city.

Our harbour, ocean, rivers and bushland are key factors in how the city grows - they contribute to our culture, lifestyle and economy and make Sydney a desirable place to live.

### OUR IMPACT ON THE ENVIRONMENT

Sydney's growth and development, combined with how we live and the activities we undertake, impact the environment. Population growth and increasing levels of consumption have resulted in a high ecological footprint, particularly relative to the rest of Australia.<sup>xxviii</sup>

Our day-to-day activities have varying impacts. At the metropolitan scale, Sydney's growth affects our water quality and supply, air and soil quality and our biodiversity. On a global scale, activities occurring within Sydney contribute to climate change. We produce substantial amounts of greenhouse gas emissions per capita, particularly relative to the rest of the world.<sup>xxx</sup>

A 2010 snapshot of our emissions revealed that over 30 per cent of Sydney's energy-related greenhouse gas emissions could be attributed to activities occurring in the manufacturing and industrial sectors, followed by the residential and commercial sectors.<sup>xxx</sup>

### ADDRESSING AND ADAPTING TO CHALLENGES

Metropolitan planning can address these challenges by ensuring we use land more productively and undertake activities such as travel and production of goods and services more efficiently. Responses to environmental management and emissions reduction can be planned for at metropolitan, subregional and local scales.

**8%**

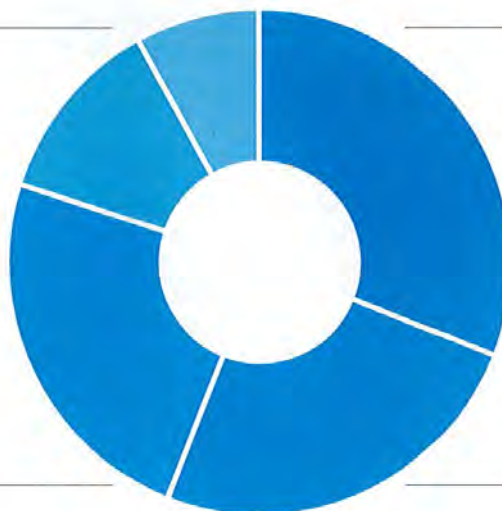
Freight  
Transport

**12%**

Passenger  
Transport

**24%**

Commercial



**31%**

Manufacturing  
& Industrial

**25%**

Residential

Sydney Metropolitan Area's 2008 Energy-Related Greenhouse Gas Emissions By Sector (Arup 2010).

Recent modelling suggests our urban area is getting hotter and is likely to be vulnerable to an increase in natural hazards. This situation is exacerbated by changes in our climate, more frequent bushfires, changes in rainfall intensity, rising sea levels and longer and more frequent droughts.<sup>xxx</sup> We need to adapt to, and plan for, predicted climate change if we're to protect our quality of life, economic wellbeing and natural and urban environments.

Recent natural disasters across Australia show the importance of emergency preparedness and why we must consider the long-term impacts of our spatial planning.

#### OUR CURRENT FOCUS

NSW 2021 identifies the need to protect our environment. We are delivering on this objective with initiatives such as:

- the climate change adaptation strategy for Sydney, developed in collaboration with councils
- biodiversity certification and strategic assessment processes in the Growth Centres
- encouraging sustainable building design, especially in terms of housing, through the Building Sustainability Index (BASIX)
- establishing a strong protected areas network in Sydney
- developing high resolution climate projections for Sydney and NSW to better understand the likely changes to our climate and likely natural hazards
- implementing plans and strategies to protect our environment, including the Sydney Metropolitan and Hawkesbury-Nepean catchment action plans, Action for Air, NSW Biodiversity Strategy and Metropolitan Water Plan.



**What can the Metropolitan Strategy do to protect the natural environment and improve Sydney's resilience to natural hazards?**

#### A NEW APPROACH: ENVIRONMENT AND NATURAL HAZARDS

The way Sydney grows and develops impacts our environment. The Metropolitan Strategy will define and shape our pattern of growth to protect our important environmental assets and strengthen our ability to deal with climate change and natural hazards.

1. How can the Strategy protect the environment while also meeting the housing and economic needs of a growing population?
2. How can the Strategy provide more support for environmentally sustainable development?
3. What actions should the Strategy include to manage increased waste from growing communities?
4. How can the Strategy mitigate against the causes of climate change and what measures should it include to help Sydney adapt to the impacts of climate change at a metropolitan and local level?
5. How can the Strategy improve energy and water efficiency for residential, commercial and industrial buildings?
6. How can the Strategy secure energy supplies while also meeting the economic needs of a growing population?
7. How can the Strategy improve the approach to planning and development in areas that could be at risk from natural hazards?

#### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?



# Shaping Sydney

## Protecting productive rural and resource lands

Sydney lives off the resources of its land in many ways. Our rural and resource lands supply us with much of the food we eat and the materials we use for shelter and transport. For many people, their connection with the land influences their identity and livelihood.

### THE IMPORTANCE OF SYDNEY'S RURAL AND RESOURCE LANDS

Sydney's rural and resource lands provide:

- a reliable supply of fresh food close to market
- the environmental benefits of recharging ground water supplies
- a positive sense of identity for many people through heritage landscapes
- an opportunity to mitigate and adapt to climate change
- capacity to contribute to energy security and affordability.

Sydney's rural areas, generally on the city's fringe, provide 40 per cent of NSW's perishable vegetables, and contribute \$1.5 billion to the State's total value of agriculture. Our resource lands provide valuable coal energy resources, especially in Sydney's south; coal seam gas wells in the Camden area; and construction materials at Penrith Lakes and Kurnell.

Access to safe and reliable drinking water depends on continued protection of the quality of the drinking water that fills our dams, and infrastructure upgrades. Greater Sydney has enough water to meet its needs to at least 2025 and to help protect river health through environmental flows.<sup>xxxxi</sup>

Sydney's resource areas have social and economic benefits, with valuable coal energy resources mined for export and steel making at nearby Port Kembla. The NSW mining industry produced mineral, extractive and energy resources worth around \$2 billion in 2008-09, due largely to coal production. Further, sources of construction material in Penrith Lakes and Kurnell provide the city with resources close to market, essential when construction materials are used in large quantities and are expensive to transport.





## CHALLENGES

Sydney's access to locally produced food, safe drinking water, affordable energy and the raw materials needed for construction is directly impacted by how rural and resource lands are used and managed. Rural and resource lands are under pressure from:

- Sydney's expanding urban footprint and the higher dollar value of urban development compared to rural or resource uses
- conflicting land uses
- climate change.

Agricultural and mining industries tend to be intensive, noisy, create odour and dust, use sprays and often operate night and day. The interaction between uses must also be managed – balanced coexistence of mining (including coal seam gas) and agriculture is essential.

The food industry, such as poultry production in the Hawkesbury, faces pressure to increase production, processing and distribution while dealing with climate change, diminishing water supplies, soil degradation, rising production costs and changing bio-security and food safety risks. The industry must respond to these challenges while meeting domestic demand and securing new market opportunities.

Sydney sources a significant portion of construction materials locally. It only imports 13 per cent of its fine aggregate (construction sand) needs and about 23 per cent of its coarse aggregate (blue metal, hard rock).<sup>xxxxiii</sup> However, sources at Penrith Lakes and Kurnell will soon be exhausted.

## OUR CURRENT FOCUS

Through *NSW 2021*, we are aiming to:

- increase the value of primary industries and mining production by 30 per cent by 2020
- protect Sydney's drinking water catchments
- lift exports from NSW through the New Frontiers program to attract petroleum and mineral exploration investment in under-explored areas of NSW
- protect strategic agricultural land and improve agricultural productivity
- improve productivity on NSW farms
- balance development with the sustainable management of natural resources
- map strategic agricultural lands and develop agricultural industry sector strategic plans
- see benefits from the new NSW Office of Food Security and Agricultural Sustainability.



**What can the Metropolitan Strategy do to strike the balance between land for a growing population and land for agriculture and resources?**

## A NEW APPROACH: RURAL AND RESOURCE LANDS

The Metropolitan Strategy will strike a balance between land to house Sydney's growing population and land for biodiversity, agriculture and resources. This new approach will clearly establish the value of these lands in the Sydney basin.

1. How can the Strategy strike the right balance between the land we need for housing and jobs and the land we need for agriculture, biodiversity and resource supply?
2. How can the Strategy support Sydney's agriculture industry to remain viable and productive?
3. Should the Strategy recognise and protect areas of Sydney's rural landscape as having important heritage and cultural value? If so, how?
4. How can Strategy protect water catchments and biodiversity?
5. How should the Strategy deal with potential impacts of mining and resource extraction?

## WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

# Shaping Sydney

## Connecting with the regions

As the capital city and economic hub of NSW, Sydney's strong connections with different regions across NSW can benefit the entire State.

Sydney, the Lower Hunter, Central Coast, Illawarra, Shoalhaven and Southern Highlands contain over 5.5 million people, almost a quarter of Australia's population.<sup>xxxiv</sup> The area leads Australia's business and trade, and needs strong economic, infrastructure, social and environmental connections with regional NSW.

Higher population growth in Sydney and some regions is countered by population decline in other areas of regional NSW - a disparity reflected in different levels of economic and employment opportunities in different regions.

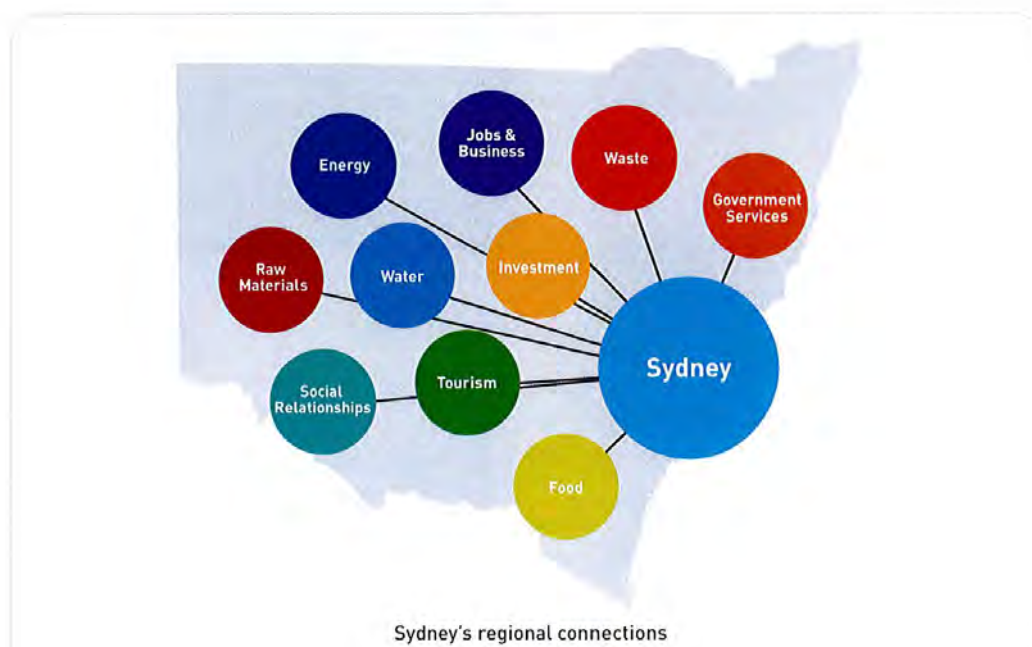
### TRANSPORT CONNECTIONS

Nearly a quarter of workers who live in the Central Coast commute to metropolitan Sydney for work, as does about a sixth of the Illawarra workforce; this could be avoided with better jobs closer to where they live.

The *Long Term Transport Master Plan* will plan for efficient transport connections to move goods between Sydney and regional NSW. Transport connections, including roads, railways and air services, must also cater for growing demand for passenger movements. The terrain around Sydney makes building transport infrastructure challenging and often expensive.

### TOURISM AND EDUCATION

Tourism in NSW relies on strong connections between Sydney and regional NSW. Sydney is a major destination for regional tourists and a gateway for international visitors who visit regional NSW. Places like the Snowy Mountains, the Hunter Valley vineyards and the Taronga Western Plains Zoo in Dubbo are major tourism destinations for visitors from Sydney.





Sydney and regional NSW also enjoy strong educational connections. Sydney's universities, TAFE colleges and other centres of education attract students from all over regional NSW, just as the network of universities and colleges around regional NSW attract many students from Sydney.

#### OUR RELIANCE ON REGIONAL AREAS

Sydney relies on regional NSW for quality food, water and energy. For example, Sydney's drinking water catchment extends over 16,000 square kilometres, into the South Coast and Southern Highlands and the upper reaches of the Shoalhaven River near Cooma; electricity generated in regions like the Central West and Upper Hunter powers Sydney.

While the Sydney Basin is a highly productive agricultural region, we still rely on regional NSW for much of our food supply. We need to reduce our impact on natural resources in regional NSW and become more self-sufficient when we're consuming water, energy and food.

Waste represents a loss of resources and waste disposal impacts the environment and communities. Despite the increase in recycling, Sydney still relies on areas of regional NSW to dispose of waste, which needs to be moved on our freight network.

#### OUR CURRENT FOCUS

NSW 2021 aims to drive economic growth in regional NSW. We're supporting this goal by:

- offering regional relocation grants to encourage population growth in NSW
- delivering the Jobs Action Plan to assist business investment in NSW
- preparing new strategic land use plans in regional NSW
- improving connections between Sydney and regional NSW, including the Northern Sydney Freight Corridor and the Great Western Highway through the Blue Mountains, as well as major road upgrades in regional NSW such as the Pacific Highway.

#### A NEW APPROACH: CONNECTING WITH THE REGIONS

The Metropolitan Strategy, coupled with the Long Term Transport Master Plan, will improve connections between Sydney and regional NSW.

1. How can the Strategy help grow and diversify the economic base of regional NSW to capitalise on opportunities in each region?
2. How can the Strategy take advantage of new technology such as high speed rail and the national broadband network to strengthen business connections between Sydney and regional NSW?
3. How should the Strategy make Sydney more self-sufficient in terms of water supply, production and use of energy, and disposal of waste?

#### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

What can the Metropolitan Strategy do to improve connections between Sydney and the regions?

# Shaping Sydney

## Delivering the Strategy

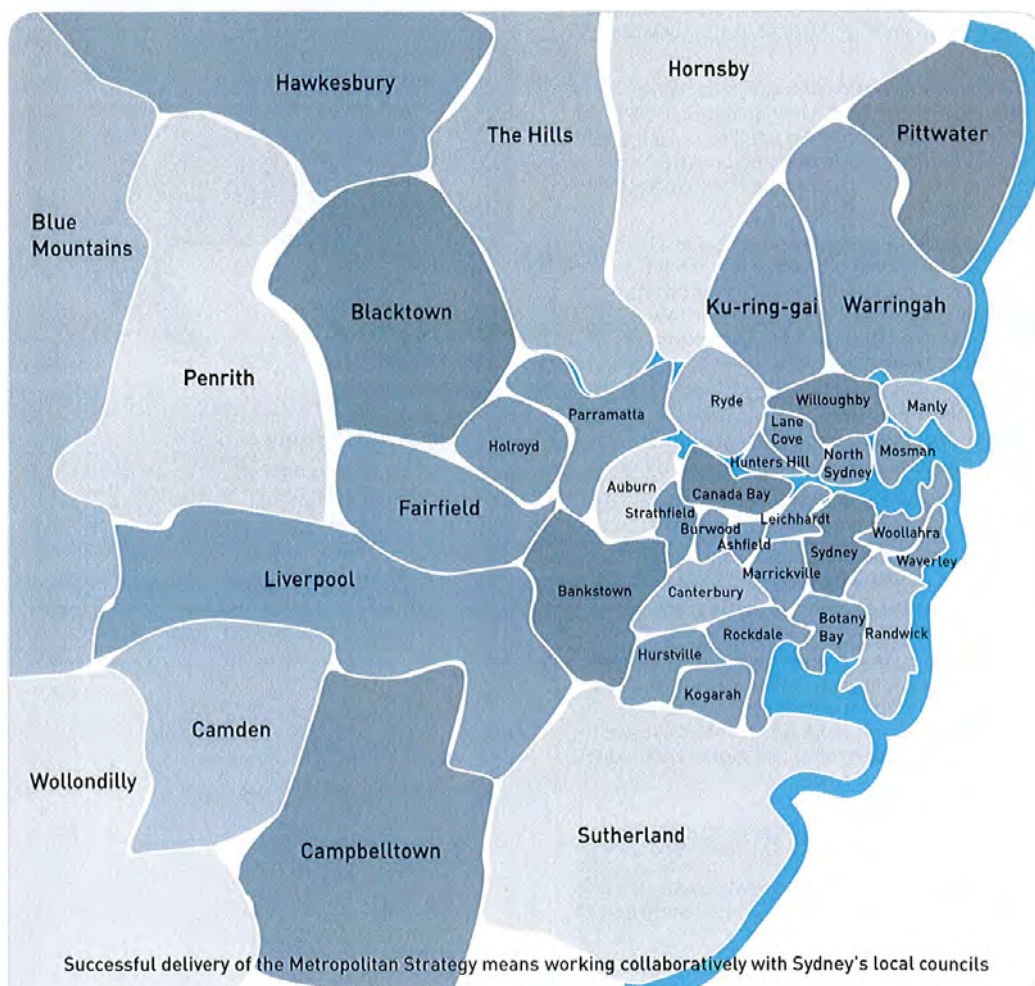
The Metropolitan Strategy must provide greater certainty for the community and industry.

Fundamental to this is putting arrangements in place to implement the Strategy's actions in a timely, transparent and accountable way.

### INTEGRATED PLANNING

During 2012, a number of new Government plans will establish clear priorities for the long-term success of the State.

These plans are aimed at rebuilding the economy. They must ensure the way we provide quality services, renovate infrastructure, improve our local environment and strengthen communities is undertaken in an integrated and collaborative way across Government, supported by close engagement of the community and stakeholders.





A new Metropolitan Strategy is a critical element of this suite of Government plans (see page 4). Once in place, it will require a strong, well-monitored delivery program that is subject to regular public reporting.

Local councils have a critical role in the delivery of the Metropolitan Strategy through their integrated investment and community and land use plan making functions.

#### ACCOUNTABILITY AND CERTAINTY

The new Strategy will be based on a commitment to restore accountability to Government. This means clear responsibility for every initiative, and a commitment from Government for these activities to be delivered on time.

This requires clear arrangements to measure and report on progress and a commitment to transparency when reporting on the NSW Government's performance.

In this way, the community will be able to hold the Government accountable for achieving the commitments in the Strategy.

The goals of *NSW 2021* are very clear in this regard. The aim is to restore confidence and integrity in the planning system and involve the community in decision making on government policy.

The Metropolitan Strategy will help achieve these goals and in so doing create greater certainty for communities and investors. It will set out a clear strategic vision to guide and inform local government in local level planning. It will establish the shared responsibility for delivering Sydney's growth and change over the next 20 years.



**What can the Metropolitan Strategy do to ensure its policies and actions are delivered in a transparent and timely way?**

#### A NEW APPROACH: DELIVERING THE STRATEGY

Delivery of strategic plans in NSW has been poor. The Metropolitan Strategy provides a new approach to implementation.

1. Should each action in the Strategy have clear accountabilities for delivery in terms of the agency responsible and agreed timeframes?
2. Will clear performance measures in the Strategy help to test the progress and success of each action?
3. What kind of integrated monitoring framework should be put in place across the Metropolitan Strategy, the Long Term Transport Master Plan and the State Infrastructure Strategy?
4. Should an annual Metropolitan Strategy Update Report be published?
5. To what extent should approaches 1 to 5 feature in the Strategy? Are there other ways to ensure consistent, strong implementation?

#### WHAT DO YOU THINK?

- What do you think about these new approaches?
- What other approaches do you think should be included in the Metropolitan Strategy?

# Sharing ideas for Sydney

This Discussion Paper is one element of the NSW Government's new plans for the long-term future of NSW.

The Government wants to deliver immediate and long-term improvements for local communities. As part of this, communities across NSW are being asked to have their say on the plans.

Sydneysiders have a very specific role to influence how Sydney can contribute to the wider NSW community. Your comments will be fed into the work being undertaken by the Department of Planning & Infrastructure to deliver a draft Metropolitan Strategy for more detailed consultation.

We know that every person will have different priorities for Sydney, but it's important that everyone gets involved and has their say on how the city can offer the very best to the people who live here, work here, do business here and visit.

To get involved, visit the online forum at [www.nsw.gov.au/haveyour say](http://www.nsw.gov.au/haveyour say) and select Metropolitan Strategy 2012.

You can provide your feedback online, or you can send us a submission by 29 June 2012 to:

- Email:  
[metrostrategy@planning.nsw.gov.au](mailto:metrostrategy@planning.nsw.gov.au)
- Post: Metro Strategy Team  
PO BOX 39  
SYDNEY 2001

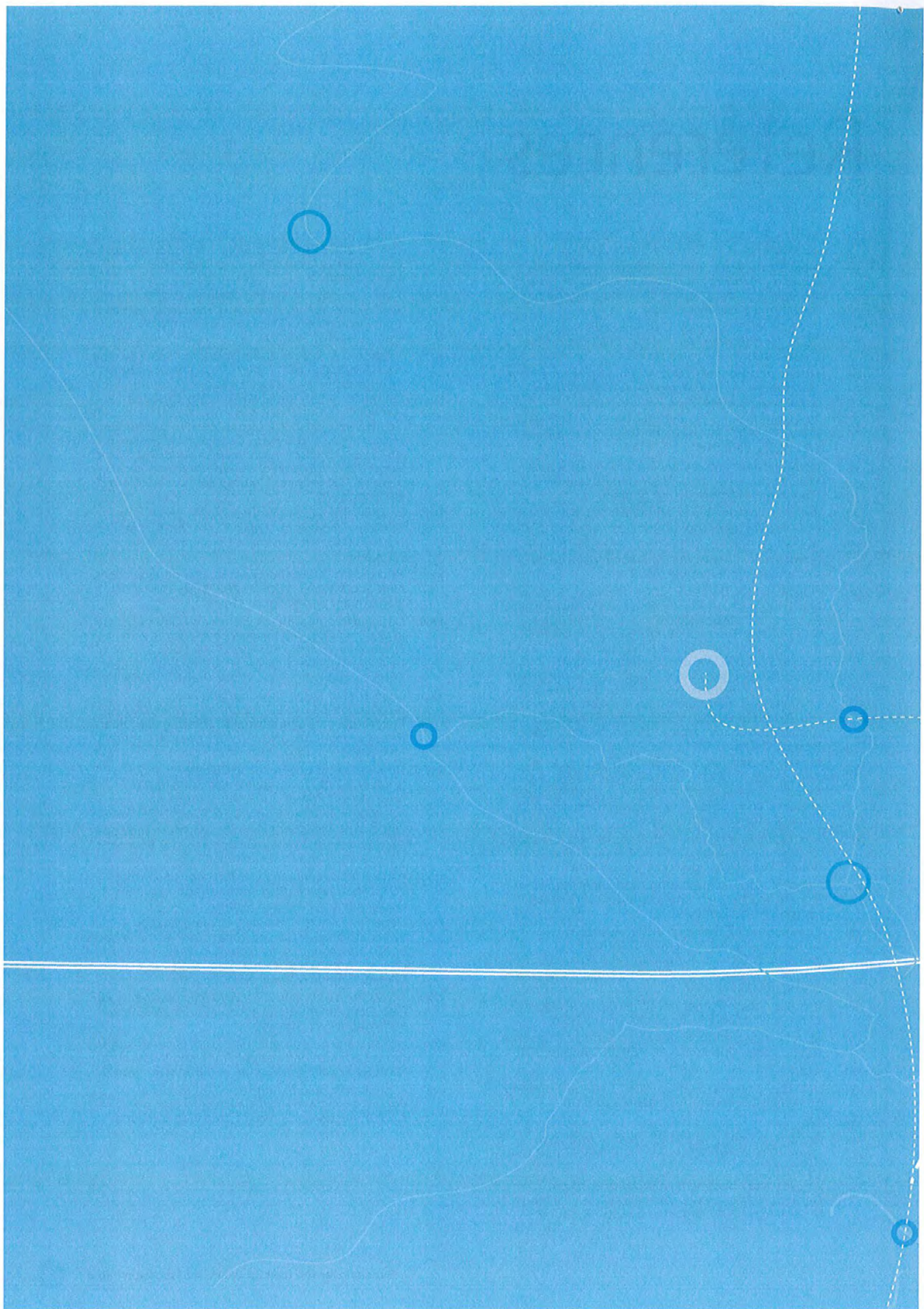
All submissions will be publicly available on the Department of Planning & Infrastructure website. If you do not want your personal details to be made public, please state this in your submission. A Submissions Report will be issued after exhibition.



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# Draft Delivery Program & Budget 2012-2016

May 2012



PITTWATER COUNCIL

## Draft Delivery Program

- PIBE identified 4 Reference points throughout the year
- All were considered as inclusions in Draft Delivery Program
- Submissions on the Draft document accepted till 30 May

## Draft Delivery Program

- Ref Point 1 = Council consider improving facilities for securing bikes and bike lane pathways
  - *Walks & Rides Masterplan going to Council next week*
- Ref Point 2 = Council lobby state government to provide integrate electronic ticket system and to encourage use of public transport
  - *Workshop with RMS to discuss range of issues end May*
- Ref Point 3 = Council encourage clubs and pubs to provide courtesy bus system to alleviate late night transport issues
  - *Action in Year 2 to investigate mini buses in village centres*
- Ref Point 4 = Council to raise issues with RTA about road kill and public transport options to be considered in plans to widen Mona Vale Road
  - *Upgrade plans have just come off exhibition & it will also form part of Inletside land release actions Year 1-4*



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## **Council Meeting**

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### **12.0 Adoption of Governance Committee Recommendations**

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### **13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations**

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### **14.0 Councillor Questions**

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### **15.0 Confidential Items**

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**COMMERCIAL IN  
CONFIDENCE**

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<b>Confidential 'Commercial In Confidence Advice'</b> <b>T41112 - SHOROC Provision of Fire Testing and Maintenance Services</b>
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**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE**

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**Item No:** C10.5

**Matter:** T41112 - SHOROC – Provision of Fire Testing and Maintenance Services  
Tender Evaluation

**From:** Les Munn  
MANAGER – RESERVES, RECREATION & BUILDING SERVICES

**Meeting:** Council

**Date:** 18 June 2012

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The abovementioned matter is listed as Item No. C10.5 in Open Session in the Agenda.

The detailed analysis of the tenders is attached.

Les Munn  
**MANAGER – RESERVES, RECREATION & BUILDING SERVICES**

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## **Confidential - T41112 - SHOROC Provision of Fire Testing and Maintenance Services**

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### **CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE**

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#### **1.0 SCOPE OF WORKS**

The scope of works for this tender is to provide the labour, equipment, materials and other things necessary for the provision of fire testing services to council buildings and maintenance services on a programmed and as required basis.

#### **2.0 TENDERS RECEIVED**

##### **2.1 Tenders Received**

- Twelve (12) tenders were received via Tenderlink and duly registered by Hunter Councils Regional Procurement Initiative.

#### **3.0 TENDER EVALUATION**

##### **3.1 Tender evaluation methodology:**

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result is determined by:

- Adding the total value of all items together to determine the lowest overall price.
- The lowest overall amount awarded the full Criteria % for each Category (refer **Attachment 1**).
- Each subsequent total \$ value is then divided into the lowest total amount to obtain a score.
- The tenderer's ability to meet specific requirements of the remaining evaluation criteria as determined by the panel.

##### **3.2 Evaluation meeting**

The tender evaluation was conducted on 3RD May 2012, 12.30pm at SHOROC's Brookvale offices by:

Andrea Tattam - SHOROC  
Nigel Hart - Warringah Council  
Glenn Nielsen - Manly Council  
Peter Baartz - Pittwater Council  
Michael Stroud - Mosman Council  
Craig Wade - Regional Procurement Initiative (Independent)

- 3.3 During the course of the evaluation, the meeting was stopped at the request of the panel to allow further clarification on items as they related to pricing submitted by Grosvenor Engineering Group and the Warringah OH&S schedule from Extreme Fire Solutions, Advance Fire Technology and The Fire Protection Specialist Company Pty Ltd. These were later checked and confirmed by Craig Wade Regional Procurement®.

- 3.4 The panel reconvened at SHOROC's Brookvale offices on 10th May, 2012. The anomalies as they related to the OH&S Schedule from Extreme Fire Solutions, Advance Fire Technology and The Fire Protection Specialist Company Pty Ltd were presented and accepted by the panel. The pricing offered from Grosvenor Engineering Group was also corrected after the receipt of clarifications as they related to hourly rates. Scores for each tenderer are shown at Attachment 1. Pricing for each tenderer and service provided (refer **Attachment 2**).
- 3.5 The tender received from Grosvenor Engineering Group for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is recommended for acceptance.
- Pricing was the most competitive offered overall
  - Strong scores were also allocated by the panel for OH&S and Ecologically Sustainable Development
  - A lower score was recorded for Customer Service but reference checks revealed a good level of service to existing clients
- 3.6 The tender received from Extreme Fire Solutions for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- A response to the Customer Service Schedule was not supplied
  - Pricing in some categories was not as competitive as other offers
- 3.7 The tender received from Wormald (A Tyco International Company) for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Whilst competitive in all other areas, the tender price offered from Wormald provided no significant benefit in the selection of this tenderer over the lower priced tenderers.
- 3.8 The tender received from Aqua Fire Protection for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- A Quality Assurance process or accreditation was not in evidence
  - Supporting documentation for the OH&S Schedule was also not in evidence
  - Pricing was assessed as being uncompetitive
  - A poor score was recorded for ecologically sustainable development
- 3.9 The tender received from Advance Fire Technology for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Supporting documentation for answers provided in the Quality Assurance Schedule were not provided
  - Supporting documentation for the Customer Service Schedule were also not in evidence
  - Pricing tendered overall was not as competitive as other offers
- 3.10 The tender received from Rassco Services Pty Ltd for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- No Quality Assurance plan was in place



- Supporting documentation for the Customer Service Schedule were also not in evidence
  - Pricing tendered overall was not as competitive as other offers scoring poorly in the areas inspections and certification and training.
- 3.11 The tender received from Controlled Fire for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Supporting documentation for answers provided in the Quality Assurance Schedule were not provided
  - Supporting documentation for the Customer Service Schedule were also not in evidence
  - Pricing tendered overall was not as competitive as other offers
- 3.12 The tender received from Celsius Fire Services for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Whilst the pricing offered was competitive, pricing overall was not as competitive as other offers
  - No supporting documentation was offered for responses to the Customer Service Schedule
- 3.13 The tender received from Universal Fire Protection Pty Ltd for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- A poor score was recorded for OH&S schedule and Customer Service schedule
  - Whilst a good score was received for labour pricing, pricing offered for recharges, certification and training was considered poor in relation the recommended tenderer
- 3.14 The tender received from Alliance Fire Protection Systems Pty Ltd for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Poor scores were recorded for ecologically sustainable development and customer service with no supporting documentation offered for either schedule in their tender
  - Pricing, while competitive in most areas, was let down by a poor score for certification and training
- 3.15 The tender received from The Fire Protection Specialist Company Pty Ltd for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Whilst competitive in the non-priced criteria, the pricing in all categories was not as competitive as most other offers
- 3.16 The tender received from Infinity Fire Protection for the provision of fire testing and maintenance services to Council offices as per the schedule of rates is not recommended for acceptance.
- Pricing for recharges was the most expensive tendered
  - No supporting documentation was supplied for the Quality Assurance and Customer Service schedules.

**Provision of fire testing and maintenance services**

<b>CRITERIA</b>	<b>%</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Protection</b>	<b>Advance Fire Technology</b>	<b>Rassco Services Pty Ltd</b>	<b>Controlled Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group - Grosvenor</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity</b>
<b>Price criteria</b>													
Labour Total Cost	10	6.09	5.00	2.80	5.00	6.36	7.37	8.86	10.00	7.18	6.83	3.46	6.31
Replace-ment Parts Total Cost	10	5.63	5.32	4.59	5.58	4.45	4.51	9.12	6.15	10.00	8.29	8.03	4.84
Recharge Ext Total cost	10	3.07	3.62	3.84	2.56	4.03	2.26	5.48	2.92	10.00	8.89	4.56	2.03
Inspections	10	10.00	4.33	3.70	3.62	2.13	3.91	3.84	5.39	4.34	3.05	4.47	3.43
Certification / Training	10	0.04	0.01	0.07	0.05	0.02	0.04	0.08	0.08	0.05	10.00	0.50	10.00
<b>Total price criteria</b>	<b>50</b>	<b>24.83</b>	<b>18.29</b>	<b>15.00</b>	<b>16.81</b>	<b>16.99</b>	<b>18.09</b>	<b>27.38</b>	<b>24.54</b>	<b>31.57</b>	<b>37.06</b>	<b>21.01</b>	<b>26.61</b>
<b>Non-price criteria</b>													
Referees	10	9.77	8.80	8.12	8.93	7.87	8.93	9.73	8.27	8.60	7.87	8.67	9.47
Quality Assurance	10	8.00	10.00	2.00	6.00	0.00	0.00	8.00	7.00	7.00	7.00	6.00	6.00
OH&S	15	12.00	12.00	1.00	12.00	12.00	12.00	12.00	3.00	12.00	12.00	12.00	11.00
Ecological Sustainable Develop-ment	10	6.00	10.00	1.00	6.00	6.00	6.00	6.00	8.00	3.00	8.00	6.00	7.00
Customer Service	5	2.00	5.00	2.00	2.00	2.00	1.00	1.00	2.00	1.00	1.00	3.00	3.00
<b>Total non-price criteria</b>	<b>50</b>	<b>37.77</b>	<b>45.8</b>	<b>14.12</b>	<b>34.93</b>	<b>27.87</b>	<b>27.93</b>	<b>36.73</b>	<b>28.27</b>	<b>31.6</b>	<b>35.87</b>	<b>35.67</b>	<b>36.47</b>
<b>Total</b>	<b>100</b>	<b>62.60</b>	<b>64.09</b>	<b>29.12</b>	<b>51.74</b>	<b>44.86</b>	<b>46.02</b>	<b>64.11</b>	<b>52.81</b>	<b>63.17</b>	<b>72.93</b>	<b>56.68</b>	<b>63.08</b>

**Provision of fire testing and maintenance services**

LABOUR COST	Extreme Fire Solutions	Wormald	Aqua Fire Protection	Advance Fire Technology	Rassco Services Pty Ltd	Controlled Fire Protection Pty Ltd	Celsius Fire Services	Universal Fire Protection	Alliance Alarms Fire Systems	GE Group	The Fire Protection Specialist Company Ltd	Infinity Fire Protection
<b>COST PER HOUR EX GST</b>												
Service Technician/ Personnel	\$100.00	\$115.00	\$90.00	\$105.00	\$ 90.00	\$90.00	\$60.00	\$65.00	\$85.00	\$85.00	\$55.00	\$101.00
Other - Specify	\$125.00	N/A	\$190.00	\$75.00	N/A	N/A	N/A	\$125.00	\$85.00	N/A	\$75.00	\$0.00
After hours (Saturday / Sunday Public Holidays)	\$130.00	\$165.00	\$410.00	\$175.00	\$130.00	\$100.00	\$98.00	\$75.00	\$110.00	\$120.00	\$350.00	\$121.00
Emergency Callout	\$210.00	\$180.00	\$410.00	\$195.00	\$230.00	\$400.00	\$375.00	\$132.00	\$340.00	\$480.00	\$220.00	\$191.00
Reporting - i.e. Firedoors etc compliance (Additional Reports required)	\$125.00	\$85.00	\$180.00	\$105.00	N/A	\$250.00	\$60.00	\$25.00	\$55.00	\$85.00	\$55.00	\$120.00

<b>SIGNAGE</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Protection</b>	<b>Advance Fire Technology</b>	<b>Rassco Services Pty Ltd</b>	<b>Controlled Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity Fire Protection</b>
<b>COST PER UNIT \$ EX GST</b>												
Location Signage id and type 190 x 190	\$15.00	\$10.00	\$10.00	\$8.00	\$6.00	\$30.00	\$2.50	\$7.00	\$6.00	\$1.00	\$3.00	\$15.00
Location signage medium 210 x 320	\$15.00	\$15.00	\$22.00	\$8.00	n/a	\$30.00	\$7.00	\$7.00	\$2.40	\$1.50	\$3.00	\$15.00
Location Signage 90 degree small location signage 150 x 220	\$20.00	\$18.00	\$10.00	\$8.00	\$16.00	\$30.00	\$4.00	\$7.00	\$3.00	\$3.50	\$4.00	\$15.00



SERVICE	Extreme Fire Solutions	Wormald	Aqua Fire Protection	Advance Fire Technology	Rassco Services Pty Ltd	Controlled Fire Protection Pty Ltd	Celsius Fire Services	Universal Fire Protection	Alliance Alarms Fire Systems	GE Group	The Fire Protection Specialist Company Ltd	Infinity Fire Protection
REPLACEMENT PARTS	COST PER ITEM EX GST \$											
2 Kg CO2 Fire Extinguisher	\$198.00	\$185.00	\$260.00	\$200.00	\$ 210.00	\$184.00	\$140.00	\$180.00	\$94.00	\$150.80	\$147.00	\$ 208.00
3.5 Kg CO2 Fire Extinguisher	\$207.00	\$244.00	\$280.00	\$220.00	\$ 230.00	\$190.00	\$145.00	\$190.00	\$119.00	\$160.00	\$157.00	\$ 213.00
5 Kg CO2 Fire Extinguisher	\$214.00	\$255.00	\$310.00	\$240.00	\$ 250.00	\$200.00	\$150.00	\$190.00	\$130.00	\$168.20	\$161.00	\$ 225.00
32 Kg CO2 Fire Extinguisher	\$1,800.00	N/A	\$650.00	\$600.00	n/a	\$1,680.00	n/a	n/a	\$1,200.00	\$1,380.00	\$1,650.00	POA
CO2 Hose Assembly	\$70.00	\$42.50	\$66.00	\$20.00	\$28.00	\$150.00	\$26.00	\$20.00	\$46.00	\$27.55	\$65.00	\$ 40.00
4.5 Kg DCP Extinguisher ABE (Powder)	\$119.00	\$145.00	\$210.00	\$140.00	\$160.00	\$101.00	\$70	\$95.00	\$52.00	\$58.00	\$92.00	\$ 121.00
9.0 Kg DCP Extinguisher ABE (Powder)	\$150.00	\$197.00	\$280.00	\$165.00	\$180.00	\$122.00	\$82.00	\$145.00	\$66.00	\$86	\$110.00	\$ 152.00
4.5 Kg DCP Extinguisher BE (Powder)	\$99.00	\$145.00	\$210.00	\$220.00	\$150.00	\$101.00	\$70	\$95.00	\$52.00	\$58.00	\$65.00	\$ 121.00
9.0 Kg DCP Extinguisher BE (Powder)	\$119.00	\$197.00	\$280.00	\$300.00	\$180.00	\$122.00	\$82.00	\$145.00	\$66.00	\$86.00	\$110.00	\$ 152.00
9.1 Ltr Air Water Extinguisher	\$166.00	\$155.00	\$190.00	\$155.00	\$180.00	\$181.00	\$96.00	\$95.00	\$71.00	\$105.00	\$117.00	\$ 165.00
9.1 Ltr Air Foam AFFF Extinguisher	\$175.00	\$171.00	\$245.00	\$175.00	\$190.00	\$186.00	\$99.00	\$180.00	\$84.00	\$116	\$124.00	\$ 169.00
Exit Light Internal (complete with battery)	\$170.00	\$249.00	\$176.00	\$185.00	\$320.00	\$263.00	\$98.00	\$180.00	\$126.00	\$115.00	\$105.00	\$ 220.00

<b>SERVICE (continued)</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Protection</b>	<b>Advance Fire Technology</b>	<b>Rassco Services Pty Ltd</b>	<b>Controlled Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity Fire Protection</b>
<b>REPLACEMENT PARTS</b>	<b>COST PER ITEM EX GST \$</b>											
Exit Light Internal (complete with battery)	\$170.00	\$249.00	\$176.00	\$185.00	\$320.00	\$263.00	\$98.00	\$180.00	\$126.00	\$115.00	\$105.00	\$ 220.00
Exit Light Waterproof External (complete with battery)	\$320.00	\$327.00	\$403.00	\$390.00	\$450.00	\$520.00	\$298.00	\$290.00	\$324.00	\$343.00	\$315.00	\$ 600.00
Emergency Light Internal twin flood	\$300.00	\$256.00	\$343.44	\$212.00	\$380.00	\$699.00	\$199.00	\$280.00	\$178.00	\$236.00	\$175.00	\$ 250.00
Emergency Light Internal spitfire	\$140.00	\$245.00	\$124.05	\$185.00	\$330.00	\$190.00	\$70.00	\$160.00	\$76.00	\$106.00	\$85.00	\$ 185.00
Exit/Emergency backup battery	\$90.00	\$233.00	n/a	\$65.00	\$150.00	\$263.00	\$49.00	\$120.00	\$42.00	\$16.00	\$30.00	\$ 120.00
36m Fire Hose Reel	\$325.00	\$376.00	\$400.00	\$235.00	\$520.00	\$350.00	\$199.00	\$420.00	\$186.00	\$232.00	\$205.00	\$ 550.00
19mm Hose & brass nozzle assembly	\$257.00	\$78.00	\$44.05	\$40.00	\$45.00	\$350.00	\$90.00	\$150.00	\$18.00	\$59.45	\$105.00	\$135.00
1200 x 1800 Fire Blanket	\$53.00	\$75.00	\$30.00	\$50.00	\$70.00	\$60.00	\$24.00	\$35.00	\$34.00	\$24.00	\$55.00	\$ 68.00
Smoke Detectors	\$180.00	\$115.00	\$150.00	\$160.00	\$260.00	\$108.00	\$78.00	\$140.00	\$116.00	\$86.00	\$96.00	\$ 225.00
Thermal Detectors	\$157.00	\$112.00	\$150.00	\$98.00	\$210.00	\$90.00	\$98.00	\$140.00	\$116.00	\$57.00	\$85.00	\$ 225.00
Hydrant Fitting	\$180.00	\$200.00	\$36.00	\$15.00	\$450.00	\$200.00	\$180.00	\$10.00	\$102.00	Offer Not Specific	\$165.00	POA

RECHARGES	Extreme Fire Solutions	Wormald	Aqua Fire Protection	Advance Fire Technology	Rassco Services Pty Ltd	Control-led Fire Protection Pty Ltd	Celsius Fire Services	Universal Fire Protection	Alliance Alarms Fire Systems	GE Group	The Fire Protection Specialist Company Ltd	Infinity Fire Protection
RECHARGE EXTINGUISHER	COST PER SERVICE EX GST \$											
2 Kg CO2 Fire Extinguisher	\$70.00	\$70.00	\$50.00	\$80.00	\$ 52.00	\$80.00	\$45.00	\$90.00	\$25.00	\$16.45	\$45.00	\$97.00
3.5 Kg CO2 Fire Extinguisher	\$73.00	\$77.00	\$70.00	\$90.00	\$ 64.00	\$86.00	\$48.00	\$90.00	\$23.00	\$19.60	\$55.00	\$102.00
5 Kg CO2 Fire Extinguisher	\$78.00	\$87.00	\$80.00	\$100.00	\$ 74.00	\$90.00	\$49.00	\$90.00	\$26.00	\$25.00	\$65.00	\$111.00
32 Kg CO2 Fire Extinguisher	\$190.00	N/A	\$365.00	\$500.00	N/A	N/A	N/A	TBA	\$222.00	\$373.00	\$416.00	POA
CO2 Hose Assembly	\$110.00	N/A	\$35.00	\$25.00	\$ 28.00	\$150.00	\$26.00	\$25.00	\$46.00	\$27.55	\$65.00	\$40.00
4.5 Kg DCP Extinguisher ABE (Powder)	\$90.00	\$71.00	\$65.00	\$135.00	\$ 72.00	\$101.00	\$45.00	\$95.00	\$28.00	\$36.60	\$59.00	\$121.00
9.0 Kg DCP Extinguisher ABE (Powder)	\$100.00	\$90.00	\$85.00	\$150.00	\$ 82.00	\$122.00	\$58.00	\$95.00	\$39.00	\$46.00	\$79.00	\$152.00
4.5 Kg DCP Extinguisher BE (Powder)	\$90.00	\$71.00	\$65.00	\$100.00	\$ 72.00	\$101.00	\$45.00	\$95.00	\$28.00	\$36.60	\$59.00	\$121.00
9.0 Kg DCP Extinguisher BE (Powder)	\$100.00	\$90.00	\$85.00	\$140.00	\$ 82.00	\$122.00	\$58.00	\$95.00	\$39.00	\$46.00	\$79.00	\$152.00
9.1 Ltr Air Water Extinguisher	\$71.00	\$52.00	\$60.00	\$70.00	\$ 46.00	\$181.00	\$45.00	\$90.00	\$14.00	\$18.30	\$35.00	\$165.00
9.1 Ltr Air Foam AFFF Extinguisher	\$117.00	\$60.00	\$70.00	\$80.00	\$ 56.00	\$186.00	\$49.00	\$90.00	\$20.00	\$27.60	\$55.00	\$169.00
Pressure Test Fire Extinguisher cylinder	\$70.00	Same rate for each extinguisher listed in this column	\$	\$100.00	\$ 20.00	As Above	\$60.00	\$20.00	\$22.00	Depend s on size & type	\$10.00	POA

<b>ROUTINE INSPECTIONS (NO LABOUR INCLUDED)</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Pro- tection</b>	<b>Advance Fire Tech- nology</b>	<b>Rassco Services Pty Ltd</b>	<b>Controlled Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity Fire Protection</b>
<b>COST PER INSPECTION \$ EX GST</b>												
Inspection of Portable Fire Extinguishers & Fire Blankets	\$5.00	\$7.00	\$6.00	\$7.50	\$8.00	\$2.50	\$3.00	\$4.00	\$6.00	\$15.00	\$4.00	\$6.25
Inspection of Panic Bars	\$5.00	\$10.00	\$10.00	\$7.50	\$15.00	\$5.00	\$5.00	\$4.00	\$8.00	\$5.00	\$4.00	\$7.50
Inspection of Automatic Fire Detection and Alarm System	\$20.00	\$65.00	\$30.00	\$65.00	\$60.00	\$42.50	\$65.00	\$55.00	\$45.00	\$65.00	\$170.00	\$50.00
Inspection of Fire Doors	\$6.00	\$7.50	\$10.00	\$7.50	\$15.00	\$2.50	\$2.00	\$6.00	\$8.00	\$5.00	\$3.00	\$7.50
Inspection of Drencher Systems	\$15.00	\$30.00	\$23.46	\$65.00	\$60.00	\$150	\$60.00	\$25.00	\$28.00	\$65.00	\$10.00	\$120.00
Inspection of fire Dampers	\$15.00	N/A	\$23.50	\$12.00	\$45.00	\$20.00	\$5.00	\$15.00	\$22.00	\$20.00	\$4.00	\$45.00
Inspection of Gas Suppression systems	\$30.00	\$71.00	\$30.00	\$65.00	\$60.00	\$62.50	\$45.00	\$55.00	\$45.00	\$65.00	\$85.00	POA
Inspection of Fire Hose Reel Pump	\$30.00	\$25.00	\$120.00	\$65.00	\$45.00	\$12.50	\$65.00	\$35.00	\$20.00	\$65.00	\$25.00	\$50.00
Inspection and testing of Fire Indicator Panel	\$20.00	\$65.00	\$30.00	\$65.00	\$60.00	\$41.66	\$65.00	\$55.00	\$45.00	\$65.00	\$55.00	\$50.00
Inspection of Fire Curtain	\$15.00	\$10.00	\$85.00	\$8.00	\$250.00	\$100.00	\$15.00	\$8.00	\$35.00	\$20.00	\$10.00	\$75.00
Inspection and testing of Sound & Intercom systems for Emergency Purposes	\$20.00	\$61.00	\$30.00	\$65.00	\$60.00	\$20.83	\$40.00	\$45.00	\$124.00	\$65.00	\$55.00	\$50.00

<b>ROUTINE INSPECTIONS (NO LABOUR INCLUDED)</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Protection</b>	<b>Advance Fire Technology</b>	<b>Rassco Services Pty Ltd</b>	<b>Control-led Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity Fire Protection</b>
<b>COST PER INSPECTION \$ EX GST</b>												
Inspection of Mechanical Air Handling Systems	\$15.00	N/A	\$140.00	\$65.00	\$750.00	\$150.00	\$65.00	\$65.00	\$45.00	\$65.00	\$170.00	POA
Inspection of Smoke Detection items (Smoke detectors / Thermal detectors )	\$5.00	\$74.00	\$7.50	\$65.00	\$45.00	\$5.00	\$9.00	\$2.00	\$12.00	\$2.50	\$4.00	\$10.00
Inspection of Fire Hydrants	\$7.00	\$9.00	\$7.50	\$7.50	\$15.00	\$2.50	\$15.00	\$12.00	\$12.00	\$15.00	\$4.00	\$6.25
Inspection of Path of Travel	\$60.00	\$100.00	\$10.00	\$35.00	\$30.00	\$100.00	\$60.00	\$80.00	\$24.00	\$65.00	No Charge	POA
Inspection of Fire Seals	\$5.00	\$10.00	\$8.50	\$8.00	\$15.00	\$5.00	\$60.00	\$45.00	\$12.00	\$65.00	\$10.00	\$10.00
Inspection of Automatic Fail Safe Devices	\$5.00	\$10.00	\$35.00	\$10.00	\$60.00	\$5.00	\$20.00	\$15.00	\$8.00	\$65.00	\$10.00	\$10.00
Emergency Evacuation Lighting Book Number - Inspect, Test & Report	\$3.00	\$8.75	\$33.00	\$190.00	\$50.00	\$5.00	\$250.00	\$65.00	\$52.00	\$65.00	\$50.00	POA
Inspection of Emergency Lighting - Inspect, Test & Report	Included	\$8.75	\$6.00	\$6.90	\$450.00	\$5.00	\$250.00	\$4.50	\$3.50	\$65.00	\$95.00	\$6.25
Inspection of Exit Lighting - Inspect, Test & Report	Included	\$8.75	\$6.00	\$6.90	\$450.00	\$5.00	\$250.00	\$4.50	\$3.50	\$65.00	\$95.00	\$6.25



<b>CERTIFICATION/ TRAINING</b>	<b>Extreme Fire Solutions</b>	<b>Wormald</b>	<b>Aqua Fire Protection</b>	<b>Advance Fire Technology</b>	<b>Rassco Services Pty Ltd</b>	<b>Controlled Fire Protection Pty Ltd</b>	<b>Celsius Fire Services</b>	<b>Universal Fire Protection</b>	<b>Alliance Alarms Fire Systems</b>	<b>GE Group</b>	<b>The Fire Protection Specialist Company Ltd</b>	<b>Infinity Fire Protection</b>
<b>COST \$ EX GST</b>												
Annual Fire Safety Statement (Certified)	\$250.00	\$710	\$150.00	\$220.00	\$450.00	\$250.00	\$120.00	\$120.00	\$200.00	Included	\$20.00	Included
Training Session for 5 People covering Correct Use of Hose & Extinguisher Equipment Emergency Lighting	\$450.00	\$750.00	\$650.00	\$250.00	\$600.00	\$800.00	\$300.00	\$650.00	\$400.00	\$540.00	\$725.00	\$ 880.00
Conduct Annual Fire Evacuation Drills (optional)	\$600.00	\$925.00	\$180.00	\$475.00	\$900.00	Not provided	\$300.00	\$1,200.00	\$180.00	\$120.00	\$220.00	\$ 565.00

# **CONFIDENTIAL LEGAL ADVICE**

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**N0350/11- 64 - 66 Avalon Parade Avalon - Demolition of the existing dwellings and construction of Housing for seniors and people with a disability development and strata subdivision**

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**CONFIDENTIAL 'LEGAL' ADVICE**

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**Item No:** C11.1

**Matter:** N0350/11- 64 - 66 Avalon Parade Avalon - Demolition of the existing dwellings and construction of housing for seniors and people with a disability development and strata subdivision.

**From:** Steve Evans  
Director – Environmental Planning and Community

**Meeting:** Council

**Date:** 18 June 2012

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The abovementioned matter is listed as Item No. C11.1 in Open Session in the Agenda.

Please find attached confidential legal advice from King & Wood Mallesons in relation to the above matter.

Steve Evans  
Director – Environmental Planning and Community

## Memorandum of legal advice

### Confidential communication

**To** Lindsay Dyce, Pittwater Council  
**From** Debra Townsend, King & Wood Mallesons  
**Date** 17 May 2012  
**Subject** **Legal Instruction L2051: Development Application N0250/11: 64-66 Avalon Parade, Avalon.**

Debra Townsend  
Partner

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### 1 Executive Summary

You have asked us to provide you with advice regarding the legal mechanisms for creating an inter access allotment drainage easement in circumstances where negotiations between neighbouring properties to create an easement have been unsuccessful.

In such circumstances, an applicant may apply to either:

- (a) apply to the Supreme Court under section 88K of the *Conveyancing Act* 1919 for the Court to order an easement be created; or
- (b) make an application to the Land and Environment Court under section 40 of the *Land and Environment Court Act* 1979 ("**LEC Act**") for the Court to order an easement be created in circumstances where
  - (i) the applicant has commenced proceedings on appeal under the *Environmental Planning and Assessment Act* 1979 ("**EP&A Act**") for the grant of modification of a development consent; or
  - (ii) the LEC has determined to grant or modify the applicant's development consent pursuant to proceedings on an appeal under the EP&A Act.

The test and criteria applied by the respective courts as to whether this will exercise the discretion to grant an easement is the same in both circumstances. Section 40 of the LEC Act merely gives the Land and Environment Court the power to exercise the jurisdiction of the Supreme Court under section 88K of the *Conveyancing Act*.

Accordingly, a more detailed consideration of the factors that guide the Court in making an order under section 88K is considered below.

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## 2 The Court's criteria for granting an easement

### 2.1 Section 88K

An applicant seeking an easement over someone else's land (whether for drainage, access or otherwise) can apply to the Supreme Court, under section 88K of the *Conveyancing Act*, for an order imposing an easement over that land provided that the easement the applicant is seeking "*is reasonably necessary for the effective use or development*" of the applicant's (ie the benefited) land.

The Court is only empowered to make an order under this section if it is satisfied that:

- (a) the use of the benefited land will not be inconsistent with the public interest;
- (b) the owner of the burdened land, and those with registered interests in the burdened land, can be adequately compensated for any loss or disadvantage that will arise from the imposition of the easement; and
- (c) the applicant seeking the order has made all reasonable attempts to obtain an easement, without success.

The Court has power under the section to limit the times at which the easement is to apply and will typically order compensation be paid to the burdened land holder.

If the Court orders an easement be created, the easement will take effect from the date it is registered. Registration will take place in the Torrens register for Torrens title land and the General Register of Deeds for old system land.

### 2.2 "Reasonable necessity"

As noted above, s88K requires the grant of the easement to be "reasonably necessary" for the effective use or development of the benefited land. This is determined objectively on the evidence before the Court.

Reasonable necessity is not absolute necessity. However, the test is "*far closer to necessity than it is to convenience*".<sup>1</sup> This is because the effect of an order creating an easement may deprive the burdened land owner of valuable property rights in the sense that their use and enjoyment of that land may be compromised. Accordingly, it is not sufficient that the easement sought would be "*convenient or nice to have*".<sup>2</sup>

The requirement that the easement "*be reasonably necessary for the effective use or development*" of the benefited land involves an assessment of whether the proposed use or development (for which the easement is sought) is reasonable compared with the possible alternative uses and developments.<sup>3</sup>

The case law on this issue suggests that the proposed use or development with the easement must be at least substantially preferable to the use or development without the easement.<sup>4</sup>

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<sup>1</sup> O'Shea v Athanasakis [2009] NSWSC 11150 at [21]

<sup>2</sup> Butt, P., *Land Law*, 2010 at p481-482

<sup>3</sup> Butt, P., *Land Law*, 2010 at p481-482; *117 York Street Pty Ltd v Proprietors Strata Plan 16123* (1998) 43 NSWLR 504 at 508; *Durack v De Winton* (1998) 9 BPR 16,403

<sup>4</sup> *Ibid.*



In determining whether the development proposed is substantially preferable, the Court may consider, among other things:

- (a) the impact of the easement on the servient land (that is the land burdened by the easement) and the rights any other third parties;
- (b) the relative costs of any alternative developments;
- (c) whether the easement will promote a more economically effective use of the land

## 2.3 Compensation

Under s88K(4) the Court can order compensation to a servient or burdened land owner. Moreover, section 88K(2)(b) expressly provides that the Court cannot create an easement unless the servient or burdened land owner is adequately compensated.

Compensation is awarded only for loss or disadvantage caused by the imposition of the easement. In some circumstances, this may mean that no compensation is payable, but such an event would be in our opinion rare.

## 2.4 "All reasonable attempts"

The test as to whether an applicant has made "all reasonable attempts" to negotiate an easement is a question of degree.

The requirement will generally be met if the applicant's negotiations for an easement have proved fruitless and it is extremely unlikely that further negotiations will produce a consensus within the reasonably foreseeable future except by the applicant making more and more concessions to the defendant until consensus is reached.

If it is clear that negotiations will lead nowhere, no matter how much compensation is offered, the applicant need not continue with negotiations<sup>5</sup>. Nor can a servient land owner thwart the applicant's efforts to make "all reasonable attempts" by simply refusing to participate in a negotiation.

## 2.5 The Court's approach to section 88K

Lastly, it is important to note that the Court's power under section 88K is discretionary. As such, even where the applicant has satisfied the Court that the requirements under s88K are fulfilled, the Court retains the discretion whether or not to use that power.

Generally speaking the Court's discretion is to be exercised with regard to the purpose of the section – i.e. to facilitate the reasonable development of land whilst ensuring that just compensation is paid for the erosion of burdened land holder's property rights.<sup>6</sup>



Debra Townsend  
Partner  
9296 2341

<sup>5</sup> *Tanlane Pty Ltd v Moorebank Recclers Pty Ltd* [2008] NSWSC 1341 at [103]

<sup>6</sup> *Butt, P., Land Law*, 2010 at p481-482; *Khattar v Wiese* (2005) 12 BPR 23, 235 at [60]